



November 2, 2009

The Honorable Henry Waxman
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Waxman,

The Association of Metropolitan Water Agencies (AMWA), which represents the nation's largest publicly-owned drinking water utilities, offers its support for the Amendment in the Nature of a Substitute to H.R. 2868, which we understand will come up for a vote in the House of Representatives this week.

The Amendment in the Nature of a Substitute preserves the existing drinking water and wastewater sector exemption from the Department of Homeland Security's CFATS program, and maintains the Environmental Protection Agency's role as the lead federal agency for water and wastewater utility security. This framework will avoid subjecting water and wastewater systems to duplicative and potentially contradictory security rules issued by different federal agencies.

The Amendment in the Nature of a Substitute also includes the text of H.R. 3258 (the "Drinking Water System Security Act"), which AMWA worked with the Energy and Commerce Committee to formulate. This legislation does not allow the federal government to broadly force water and wastewater utilities across the country to adopt "inherently safer technologies," preserves the one-year jail term and \$100,000 fine that may apply to individuals who illegally disclose sensitive utility security information, and does not allow the federal government to shut down the operations of a drinking water or wastewater facility for non-compliance with security regulations.

While the legislation remains imperfect, AMWA believes that these and other changes have led to a much more workable security framework for water and wastewater utilities, and as a result AMWA supports H.R. 2868 as amended by the substitute.

Sincerely,

Diane VanDe Hei
Executive Director

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