

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

NEIL L. BRADLEY  
EXECUTIVE VICE PRESIDENT &  
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May 27, 2021

The Honorable Janice D. Schakowsky  
Chair  
Subcommittee on Consumer  
Protection and Commerce  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Gus M. Bilirakis  
Ranking Member  
Subcommittee on Consumer  
Protection and Commerce  
U.S. House of Representatives  
Washington, DC 20515

Dear Chair Schakowsky and Ranking Member Bilirakis:

The U.S. Chamber of Commerce strongly opposes H.R. 2668, the “Consumer Protection and Recovery Act,” ahead of a markup to be held on May 27. While we oppose the bill as currently drafted, we could support it if amended with provisions that enjoy bipartisan backing.

We have serious concerns with establishing the Federal Trade Commission (FTC) unbound authority as a reward following a stinging unanimous Supreme Court ruling overturning years of its misuse of the existing authority Congress had authorized.

Through H.R. 2668, the FTC would avoid its administrative process under Section 19 of the Federal Trade Commission Act of 1914. The Chamber can support this end goal, but cannot support the FTC contravening all the safeguards against abuse that were put in Section 19, none of which are contained in H.R. 2668.

The policy debate surrounding H.R. 2668 should ask three key questions:

- How far back should the FTC be able to go after conduct that is no longer occurring in the market?
- What is the scope of cases brought by the FTC where monetary relief as a remedy might be appropriate?
- When should the court award monetary relief and how should it be calculated?

The subcommittee has neither examined nor resolved any of these central policy questions. We are confident that Congress can find bipartisan solutions to each of these questions. We look forward to working with Congress to reach a legislative solution that gives the FTC the necessary authority to protect consumers, the ability to seek monetary relief where appropriate, and provides guidance to the courts to safeguard against future misuse.

Sincerely,



Neil L. Bradley

cc: Members of the Committee on Energy and Commerce