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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,

Don Ryan
Executive Director
Alliance to End Childhood Lead Poisoning

Erich Pica and Sara Zdeb
Legislative Representatives
Friends of the Earth

Mary Alich Baish
Associate Washington Affairs Representative
American Association of Law Libraries

Ellen J. Sutherland
Executive Director
Georgia River Network

Lynne E. Bradley
Director, Office of Government Relations
American Library Association

Rick Hind
Legislative Director, Toxics Campaign
Greenpeace

Kevin M. Goldberg
Doug Clifton
Freedom of Information Chair
American Society of Newspaper Editors

Enid Sisskin
Legislative Chair
Gulf Coast Environmental Defense

Michael Gregory
Arizona Toxics Information

John Chelen
Hampshire Research Institute

Prudence S. Adler
Associate Executive Director
Association of Research Libraries

Jeanne Zikivitch
Project Director
Counsel for Health Communities Project
Legal Environmental Assistance Foundation

Samuel H. Sage
President
Atlantic States Legal Foundation, Inc.

Lynn Lawson
MCS: Health and Environment

Janet Nudelman
Director of Program
The Breast Cancer Fund

Andy Igrejas
Director
Children's Environmental Health Campaign
National Environmental Trust

Jim Dempsey
Deputy Director
Center for Democracy and Technology

Rena Steinzor
Academic Fellow and Attorney
Natural Resources Defense Council

Susan R. Eberle
Conservation Chair
Central Florida Sierra Club

Rick Engler
Director
New Jersey Work Environmental Council

Frances Dunham
Citizens Against Toxic Exposure

Lynn Thorp
National Campaigns Coordinator
Clean Water Action

Hope Taylor-Guevara
Executive Director
Clean Water Fund for North Carolina

Tony Tweedale
MT Coalition for Health, Environment &
Economic Rights

Scott Harshbarger
President
Common Cause

Bob Shavelson
Cook Inlet Keeper

Reverend Walter Stark
Cumberland Countians for Peace & Justice

Lee Tien
Electronic Frontier Foundation

David L. Sobel
General Counsel
Electronic Privacy Information Center

Elizabeth Thompson
Legislative Director
Environmental Defense

Juan Parras
Environmental Justice Clinic
Thurgood Marshall School of Law

Charles N. Davis
Executive Director
Kathleen Edwards
Manager
Freedom of Information Center

Reverend Charles Lord
Obed Watershed Association

Gary Bass
Executive Director
OMB Watch

Susan West Marmagas
Director, Environment and Health Programs
Physicians for Social Responsibility

David Banisar
Deputy Director
Privacy International

Danielle Brian
Executive Director
Project on Government Oversight

Lucy Dalglish
Reporters Committee for Freedom of the Press

Jim Conley
President
Salem Audubon Society

Ted Smith
Silicon Valley Toxics Coalition

Al Cross
President
Society of Professional Journalists

Donald B. Clark
United Church of Christ

Ana Parras
Outreach
Unidos Contra Environmental Racism

Jeremiah Baumann
US Public Interest Research Group