

Opening Statement of Chair Gus Bilirakis
As Prepared for Delivery
Committee on Energy and Commerce
Subcommittee on Innovation, Data, and Commerce
Hearing entitled “Fiscal Year 2024 Federal Trade Commission Budget”
April 18, 2023

Good morning, everybody, I want to thank the Chair and Commissioners of the Federal Trade Commission for being here today.

The last time the FTC Commissioners were before this Committee was for a single combined legislative and oversight hearing in July 2021. Given that, there will be no shortage of questions today.

Sadly, we have no Republican Commissioners on the panel to provide balanced views on what the FTC is doing in its current actions. I’m sure you are not surprised I would lead with that.

No FTC watcher can look at what has gone on over the last two years at the Commission and conclude that things are on the right track. The stretching of authorities and resources has led some to question what authorities should be stripped or whether it should even exist.

I am not in that camp. I wanted this to be the most respected protector of our children, our seniors, and of course the ultimate enforcer of our privacy and data security. However, it has become clear that things are on the wrong course as these priorities are diverted down a path of progressive pursuits that has led to career employees leaving the institution.

So let me be clear, it is time that you focus on the authority that Congress has provided you. You have a laundry list of distractions from this mission with the many new rulemakings and requests for information, 6(b) studies that have begun and never concluded, all while continuing to lose constantly in Federal court.

This is NOT what success looks like when you are tasked with protecting consumers from harms, especially at a time when your Commission released findings showing Consumers reportedly lost almost \$9 billion to scams in 2022, a 30 percent increase from the previous year – that includes over half a billion in dollars lost in my state of Florida alone.

Maybe instead of carrying out President Biden’s leftist crusade, unsuccessfully, you could instead prioritize the resources we give you to help vulnerable Americans.

Sadly, we have raised these concerns before. I have continually been troubled by the FTC’s unwillingness to provide substantive answers to questions from this Committee regarding its decision-making process on this and other matters. You attempt to block us out like you did to your former Republican Commissioners, one of whom resigned in a showing of contempt of your management and lack of due process.

At the same time, you have asked for a budget increase. How does one justify this when we hear how staff has been diverted from mission critical functions and pulled from all bureaus to focus on merger reviews?

In fact, there has been such a mass exodus of career staff at the agency, you seem to be squandering away the resources that we *currently* give you, in favor of pursuing unprecedented progressive legal theories. I'm submitting for the record an article from Bloomberg Law on March 16 titled, "FTC Lawyers Leave at Fastest Rate in Years as Khan Sets New Tone."

Perhaps nowhere more evident than that a drain on the consumer protection mission is the lengths the FTC has gone to block Illumina's reacquisition of GRAIL. The FTC, in an unprecedented move, overturned an earlier decision by the agency's chief administrative law judge which allowed the merger to move forward. This decision could literally delay new and lifesaving screening technology from getting to cancer patients. I am submitting for the record an editorial regarding that decision from the Wall Street Journal on April 3, titled "The FTC's Unholy Grail."

In closing, I implore you to please get back to what you can be best at, which is to support and protect consumers.

To do that you must work within the constraints that Congress has set, rather than abusing the authorities we have provided. I look forward to our conversation and any follow up.

Thank you.