

## S 2044

### Consumer Review Freedom Act of 2015

**Congress:** 114 (2015–2017, Ended)

**Chamber:** Senate

**Policy Area:** Commerce

**Introduced:** Sep 16, 2015

**Current Status:** Referred to the Subcommittee on Commerce, Manufacturing, and Trade.

**Latest Action:** Referred to the Subcommittee on Commerce, Manufacturing, and Trade. (Dec 18, 2015)

**Official Text:** <https://www.congress.gov/bill/114th-congress/senate-bill/2044>

## Sponsor

**Name:** Sen. Thune, John [R-SD]

**Party:** Republican • **State:** SD • **Chamber:** Senate

## Cosponsors (8 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Moran, Jerry [R-KS]	R · KS		Sep 16, 2015
Sen. Schatz, Brian [D-HI]	D · HI		Sep 16, 2015
Sen. Blumenthal, Richard [D-CT]	D · CT		Nov 3, 2015
Sen. McCaskill, Claire [D-MO]	D · MO		Nov 3, 2015
Sen. Nelson, Bill [D-FL]	D · FL		Nov 4, 2015
Sen. Daines, Steve [R-MT]	R · MT		Nov 5, 2015
Sen. Booker, Cory A. [D-NJ]	D · NJ		Nov 17, 2015
Sen. Wyden, Ron [D-OR]	D · OR		Dec 15, 2015

## Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Dec 8, 2015
Energy and Commerce Committee	House	Referred to	Dec 18, 2015

## Subjects & Policy Tags

### Policy Area:

Commerce

## Related Bills

Bill	Relationship	Last Action
114 HR 5111	Related bill	Dec 14, 2016: Became Public Law No: 114-258.
114 HR 2110	Related bill	May 1, 2015: Referred to the Subcommittee on Commerce, Manufacturing, and Trade.

## **Consumer Review Freedom Act of 2015**

(Sec. 2) This bill makes a provision of a form contract void from the inception if it: (1) prohibits or restricts an individual who is a party to such a contract from engaging in written, oral, or pictorial reviews, or other similar performance assessments or analyses of, including by electronic means, the goods, services, or conduct of a person that is also a party to the contract; (2) imposes penalties or fees against individuals who engage in such communications; or (3) transfers or requires the individual to transfer intellectual property rights in review or feedback content (with the exception of a nonexclusive license to use the content) in any otherwise lawful communications about such person or the goods or services provided by such person.

A "form contract" is a contract with standardized terms: (1) used by a person in the course of selling or leasing the person's goods or services, and (2) imposed on an individual without a meaningful opportunity to negotiate the standardized terms. The definition excludes an employer-employee or independent contractor contract.

The standards under which provisions of a form contract are considered void under this Act shall not be construed to affect:

- legal duties of confidentiality;
- civil actions for defamation, libel, or slander; or
- a party's right to establish terms and conditions for the creation of photographs or video of such party's property when those photographs or video are created by an employee or independent contractor of a commercial entity and are solely intended to be used for commercial purposes by that entity.

Such standards also shall not be construed to affect any party's right to remove or refuse to display publicly on an Internet website or webpage owned, operated, or controlled by such party content that: (1) contains the personal information or likeness of another person or is libelous, harassing, abusive, obscene, vulgar, sexually explicit, inappropriate with respect to race, gender, sexuality, ethnicity, or other intrinsic characteristic; (2) is unrelated to the goods or services offered by or available at such party's website; or (3) is clearly false or misleading.

A provision shall not be considered void under this Act to the extent that it prohibits disclosure or submission of, or reserves the right of a person or business that hosts online consumer reviews or comments to remove, certain: (1) trade secrets or commercial or financial information; (2) personnel and medical files; (3) law enforcement records; (4) content that is unlawful or that a party has a right to remove or refuse to display; or (5) computer viruses or other potentially damaging computer code, processes, applications, or files.

A person is prohibited from offering form contracts containing a provision that is considered void under this Act.

Enforcement authority is provided to the Federal Trade Commission (FTC) and states.

The FTC must provide businesses with nonbinding best practices for compliance.

## Actions Timeline

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- **Dec 18, 2015:** Referred to the Subcommittee on Commerce, Manufacturing, and Trade.
- **Dec 15, 2015:** Message on Senate action sent to the House.
- **Dec 15, 2015:** Received in the House.
- **Dec 15, 2015:** Referred to the House Committee on Energy and Commerce.
- **Dec 14, 2015:** Measure laid before Senate by unanimous consent. (consideration: CR S8639-8640)
- **Dec 14, 2015:** The committee substitute withdrawn by Unanimous Consent. (consideration: CR S8639-8640; text as reported to Senate: CR S8639)
- **Dec 14, 2015:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
- **Dec 14, 2015:** Passed Senate with an amendment by Unanimous Consent.
- **Dec 8, 2015:** Committee on Commerce, Science, and Transportation. Reported by Senator Thune with an amendment in the nature of a substitute. With written report No. 114-175.
- **Dec 8, 2015:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 316.
- **Nov 18, 2015:** Committee on Commerce, Science, and Transportation. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Sep 16, 2015:** Introduced in Senate
- **Sep 16, 2015:** Read twice and referred to the Committee on Commerce, Science, and Transportation.