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U.S. PUBLIC INTEREST RESEARCH GROUP •

May 7, 2002

United States Senate
Washington, DC 20515

Dear Senator:

Senators Bennett and Kyl have introduced legislation (S. 1456) requiring the federal government to keep confidential any information that is “voluntarily” turned over by industry regarding “critical infrastructure.” The Senate Governmental Affairs Committee is holding a hearing on the issues underlying the legislation tomorrow, May 8. **The undersigned organizations urge senators to oppose this legislation.**

The intent of the Bennett/Kyl language is to encourage the sharing of information that would strengthen national security against terrorist attacks on and through computer systems. In practice, however, the legislation could have the following devastating effects on the regulatory process and federal law enforcement:

- Bar the federal government from disclosing information regarding spills, fires, explosions and other accidents without obtaining *written consent* from the company that had the accident.
- Give the manufacturing sector unprecedented immunity from the civil consequences of violating the nation’s environmental, tax, fair trade, civil rights, labor, consumer protection, and health and safety laws.
- Sweep aside record-keeping and disclosure requirements under federal laws other than the Securities Exchange Act.

The legislation applies “notwithstanding any other provision of law,” thereby repealing all other provisions that require the government to disclose – to the courts and the public – information about a company’s compliance record. In effect, the legislation invites companies to engage in a “race to voluntarily disclose,” so that information cannot be made publicly available without their permission and volunteers are given immunity for auditing themselves and turning information about their violations over to the government.

Because the legislation does not prohibit disclosures by companies themselves, or their employees and competitors, it does not fulfill its stated purpose of protecting critical infrastructure information from being turned over to the terrorists. Apparently, some of the information it covers is not really sensitive data that could lead to harm to critical national infrastructures, but is, instead, information that companies would rather keep behind closed doors.

Thank you. For further information, please call Rena Steinzor at the Natural Resources Defense Council at 202-289-2364.

Sincerely,

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