

114TH CONGRESS
2D SESSION

H. R. 5116

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.

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 “Freeing Responsible
5 and Effective Exchanges Act” or the “FREE Act”.

6 **SEC. 2. NONPUBLIC COLLABORATIVE DISCUSSIONS.**

7 The Federal Trade Commission Act (15 U.S.C. 41
8 et seq.) is amended by inserting after section 26 the fol-
9 lowing:

1 **“SEC. 27. NONPUBLIC COLLABORATIVE DISCUSSIONS.**

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

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

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

11 “(3) an attorney from the Office of General
12 Counsel of the Commission is present at such meet-
13 ing.

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

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

21 “(2) a summary of the matters discussed at
22 such meeting, except for such matters as the Com-
23 mission determines may be withheld under section
24 552b(c) of title 5, United States Code.

25 “(c) PRESERVATION OF OPEN MEETINGS REQUIRE-
26 MENTS FOR AGENCY ACTION.—Nothing in this section

1 shall limit the applicability of section 552b of title 5,
2 United States Code, with respect to a meeting of Commis-
3 sioners other than that described in subsection (a).

4 “(d) DEFINITIONS.—In this section:

5 “(1) AGENCY ACTION.—The term ‘agency ac-
6 tion’ has the meaning given such term in section
7 551 of title 5, United States Code.

8 “(2) BIPARTISAN MAJORITY.—The term ‘bipar-
9 tisan majority’ means, when used with respect to a
10 group of Commissioners, that such group—

11 “(A) is a group of 3 or more Commis-
12 sioners; and

13 “(B) includes, for each political party of
14 which any Commissioner is a member, at least
15 1 Commissioner who is a member of such polit-
16 ical party, and, if any Commissioner has no po-
17 litical party affiliation, at least one unaffiliated
18 Commissioner.”.

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