WHEREAS, American business, representing the agricultural, transportation, electric power, chemical, petroleum, manufacturing and multiple other sectors of the economy, have been working closely with federal, state, and local authorities to ensure that their facilities and our nation are prepared to prevent, defend against and respond to terrorism attacks on the nation’s critical infrastructure; and

WHEREAS, the Department of Homeland Security and other federal agencies, including the Environmental Protection Agency; Department of Energy; Federal Bureau of Investigation; Department of Transportation; U.S. Coast Guard; Department of Commerce; Bureau of Alcohol, Tobacco and Firearms; Department of Agriculture; and others, have worked with the private sector to assess and address potential vulnerabilities to terrorist attacks; and

WHEREAS, the Department of Homeland Security is undertaking a concerted, uniform effort with the private sector to increase physical security at some 40,000 production, distribution, and retail facilities throughout the nation; and

WHEREAS, S. 1602, the “Chemical Security Act of 2002,” currently under consideration by the U.S. Senate, could preempt these aggressive security activities by granting the U.S. E.P.A. sweeping new authority to oversee facility security, a field in which that agency has no experience or expertise; and

WHEREAS, S. 1602 would impose additional and unnecessary layers of bureaucracy creating more paperwork, government review and punitive enforcement authority; and

WHEREAS, S. 1602 would replicate many existing laws and regulations enforced by other agencies and weaken and curtail the authority of the Department of Homeland Security by relegating it to an advisory role; and, therefore,

THEREFORE BE IT RESOLVED that the American Legislative Exchange Council finds that the responsibility for overall security of the nation’s 40,000 production, distribution and retail facilities should be placed with the Department of Homeland Security and not the Environmental Protection Agency; and, further,

BE IT FURTHER RESOLVED that S. 1602 should not be adopted as part of the “National Homeland Security and Combating Terrorism Act of 2002” (S. 2452) as it is the wrong approach, provides needless duplication and misplaces responsibility for homeland security and disrupts the ongoing, cooperative effort between the private sector, state government, local government and appropriate federal agencies.

Adopted by the Natural Resources Task Force at the Annual Meeting on August 9, 2002. Approved by the ALEC Board of Directors September, 2002.
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