

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

NEIL L. BRADLEY
EXECUTIVE VICE PRESIDENT &
CHIEF POLICY OFFICER

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June 10, 2021

The Honorable Frank Pallone, Jr.
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Cathy McMorris Rodgers
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Pallone and Ranking Member McMorris Rodgers:

The U.S. Chamber of Commerce strongly opposes H.R. 2668, the “Consumer Protection and Recovery Act,” which the Committee is scheduled to mark-up on June 10.

We have serious concerns about granting the Federal Trade Commission (FTC) unbound authority to seek monetary relief for all manner of business conduct well beyond traditional fraud cases. H.R. 2668 seeks to undo the Supreme Court’s unanimous April 2021 ruling in *AMG Capital Management, LLC, et al v. Federal Trade Commission*, that reined in the Commission after years of it actively misusing Section 13(b) of the Federal Trade Commission Act.

The Chamber supports giving the FTC the authority it needs to pursue actual fraud cases and to seek monetary relief for genuinely harmed consumers who should be made whole. However, H.R. 2668 is not narrowly tailored to address these universally shared goals. Instead, the bill would grant the FTC expansive new authorities without appropriate guardrails. The bill’s grant of blanket authority allows the FTC to seek monetary relief in cases where the consumer retains significant value from a product or service. It is important where fraud is not being alleged that such cases be treated in a more nuanced fashion when it comes to the FTC’s ability to seek monetary relief as remedy.

The Chamber would very much like to see a bipartisan solution that deals with actual fraud cases in addition to establishing clear and reasonable parameters for providing monetary relief in other cases. However, the process surrounding H.R. 2668 has failed to produce a fulsome conversation about the full impacts of the bill should it be enacted into law, and the legislation goes far beyond the above goals. For these reasons we will strongly urge you to oppose H.R. 2668.

Sincerely,



Neil L. Bradley

cc: Members of the Committee on Energy and Commerce