



John Engler
President and CEO

IDENTICAL LETTER SENT TO FULL SENATE

June 21, 2007

VIA FACSIMILE

The Honorable Robert Bennett
United States Senate
Washington, DC 20510

Dear Senator Bennett:

On behalf of the National Association of Manufacturers (NAM), I urge you to support S. 849, the Openness Promotes Effectiveness in our National (OPEN) Government Act of 2007. The OPEN Government Act would make much-needed and sensible reforms to the Freedom of Information Act (FOIA).

The NAM appreciates that FOIA allows its members to obtain information that should be publicly available, even as it protects the release of information that is truly confidential and proprietary. Far too often, businesses need to resort to the FOIA process for a variety of reasons, including complying fully with federal laws and regulations, obtaining information needed for an investigation or a legal proceeding and understanding the reasoning behind agency decisions.

The reforms contained in S. 849 would help to make the process more efficient and streamlined by establishing a tracking system, having each agency name a FOIA ombudsman, clarifying that agencies cannot avoid FOIA requirements by contracting out their recordkeeping functions, and imposing a deadline for agency responses to requests. In addition, the bill would restore the ability of requesters who have been forced to litigate to collect their legal fees.

There may be opportunities to make further improvements to the OPEN Government Act as it moves through the legislative process. In particular, the Coalition for Effective Environmental Information (CEEI) is advancing a proposal that would direct federal agencies to disclose how they have allocated annual appropriated funds among offices and programs within their organizations and how those funds have been expended. Among other benefits, this would allow the public to see where agencies are focusing — or shifting — their public resources. CEEI also has proposed that each agency should establish a “paperless” system for FOIA request processing that would allow submitters to file their requests electronically and to receive all of the communications on the request, including the requested documents, in an electronic format. The NAM supports these proposals and plans to work with the sponsors as these are proposed to ensure that they are consistent with FOIA’s goals of transparency and the protection of information that is appropriately private.

S. 849 contains common-sense reforms that would improve processes under the Freedom of Information Act. America’s manufacturers would appreciate your strong support.

Sincerely,

/s/
John Engler

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