



BOB BARR

Member of Congress, 1995 - 2003

June 27, 2007

The Honorable Mitch McConnell
United States Senator
361A Russell Senate Office Building
Washington, DC 20510-1702

In Re: Openness Promotes Effectiveness in our National Government
Act or OPEN Government Act of 2007 (S. 849)

Dear Senator McConnell:

I am writing to urge you to support the Openness Promotes Effectiveness in our National Government Act or OPEN Government Act of 2007 (S. 849), as introduced by Senator Patrick Leahy and Senator John Cornyn.

When the Freedom of Information Act came into existence on July 4, 1966, federal agencies feared the threat posed by a law that required agencies to tell the public what they are doing with public funds. However, the sky did not fall. It is now 40 years since FOIA was implemented and the United States is stronger because of it. Over the past four decades the FOIA has been used to uncover government waste and inform the public about threats to their health and safety.

The 40-year old law is not perfect, and the reforms proposed in the bipartisan OPEN Government Act would make the FOIA a more efficient and effective tool for the public. Currently, federal agencies are slow to respond to public information requests; in fact, agencies report to Congress that there are FOIA requests as old as 18 years awaiting agency action. Such delays undermine the very accountability promised by the law.

The Honorable Mitch McConnell

June 27, 2007

Page 2

The OPEN Government Act would improve agency handling of FOIA requests by requiring better record keeping and handling of FOIA requests. It also offers incentives for agencies to handle FOIA requests within the time required by the law, including – under a managers' amendment (SA 1147) – limiting the ability of agencies to collect processing fees from requesters when the agency fails to meet its time limit. The bill also provides for the establishment of an Office of Government Information Services to mediate FOIA disputes so citizens are not forced into federal court to fight agencies. If, however, members of the public do go to court, and the litigation causes the agency to release the records, the OPEN Government Act would render that FOIA requester eligible for attorneys' fees if aspects of the litigation show such fee shifting is warranted. There is nothing in the bill that would put any government secrets at risk.

The OPEN Government Act is supported by a broad range of groups including major business interests and non-profit public interest groups across the ideological spectrum. At a time when the public's confidence in the executive branch has reached a dramatic low point, enactment of the OPEN Government Act of 2007 would help restore public faith in government. I appreciate your consideration and support and with kind regards, I remain,

very truly yours,

A handwritten signature in black ink, appearing to read 'Bob Barr', with a long horizontal flourish extending to the right.

BOB BARR

Member of Congress, 1995-2003

BB:jc



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Member of Congress, 1995 - 2003

June 27, 2007

The Honorable Jon Kyl
United States Senator
730 Hart Office Building
Washington, DC 20510-0304

In Re: Openness Promotes Effectiveness in our National Government Act or OPEN Government Act of 2007 (S. 849)

Dear Senator Kyl:

I am writing to urge you to support the Openness Promotes Effectiveness in our National Government Act or OPEN Government Act of 2007 (S. 849), as introduced by Senator Patrick Leahy and Senator John Cornyn.

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