

118TH 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.

IN THE SENATE OF THE UNITED STATES

Mr. GRASSLEY introduced the following bill; which was read twice and referred to the Committee on _____

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 2023”.

6 **SEC. 2. AMENDMENTS TO THE FREEDOM OF INFORMATION**
7 **ACT.**

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

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

7 (2) in subsection (d)—

8 (A) by striking “This section does not au-
9 thorize withholding of information” and insert-
10 ing “This section—

11 “(1) does not authorize the withholding of in-
12 formation”;

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

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

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

21 “(3) is not authority to withhold information
22 from Congress.”.