

110TH CONGRESS  
2D SESSION

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

To amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. LEAHY introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “OPEN FOIA Act of  
3 2008”.

4 **SEC. 2. SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.**

5 Section 552(b) of title 5, United States Code, is  
6 amended by striking paragraph (3) and inserting the fol-  
7 lowing:

8 “(3) specifically exempted from disclosure by  
9 statute (other than section 552b of this title), if that  
10 statute—

11 “(A)(i) requires that the matters be with-  
12 held from the public in such a manner as to  
13 leave no discretion on the issue; or

14 “(ii) establishes particular criteria for  
15 withholding or refers to particular types of mat-  
16 ters to be withheld; and

17 “(B) if enacted after the date of enactment  
18 of the OPEN FOIA Act of 2008, specifically  
19 cites to this paragraph.”.