

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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

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## **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.”.