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(Original Signature of Member)

114TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To amend the Federal Trade Commission Act to require a time limitation  
for consent orders, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. BURGESS introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend the Federal Trade Commission Act to require  
a time limitation for consent orders, and for other purposes.

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 “Technological Innova-  
5       tion through Modernizing Enforcement Act” or the  
6       “TIME Act”.

1 **SEC. 2. TIME LIMITATION FOR CONSENT ORDERS.**

2 (a) AMENDMENT.—Section 5 of the Federal Trade  
3 Commission Act (15 U.S.C. 45) is amended by adding at  
4 the end the following new subsection:

5 “(o) TERMINATION CLAUSE REQUIRED FOR CON-  
6 SENT ORDERS.—Any consent order entered into by the  
7 Commission shall include a termination clause that the  
8 consent order shall expire not later than 8 years after the  
9 date on which the consent order is entered into, unless  
10 such consent order relates to alleged fraud by the entity  
11 subject to the consent order and requires a time limit  
12 longer than 8 years based on the factors described in this  
13 subsection. In determining the time limit for any termi-  
14 nation clause, the Commission shall consider each of the  
15 following factors:

16 “(1) The impact of technological progress on  
17 the continuing relevance of the consent order.

18 “(2) Whether there is reason to believe that the  
19 entity would engage in activities that violate this sec-  
20 tion without the consent order 8 years after the con-  
21 sent order is entered into by the Commission.

22 “(p) CONSENT ORDER REVIEW.—Any consent order  
23 entered into by the Commission that is unrelated to al-  
24 leged fraud by the entity subject to the consent order and  
25 has a termination date more than 5 years after such con-  
26 sent order is entered into shall include a clause providing

1 for Commission review of the consent order 5 years after  
2 the date on which the order is entered into. Such clause  
3 shall require the Commission to evaluate whether the con-  
4 sent order continues to serve its initial purposes based on  
5 the factors described in subsection (o). The clause shall  
6 provide that if, based on such evaluation, the Commission  
7 determines that the consent order no longer serves its pur-  
8 poses, the Commission shall terminate the consent order.

9 “(q) PETITION FOR REVIEW OF EXISTING CONSENT  
10 ORDERS.—Any entity that as of the effective date of this  
11 subsection is subject to a consent order that is unrelated  
12 to alleged fraud and has been effective for a period of at  
13 least five years may petition the Commission to terminate  
14 such consent order. In evaluating a petition to terminate  
15 a consent order under this subsection, the Commission  
16 shall consider whether the consent order continues to serve  
17 its initial purposes based on each of the factors described  
18 in subsection (o). If, based on such evaluation, the Com-  
19 mission determines that the consent order no longer serves  
20 its purposes, the Commission shall terminate the consent  
21 order.”.

22 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-  
23 ment made by subsection (a) shall take effect on the date  
24 of enactment of this Act and with respect to subsections  
25 (o) and (p) of section 5 of the Federal Trade Commission

1 Act (15 U.S.C. 45), as added by subsection (a), shall apply  
2 with respect to any consent order entered into after such  
3 date.