

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

NEIL L. BRADLEY  
EXECUTIVE VICE PRESIDENT &  
CHIEF POLICY OFFICER

1615 H STREET, NW  
WASHINGTON, DC 20062  
(202) 463-5310

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TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES:

The U.S. Chamber of Commerce strongly opposes H.R. 2668, the “Consumer Protection and Recovery Act.” This bill would grant the Federal Trade Commission open-ended authority to seek monetary relief for any violation of law that the agency enforces. Congress has given the FTC broad statutory authority but given the intentional vagueness of the core statutes it enforces, Congress has always limited the remedies available to the agency. In April 2021, the Supreme Court’s unanimously ruled to rein in the FTC 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 and would go far beyond them.

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 a remedy. The Chamber prefers a bipartisan solution that deals with actual fraud cases in addition to establishing clear and reasonable parameters for providing monetary relief in other cases.

Recent events have underscored the Chamber’s call for guardrails to ensure monetary relief is applied appropriately. On July 1, the FTC held a meeting where the Commissioners voted along party lines to remove multiple internal checks and balances, standing guidance that had enjoyed bipartisan support, as well as plans to move forward with rulemaking to grant themselves the authority to effectively overturn the Supreme Court’s April decision.

On July 9, the President issued Executive Order 14036, Promoting Competition in the American Economy, which directs the FTC to engage in multiple controversial and legally questionable rulemakings. The FTC has moved to free itself from internal controls as it seeks to pursue an agenda to regulate the economy as it sees fit. Congress should not reward such behavior with granting them the ability to seek monetary relief in every case the FTC seeks to prosecute.

For these reasons we strongly urge you to oppose H.R. 2668.

Sincerely,



Neil L. Bradley