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Joan Claybrook, President

May 23, 2007

The Honorable Harry Reid
Senate Majority Leader
528 Hart Senate Office Building
Washington, DC 20510

The Honorable Mitch McConnell
Senate Minority Leader
361A Russell Senate Office Building
Washington, DC 20510

Dear Senator Reid and Senator McConnell,

We write to urge you to support Senate bill 849, the Openness Promotes Effectiveness in our National Government Act of 2007 or, OPEN Government Act, and to schedule a vote on the bill quickly so that members can move forward on this critically important piece of good government legislation. The House passed a companion bill, H.R. 1309, the Freedom of Information Act of 2007, on March 15, 2007, by a substantial margin of 308 to 117. It is now time for the Senate to act.

S. 849 is the result of the bi-partisan efforts of Senate Judiciary Chairman Patrick Leahy and Committee member John Cornyn, the sponsors of the bill, which enjoys strong bi-partisan support. The bill would make much-needed, common-sense reforms to the Freedom of Information Act (FOIA), such as giving FOIA requesters a tracking number to enable them to follow the status of requests, creating an ombudsman to help requesters, imposing reasonable consequences on federal agencies for missing statutory deadlines, increasing agency accountability for FOIA decisions, and ensuring that requesters may recover attorney fees when the government is in the wrong even prior to a court decision.

As you no doubt are aware, essentially the same bill passed the Senate by *unanimous consent* in the 109th Congress (S. 1181). Plainly, senators on both sides of the aisle recognize that the common-sense reforms in S. 849 strengthen FOIA and are long overdue. Consequently, we are extremely disappointed that it appears that a senator has placed a secret hold on the bill that is preventing passage of the bill by unanimous consent. It is deeply ironic that a bill to enhance the openness of government is being stymied by a senator in secret.

It is not an overstatement to say that the public's confidence in the executive branch has reached a dramatic low point. Credible oversight of our national government cannot happen in a vacuum. The OPEN Government Act would demonstrate bi-partisan congressional leadership and would help to restore public confidence in government. We urge you to support this important legislation and to commit to ensuring that the bill moves as quickly as is practicable to the Senate floor for a vote.

Sincerely,

Laura MacCleery
Director, Congress Watch
Public Citizen

Linda Andros
Legislative Counsel, Congress Watch
Public Citizen

cc:

The Hon. Patrick Leahy
The Hon. Arlen Specter