

## **Controversial measure would protect corporate information**

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The House voted Friday to retain a provision in a homeland security bill that critics said would make it easier for corporations to hide damaging environmental information now available to the public.

The exemption to freedom of information laws is part of a proposal to create a Department of Homeland Security that was being considered by the House on Friday night.

The exemption's purpose is to encourage businesses to notify the government of any vulnerabilities that might make their structures targets for terrorists. The bill would exempt those disclosures from federal and state freedom of information laws. Critics say that corporations could use the provision to shield information about toxic wastes and other environmental hazards by submitting it to the government under the guise of defending against terrorists. They also believe existing freedom of information laws provide sufficient protection for information relating to national security.

The provision would allow companies to "hide information critical to protecting public safety such as chemical spills, the results of testing to determine levels of air and water pollution, compliance records, maintenance and reporting records," said Rep. Jan Schakowsky, D-Ill., who led an unsuccessful effort to strip the public disclosure exemptions from the bill.

She said the legislation would turn the proposed Department of Homeland Security into a "Department of Homeland Secrecy."

Defenders of the measure denied that it would harm the public's access to critical information.

"If a businessman is worried and if his lawyers are worried that whatever he voluntarily discloses will go straight into the public domain, then he probably won't (disclose) it," said Rep. Dan Burton, R-Ind. "We're in a war. We need to take steps that guarantee that those people will come to us with that information."

Rep. Ralph Regula, R-Bethlehem Township, opposed Schakowsky's attempt to remove the

exemption.

"We're dealing with terrorists and dealing in an age when information is freely circulated," he said. "When national security is involved you have to have some limitations on disclosure."

Regula was skeptical that companies would use the exemption to hide information about environmental threats they have created. "This doesn't take away their responsibility under the environmental laws," he said.

While there is also exemption language in the Senate version of the homeland security bill, the authority to shield information is broader in the House version.

Not only does the House bill exempt "critical infrastructure information" from freedom of information laws, it also creates penalties including a maximum one-year jail term to punish federal employees who disclose protected data.

The authors of the Senate version, including Sen. Bob Bennett, R-Utah, say they wrote it with the objective of protecting public access under freedom of information laws.

In the Senate bill, for instance, information that is currently subject to public disclosure under federal laws "will remain available," according to an analysis of the bill.

The Senate planned to take up its version of the homeland security bill next week after the House voted on its version Friday night.