

United States Senate

WASHINGTON, DC 20510

March 16, 2007

The Honorable Robert C. Byrd
Chairman
Senate Committee on Appropriations
Washington, D.C. 20510

The Honorable Thad Cochran
Ranking Member
Senate Committee on Appropriations
Washington, D.C. 20510

Dear Chairman Byrd and Ranking Member Cochran:

We are writing to express our opposition to premature alteration of important chemical security legislation enacted last year as section 550 of the Homeland Security Appropriations Act, 2007. Specifically, we are concerned that language contained in the House version of the Fiscal Year 2007 Emergency Supplemental Appropriations Act would short-circuit the rulemaking process just as the Department of Homeland Security (Department) is on the verge of promulgating critically important regulations.

Section 550 was the product of considerable fact-finding and debate. During the 109th Congress, for example, the Committee on Homeland Security and Governmental Affairs held four hearings and the Committee on Environment and Public Works held one hearing that thoroughly examined the issue of chemical facility security. And, at the end of the last Congress, we worked closely with our colleagues in the House of Representatives to grant the Department this important regulatory authority.

Signed into law in October 2006, section 550 provided the Department with the authority to promulgate "interim final regulations" for the security of high-risk chemical facilities in the United States. Due to the urgency of securing our nation's chemical facilities, Congress gave the Department only six months to issue final regulations. Indeed, after considerable hard work, the Department issued its proposed regulations in December 2006 and is scheduled to release its final interim regulations in less than three weeks.

Although many interested parties submitted comments expressing concern with some of the Department's proposed regulations, we believe that it would be premature to amend section 550 before the Department has even had the opportunity to issue its final interim regulations. We should not interrupt the regulatory process and further delay the implementation of a long-overdue program to manage the security risk at our nation's high-risk chemical facilities.

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Rather than amending current law, Congress should allow the Department to issue its regulations, to start reviewing vulnerability assessments and site security plans, and to begin inspections of the security measures at chemical facilities. Further congressional action at this time would unnecessarily frustrate the Department's efforts to secure our nation's highest risk chemical facilities.

We, therefore, urge you to reject any attempts to include the House language in the Senate version of the *Fiscal Year 2007 Emergency Supplemental Appropriations Act*.

Sincerely,



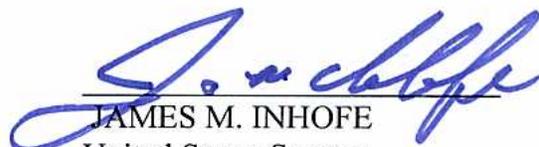
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