

## HR 5111

### Consumer Review Fairness Act of 2016

**Congress:** 114 (2015–2017, Ended)

**Chamber:** House

**Policy Area:** Commerce

**Introduced:** Apr 28, 2016

**Current Status:** Became Public Law No: 114-258.

**Latest Action:** Became Public Law No: 114-258. (Dec 14, 2016)

**Law:** 114-258 (Enacted Dec 14, 2016)

**Official Text:** <https://www.congress.gov/bill/114th-congress/house-bill/5111>

### Sponsor

**Name:** Rep. Lance, Leonard [R-NJ-7]

**Party:** Republican • **State:** NJ • **Chamber:** House

### Cosponsors (9 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Burgess, Michael C. [R-TX-26]	R · TX		Apr 28, 2016
Rep. Harper, Gregg [R-MS-3]	R · MS		Apr 28, 2016
Rep. Issa, Darrell E. [R-CA-49]	R · CA		Apr 28, 2016
Rep. Kennedy, Joseph P., III [D-MA-4]	D · MA		Apr 28, 2016
Rep. Mullin, Markwayne [R-OK-2]	R · OK		Apr 28, 2016
Rep. Olson, Pete [R-TX-22]	R · TX		Apr 28, 2016
Rep. Pompeo, Mike [R-KS-4]	R · KS		Apr 28, 2016
Rep. Swalwell, Eric [D-CA-15]	D · CA		Apr 28, 2016
Rep. Cárdenas, Tony [D-CA-29]	D · CA		May 11, 2016

### Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Reported by	Jun 9, 2016

### Subjects & Policy Tags

#### Policy Area:

Commerce

### Related Bills

No related bills are listed.

(This measure has not been amended since it was reported to the House on September 9, 2016. The summary of that version is repeated here.)

### **Consumer Review Fairness Act of 2016**

(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 bill 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 bill 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 bill.

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

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

Nothing in this bill shall be construed to limit, impair, or supersede the Federal Trade Commission Act or any other federal law.

## Actions Timeline

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- **Dec 14, 2016:** Signed by President.
- **Dec 14, 2016:** Became Public Law No: 114-258.
- **Dec 2, 2016:** Presented to President.
- **Nov 29, 2016:** Message on Senate action sent to the House.
- **Nov 28, 2016:** Passed/agreed to in Senate: Passed Senate without amendment by Unanimous Consent.(consideration: CR S6520)
- **Nov 28, 2016:** Passed Senate without amendment by Unanimous Consent. (consideration: CR S6520)
- **Sep 13, 2016:** Received in the Senate, read twice.
- **Sep 12, 2016:** Mr. Burgess moved to suspend the rules and pass the bill, as amended.
- **Sep 12, 2016:** Considered under suspension of the rules. (consideration: CR H5295-5298)
- **Sep 12, 2016:** DEBATE - The House proceeded with forty minutes of debate on H.R. 5111.
- **Sep 12, 2016:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H5295-5296)
- **Sep 12, 2016:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H5295-5296)
- **Sep 12, 2016:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 9, 2016:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 114-731.
- **Sep 9, 2016:** Placed on the Union Calendar, Calendar No. 567.
- **Jul 13, 2016:** Committee Consideration and Mark-up Session Held.
- **Jul 13, 2016:** Ordered to be Reported (Amended) by Voice Vote.
- **Jul 12, 2016:** Committee Consideration and Mark-up Session Held.
- **Jun 9, 2016:** Subcommittee Consideration and Mark-up Session Held.
- **Jun 9, 2016:** Forwarded by Subcommittee to Full Committee by Voice Vote .
- **Jun 8, 2016:** Subcommittee Consideration and Mark-up Session Held.
- **Apr 29, 2016:** Referred to the Subcommittee on Commerce, Manufacturing, and Trade.
- **Apr 28, 2016:** Introduced in House
- **Apr 28, 2016:** Referred to the House Committee on Energy and Commerce.