

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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September 12, 2016

Joshua D. Wright
University Professor of Law
Antonin Scalia Law School
George Mason University
3301 Fairfax Drive
Arlington, VA 22201

Dear Mr. Wright,

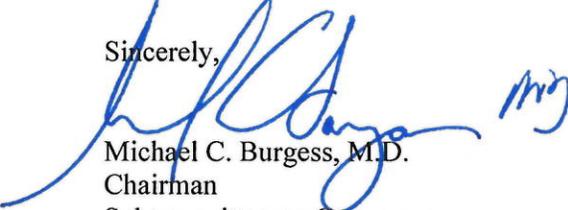
Thank you for appearing before the Subcommittee on Commerce, Manufacturing, and Trade on Tuesday, May 24, 2016, to testify at the hearing entitled "Legislative Hearing on 17 FTC Bills."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions by the close of business on Monday, September 26, 2016. Your responses should be mailed to Giulia Giannangeli, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to Giulia.Giannangeli@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Burgess" with a stylized flourish to the right.

Michael C. Burgess, M.D.
Chairman
Subcommittee on Commerce,
Manufacturing, and Trade

cc: Jan Schakowsky, Ranking Member, Subcommittee on Commerce, Manufacturing, and Trade

Attachment

Attachment - Additional Questions for the Record

The Honorable Michael C. Burgess, M.D.

1. **RECS Act.** The Federal Trade Commission stated in testimony that the requirements in the Revealing Economic Conclusions for Suggestions (RECS) Act would be too burdensome for the Commission to comply with. For example, in responding to a question from Congressman Pompeo asking for clarification as to the Chairwoman's primary issue with the RECS Act, Chairwoman Ramirez responded that because the RECS Act would require a "comprehensive" economic analysis, providing any recommendations on legislative action would be "resource prohibitive." However, I worry that this assessment of the legislation makes two inaccurate assumptions. I want to address these assumptions one at a time and ask your thoughts on each.
 - a. First, "comprehensive" does not appear anywhere in the bill. Given your expertise as an economist, does the bill's required analysis imply some level of "comprehensiveness" that does not appear in the bill's text?
 - b. Second, it is my understanding that the Bureau of Economics (B.E.) already provides independent advice to the other Bureaus when preparing reports or recommendations. However, I understand that the Bureau of Economics' influence may not be as strong as it once was and I worry that the other bureaus, by controlling communications to the public, may have little incentive to take B.E.'s advice seriously. Assuming it is true that B.E. provides advice to the Bureau of Consumer Protection for all of its recommendations, would a requirement to provide such an analysis, as the RECS Act does, obligate B.E. to provide a more rigorous or "comprehensive" version of B.E.'s typical analysis?