

117TH CONGRESS
1ST SESSION

S. 742

To modify the exemption for trade secrets and commercial or financial information in the Freedom of Information Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2021

Mr. GRASSLEY (for himself, Mr. LEAHY, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To modify the exemption for trade secrets and commercial or financial information in the Freedom of Information Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Open and Responsive
5 Government Act of 2021”.

1 **SEC. 2. AMENDMENTS TO THE FREEDOM OF INFORMATION**
2 **ACT.**

3 Section 552 of title 5, United States Code (commonly
4 known as the “Freedom of Information Act”) is amend-
5 ed—

6 (1) in subsection (b)(4), by inserting before the
7 semicolon at the end the following: “, provided that
8 the term ‘confidential’ means information that, if
9 disclosed, would likely cause substantial harm to the
10 competitive position of the person from whom the in-
11 formation was obtained”; and

12 (2) in subsection (d)—

13 (A) by striking “This section does not au-
14 thorize withholding of information” and insert-
15 ing “This section—

16 “(1) does not authorize the withholding of in-
17 formation”;

18 (B) in paragraph (1), as so designated, by
19 striking “. This section is not authority to with-
20 hold information from Congress.” and inserting
21 a semicolon; and

22 (C) by adding at the end the following:

23 “(2) does not authorize the withholding of a
24 portion of an otherwise responsive record on the
25 basis that the portion is non-responsive; and

1 “(3) is not authority to withhold information
2 from Congress.”.

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