To amend the Federal Trade Commission Act to permit a bipartisan majority of Commissioners to hold a meeting that is closed to the public to discuss official business.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2016

Mr. OLSON (for himself, Mr. BURGESS, Mr. LANCE, and Mr. MULLIN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Trade Commission Act to permit a bipartisan majority of Commissioners to hold a meeting that is closed to the public to discuss official business.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Freeing Responsible and Effective Exchanges Act” or the “FREE Act”.

SEC. 2. NONPUBLIC COLLABORATIVE DISCUSSIONS.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 26 the following:
“SEC. 27. NONPUBLIC COLLABORATIVE DISCUSSIONS.

“(a) IN GENERAL.—Notwithstanding section 552b of title 5, United States Code, a bipartisan majority of Commissioners may hold a meeting that is closed to the public to discuss official business if—

“(1) a vote or any other agency action is not taken at such meeting;

“(2) each person present at such meeting is a Commissioner or an employee of the Commission; and

“(3) an attorney from the Office of General Counsel of the Commission is present at such meeting.

“(b) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—Not later than 2 business days after the conclusion of a meeting held under subsection (a), the Commission shall publish on its Internet website a disclosure of such meeting, including—

“(1) a list of the persons who attended such meeting; and

“(2) a summary of the matters discussed at such meeting, except for such matters as the Commission determines may be withheld under section 552b(c) of title 5, United States Code.

“(c) PRESERVATION OF OPEN MEETINGS REQUIREMENTS FOR AGENCY ACTION.—Nothing in this section
shall limit the applicability of section 552b of title 5, United States Code, with respect to a meeting of Commissioners other than that described in subsection (a).

“(d) DEFINITIONS.—In this section:

“(1) AGENCY ACTION.—The term ‘agency action’ has the meaning given such term in section 551 of title 5, United States Code.

“(2) BIPARTISAN MAJORITY.—The term ‘bipartisan majority’ means, when used with respect to a group of Commissioners, that such group—

“(A) is a group of 3 or more Commissioners; and

“(B) includes, for each political party of which any Commissioner is a member, at least 1 Commissioner who is a member of such political party, and, if any Commissioner has no political party affiliation, at least one unaffiliated Commissioner.”.