

112TH CONGRESS  
2D SESSION

# H. R. 4232

To amend section 552 of title 5, United States Code (popularly referred to as the Freedom of Information Act), to provide that the exemptions to that section shall not apply to matters relating to certain transactions executed by an instrumentality of the Federal Government operating in a commercial manner.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2012

Mr. TURNER of Ohio (for himself, Mr. RYAN of Ohio, and Mr. BURTON of Indiana) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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## A BILL

To amend section 552 of title 5, United States Code (popularly referred to as the Freedom of Information Act), to provide that the exemptions to that section shall not apply to matters relating to certain transactions executed by an instrumentality of the Federal Government operating in a commercial manner.

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 “Restoring Essential  
3 Safeguards for a Transparent, Open, and Reliable Execu-  
4 tive under FOIA Act”.

5 **SEC. 2. EXCLUSION OF CERTAIN MATTERS FROM COV-**  
6 **ERAGE UNDER FREEDOM OF INFORMATION**  
7 **ACT EXEMPTIONS.**

8 Section 552 of title 5, United States Code, is amend-  
9 ed—

10 (1) in subsection (b), by striking “This section”  
11 and inserting “Subject to subsection (m), this sec-  
12 tion”; and

13 (2) by adding at the end the following new sub-  
14 section:

15 “(m) SPECIAL RULE RELATING TO FEDERAL IN-  
16 STRUMENTALITIES OPERATING IN COMMERCIAL MAN-  
17 NER.—(1) Notwithstanding subsection (b), in the case of  
18 any instrumentality described in paragraph (2), this sec-  
19 tion shall apply to matters that are exempt under sub-  
20 section (b) if the matters are related to a transaction de-  
21 scribed in paragraph (2).

22 “(2) An instrumentality described in this paragraph  
23 is any instrumentality of the Federal Government (or its  
24 employees or agents) executing authority of the Federal  
25 Government in any transaction—

1           “(A) which results in the United States owning,  
2           subscribing to, or otherwise having any interest in  
3           the stock or equity of any company, association, or  
4           corporation, except for any investments through any  
5           pension funds; or

6           “(B) in which the instrumentality or its employ-  
7           ees or agents execute authority of the Federal Gov-  
8           ernment’s interests in owning, subscribing to, or oth-  
9           erwise having any interest in the stock or equity of  
10          any company, association, or corporation.”.

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