

**Opening Statement of
Energy and Commerce Committee Republican Leader Cathy
McMorris Rodgers
CPAC Subcommittee Legislative Hearing on
“Transforming the FTC: Legislation to Modernize Consumer
Protection”
July 28, 2021
*As prepared for delivery***

Thank you, Madam Chair. Welcome Chair Khan, our distinguished members of the Federal Trade Commission (FTC), as well as our second panel of experts.

The past year has been tumultuous. COVID-19 has not only altered our daily lives, it has refocused the way we conduct our business in Congress. Over the past year, it has been essential that we worked together in a bipartisan way to protect seniors and other vulnerable populations. Thanks to our work with Chair Schakowsky, we have been able to expand the FTC’s authority to go after COVID-19 fraudsters and scammers.

Yet I’m concerned we’re now prioritizing politics over protecting Americans. Just last week we saw partisan 13(b) legislation narrowly pass the House floor. What makes this worse is that—just a couple of weeks prior during a committee markup Rep. Bilirakis introduced an amendment to this bill that received bipartisan support, but it was shut out by the Democrats once the bill moved to the floor.

A colloquy on the House floor between Committee Democrats tried to clarify the intent of the underlying bill. The concerns raised during that colloquy would have been clearly addressed by the Bilirakis compromise. This begs the question—if our compromise amendment was considered on the floor, would it have passed? I believe the answer is yes.

Sadly, the partisan process on 13(b) was also a missed opportunity to enact a national privacy standard—something we desperately need to ensure people’s personal information is protected online. Americans’ data and personal information does not end with state lines, why should their privacy protections?

Considering proposals on the agenda today were part of our bipartisan privacy negotiations last Congress, I’ll be listening for ways the bills being considered can be adapted into a national privacy standard which would be a landmark accomplishment for this committee and for the protection of Americans’ data. They certainly shouldn’t move as stand-alones.

In the past, even when we disagreed on certain approaches to policymaking, we’d still be able to come together and work in a bipartisan manner. This was the case when Chairman Pallone led on attacking robocalls, and enacted the landmark TRACED Act.

That was Congress at its best and I hope we return to that because what we have now sets a bad example for the agencies and departments under our oversight. We have heard reports on shifts at the FTC to shorten notice of actions, limit consultation, and reduce economic analysis.

This trend is crippling the thoughtful process at the FTC and jeopardizing fraud protections for Americans who need them. It’s a disservice to Americans your mission is to protect by neglecting your duty to follow a process that allows for proper deliberation and input from experts.

I implore you to resist the urge to take your focus off consumer protections. You should instead engage with the public to find out what most alarms them. Listen to people at your regional workshops about their top concerns.

I'd be surprised if you didn't hear stories about unwanted calls for scam real estate leads, car warranties, even fake IRS bills. These are the kinds of things that should guide your efforts. You are an independent agency that should not have your agenda dictated by the White House. The time to establish strong and uniform data protections for Americans is now. I look forward to hearing from you. Thank you, I yield back.