

CURRICULUM VITA

J. Howard Beales, III

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Born June 20, 1950
married, two children

EDUCATION AND ACADEMIC HONORS

The University of Chicago, Chicago, Illinois. Ph.D. in Economics awarded June, 1978. Concentrated in Industrial Organization and Macroeconomic Theory. Received fellowships from the Earhart Foundation and the Walgreen Foundation.

Georgetown University, Washington, D.C. Awarded B.A. May, 1972. Magna Cum Laude, Phi Beta Kappa. Major in Economics. Named the outstanding student in economics by vote of the department faculty; numerous awards for excellence in intercollegiate debate.

WORK EXPERIENCE

Visiting Senior Fellow, American Enterprise Institute, 2021

Taskforce on Federal Consumer Financial Law, Consumer Financial Protection Bureau, 2020, Member.

Emeritus Professor of Strategic Management and Public Policy, George Washington University, August, 1988 - June, 2001; August, 2004 - Present. (Assistant, 1988; Associate, 1991; Professor, 2010; Emeritus, 2020.) Department Chair, January 2014 – June 2017. Taught courses in applied microeconomics, managerial economics, and the relationship between business and government. Research interests include law and economics, economic and legal aspects of marketing and advertising, and government regulation of the economy.

Director, Bureau of Consumer Protection, Federal Trade Commission, June, 2001 - August, 2004. Responsible for policy development, law enforcement, rulemaking activity, and consumer and business education for the nation's general purpose consumer protection agency. Numerous speeches, press conferences, and Congressional appearances to explain the Bureau, its mission, and its actions. With a staff of 270 and a budget of \$100 million, the Bureau enforces more than 20 consumer protection statutes. Major accomplishments include:

- Redirected the Agency's approach to privacy to focus on consequences of information use and misuse.
- Proposed, promulgated, and implemented the National Do Not Call Registry.
- Worked with Congress and the Administration to develop and implement the Fair and Accurate Credit Transactions Act of 2003.
- Pursued an aggressive law enforcement program that produced the largest redress orders in FTC history and attacked high volume frauds promoted through heavy television advertising.

Chief, Human Resources and Housing Branch, Office of Information and Regulatory Affairs, Office of Management and Budget, June, 1987 - July, 1988. OIRA reviewed all proposed and final regulations under Executive Order 12291 to assure that agencies only regulate based on adequate information that the benefits of regulation exceed the cost. Under the Paperwork Reduction Act, agencies also needed OIRA's approval for any activity that imposes information collection responsibilities on the private sector. The Branch handled all transactions with the Departments of Labor, Health and Human Services, Housing and Urban Development, and Treasury, as well as the Office of Personnel Management, Equal Employment Opportunity Commission, and the Veterans Administration. Major responsibilities included:

- Work with the Presidential Task Force on Regulatory Relief to develop proposals to accelerate the new drug approval process.
- Review of proposed and final regulations from the **Food and Drug Administration**, including a proposed rule to permit health claims on food labels, a proposed rule to restrict use of sulfiting agents on certain foods, and various OTC drug monographs.
- Review of paperwork and regulations from the **Occupational Safety and Health Administration**, including the hazard communication rule, the proposal to update exposure limits for some 400 substances, and rules concerning formaldehyde, benzene, and ethylene oxide.
- Review of **Health Care Financing Administration** rules concerning quality standards for clinical laboratories, nursing home requirements, Medicare coverage policy, and Medicaid drug reimbursement policies.

Associate Director for Policy and Evaluation, Bureau of Consumer Protection, Federal Trade Commission, August, 1983 -June, 1987. The Division's multidisciplinary staff actively participated in developing Commission policy regarding all aspects of consumer protection, focusing on unfair or deceptive practices (such as deceptive advertising) and various consumer credit statutes. It reviewed proposed law enforcement matters from five other divisions and ten regional offices to ensure consistency with policy objectives. Accomplishments and responsibilities included:

- Received **Award for Distinguished Service** in June, 1987, and **Senior Executive Service Awards** for outstanding management performance in 1984 and 1986.
- Policy development in a number of key areas, including the Commission's Deception and Advertising Substantiation Policy Statements and civil penalty assessments.
- Evaluating staff recommendations for formal investigations, administrative or district court litigation, consent negotiations, and rulemaking, as well as reviewing existing rules and policies.
- Supervised the Commission's program of commenting on regulatory matters before other federal and state agencies.
- Supervising the conduct of empirical studies of general policy issues, rulemaking proposals, and individual cases.

Acting Deputy Director, Bureau of Consumer Protection, Federal Trade Commission, October, 1985 - July, 1986. Jointly with the acting Bureau Director, managed the Bureau's staff of 145 lawyers. Primary responsibility for:

- Law enforcement activities involving consumer credit, marketing practices, and energy advertising.
- Rulemaking activities, including new rulemaking proposals and reviews of existing rules.
- Management of consumer protection activities in 10 FTC Regional Offices.
- Joint responsibility for allocating the Bureau's \$12.5 million budget among various programs as a means of achieving objectives.

Assistant to the Director, Bureau of Consumer Protection, Federal Trade Commission, November, 1981 - August, 1983. As the first Economist to work in this capacity, reviewed staff recommendations on cases and rules to ensure sound economic and legal reasoning and consistency with policy objectives. Special projects and accomplishments included:

- Received the Commission's **Award for Excellence** for integrating economics into consumer protection law enforcement.
- Assisted in review of the definition of deceptive acts or practices, including proposed statutory definition and Commission Policy Statement.
- Primary responsibility for supervising review of the Commission's advertising substantiation doctrine.
- Assisted in developing evidentiary standards for review of Commission rulemakings, and applied the standards to rulemakings involving food advertising and creditors' contractual remedies.

Economist, Bureau of Economics, Federal Trade Commission, September, 1977 - November, 1981. Served as expert consultant to the Commission's operating bureaus, and offered independent policy advice to the Commission. Specialized in consumer protection problems, particularly those involving the economics of information and advertising.

- The only staff economist involved in rulemakings on food advertising, over the counter drug advertising, and children's advertising.
- Wrote sections for policy review sessions on consumer information remedies and policy toward the media.
- Designed major empirical studies of lawyer advertising and the effects of state restrictions on generic drug substitution.

1974 - 1976: Part time teaching assistant in economics at the University of Chicago, Assistant Debate Coach at Northwestern University, and consultant in a private antitrust suit.

April - September, 1973: Economic Analyst, American Trucking Associations, Inc., Washington, D.C. Evaluated ATA position on deregulation of trucking.

Textbook

Business & Government Relations: An Economic Perspective (Second Edition, Kendall Hunt Publishing, 2012).

Business & Government Relations: An Economic Perspective (Kendall Hunt Publishing, 2009).

Major Articles

"Achieving Change at the Federal Trade Commission: Success and Failure," with Timothy J. Muris, Competitive Enterprise Institute, May 6, 2024, available at <https://cei.org/studies/achieving-change-at-the-federal-trade-commission/>.

"An Information Economy Without Data," with Andrew Stivers, November 17, 2022, Available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4279947.

"Back to the Future: How Not to Write a Regulation," with Timothy J. Muris, American Enterprise Institute, June 2022 (<https://www.aei.org/research-products/report/back-to-the-future-how-not-to-write-a-regulation/>)

Taskforce on Federal Consumer Financial Law Report, with Todd J. Zywicki, Thomas A. Durkin, William C. MacLeod, and L. Jean Noonan, Consumer Financial Protection Bureau, January, 2021.

"Section 13(b) of the FTC Act at the Supreme Court: The Middle Ground," with Benjamin M. Mundel and Timothy J. Muris, *The Antitrust Source*, December, 2020.

"The Obama FTC Departed from Its Predecessors to the Detriment of Consumers," with Timothy J. Muris, *Antitrust*, Vol. 31, No. 3, pp. 124-138 (Summer 2017).

"Behavioral Economics and Credit Regulation," *Journal of Law, Economics & Policy*, Vol. 11, No. 3, pp. 349-365 (2015).

"FTC Consumer Protection at 100: 1970s Redux or Protecting Markets to Protect Consumers," with Timothy J. Muris, *George Washington University Law Review*, Vol. 83, No. 6, pp. 2157-2229 (2015).

"The FTC at 100: The Need for Improvement in Advertising and Privacy Regulation," *Antitrust Chronicle*, Vol. 5 No. 1, Spring, 2014 (online publication).

“Rationality, Revolving, and Rewards: An Analysis of Revolving Behavior on New Credit Cards,” with Lacey L. Plache, Supreme Court Economic Review, Vol. 21, No. 1, pp. 133-156 (2014).

“In Defense of the Pfizer Factors,” with Timothy J. Muris and Robert Pitofsky, in *The Regulatory Revolution at the FTC: A 30-Year Perspective on Competition and Consumer Protection*, James C. Cooper, Ed. (Oxford University Press, 2013), pp. 83-108.

“Striking the Proper Balance: Redress Under Section 13(b) of the FTC Act,” with Timothy J. Muris, Antitrust Law Journal, Vol. 79, pp. 1-43 (2013).

“Does Advertising on Television Cause Childhood Obesity? A Longitudinal Analysis,” with Robert Kulick, Journal of Public Policy and Marketing, Vol. 32, No.2, pp. 185-194 (2013).

“Health Related Claims, the Market for Information, and the First Amendment,” Health Matrix: Journal of Law-Medicine, Vol. 21, No. 1, pp. 7-31 (2011).

“Consumer Protection and Behavioral Economics: To BE or not to BE?” Competition Policy International, Spring, 2008, Vol. 4, No. 1 pp. 149-168.

“Choice or Consequences: Protecting Privacy in Commercial Information,” with Timothy J. Muris, University of Chicago Law Review, Winter, 2008, Vol. 75, No. 1, pp. 109-135.

“Brightening the Lines: The Use of Policy Statements at the Federal Trade Commission,” Antitrust Law Journal, 2005, Vol. 72, No. 3, pp. 1057-1074.

“Advertising to Kids and the FTC: A Regulatory Retrospective That Advises the Present,” George Mason Law Review, Summer, 2004, Vol. 12, No. 4, p. 873-894.

“Remarks before the 2003 Symposium on the Patriot Act, Consumer Privacy, and Cybercrime,” North Carolina Journal of Law and Technology, Fall, 2003, Vol. 5, No. 1, pp. 1-31.

“The FTC’s Use of Unfairness Authority: Its Rise, Fall, and Resurrection,” Journal of Public Policy and Marketing, Fall, 2003, Vol. 22, No. 2, pp. 192-200.

“Modification and Consumer Information: Modern Biotechnology and the Regulation of Information,” Food and Drug Law Journal, 2000, Vol. 55, No. 1, pp. 105-117.

“Licensing and Certification Systems,” in The New Palgrave Dictionary of Economics and the Law, Peter Newman, ed. London: Macmillan Reference; New York, NY: Stockton Press, 1998.

“Marketing Pharmaceuticals: New Uses for Old Drugs,” in Robert Helms, Ed., Competitive Strategies in the Pharmaceutical Industry, Washington: American Enterprise Institute Press, 1996, pp. 281-305.

"Assessments of Pharmaceutical Advertisements: A Critical Analysis of the Criticism," with William C. MacLeod, Food and Drug Law Journal, 1995, Vol. 50, No. 3, pp. 415-449.

"Regulatory Consistency and Common Sense: FTC Policy Toward Food Advertising Under Revised Labeling Regulations," Journal of Public Policy and Marketing, Spring, 1995, Vol. 14, No. 1, pp. 154-163.

"The Foundations of Franchise Regulation: Issues and Evidence," with Timothy J. Muris, Journal of Corporate Finance: Contracting, Organization, and Governance, 1995, Vol. 2, pp. 157-197.

"Economic Analysis and the Regulation of Pharmaceutical Advertising," Seton Hall Law Review, 1994, vol. 24, No. 3, pp. 1370-1398.

"State and Federal Regulation of National Advertising," with Timothy J. Muris (Washington: American Enterprise Institute, 1993).

"What State Regulators Should Learn from Federal Experience in Regulating Advertising," Journal of Public Policy & Marketing, Spring, 1991, Vol. 10, No. 1, pp. 101-117.

"Information, Competition, and Health: Regulatory Standards for Health Messages," with Timothy J. Muris, in America's Foods Health Messages and Claims: Scientific, Regulatory and Legal Issues, J.E. Tillotson, ed. (CRC Press, 1993).

"The Efficient Regulation of Consumer Information," with S. Salop and R. Craswell, Journal of Law and Economics, December, 1981, pp. 481-539.

"A Framework for Evaluating Consumer Protection Regulation," with R. Staelin, M. Mazis, and S. Salop, Journal of Marketing, Winter, 1981, pp. 11-21.

"Consumer Search and Public Policy," with R. Staelin, M. Mazis, and S. Salop, Journal of Consumer Research, June, 1981, pp. 11-22.

"Information Remedies for Consumer Protection," with S. Salop and R. Craswell, American Economic Review, May, 1981, pp. 410-413.

"Benefits and Costs of Label Information Programs," Banbury Report 6: Product Labeling and Health Risks, 1980, pp. 243-60.

"Selling Consumer Information," with S. Salop, Advances in Consumer Research, J. Olson, ed., Vol. VII, Association for Consumer Research, 1980, pp. 238-40.

"The Economics of Regulating the Professions," in Regulating the Professions, R. Blair and S. Rubin, eds., Lexington Books, 1980, pp. 125-142.

Other Publications

“Jim Rill, the Federal Trade Commission, and the Development of Consumer Protection Policy,” with Timothy J. Muris, in James F. Rill Liber Amicorum, John Taladay, Paul Lugard, Jane Antonio (eds), Concurrences Antitrust Publications (2024), available at <https://www.concurrences.com/en/all-books/james-f-rill-liber-amicorum>.

“Lina Khan’s Failed FTC Experiment,” with Timothy J. Muris, Wall Street Journal, May 6, 2024, (https://www.wsj.com/articles/lina-khans-failed-ftc-experiment-management-mergers-legal-strategy-161e6b9c?mod=opinion_feat2_commentary_pos3).

“Colorado Consumers Lose Without Out-of-State Banks,” op ed in Colorado Politics, February 6, 2024, https://www.coloradopolitics.com/opinion/colorado-consumers-lose-without-out-of-state-banks-opinion/article_9d6db0ca-c4b0-11ee-a1f9-c77d2cdafb5b.html.

“The Impact of Colorado Ending Equal Competition between State and National Banks, with Andrew Stivers, October, 2023, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4607006.

Public Comment, “On Draft Circular A4, Behavioral Biases, and Discount Rates,” June 5, 2023, Available at <https://regulatorystudies.columbian.gwu.edu/draft-circular-a4-behavioral-biases-and-discount-rates>.

“Junkyard Dogs: The Law and Economics of “Junk” Fees,” with Todd Zywicki, CPI Antitrust Chronicle, April, 2023, available at <https://www.competitionpolicyinternational.com/junkyard-dogs-the-law-and-economics-of-junk-fees/>.

“Foreword,” with Timothy J. Muris, in Rulemaking Authority of the US Federal Trade Commission, Daniel A. Crane (ed.), Concurrences Antitrust Publications (2022).

“Return of the National Nanny,” with Timothy J. Muris, Wall Street Journal, May 26, 2022 (<https://www.wsj.com/articles/return-of-the-national-nanny-ftc-activists-rulemaking-regulation-banning-mandates-illegal-11653596958>)

“Junk Fees or Junk Policy?” with Todd Zywicki, op ed in The Hill, March 21, 2022, available at <https://thehill.com/blogs/congress-blog/politics/599085-junk-fees-or-junk-policy/>

“Privacy and Consumer Control,” in Internet, Big Data & Algorithms: Gateway to a New Future or a Threat to Privacy and Freedom, with Timothy J. Muris, May, 2019, Aspen Institute Congressional Program.

“Public Goods, Private Information: Providing an Interesting Internet,” Competition Policy International, Antitrust Chronicle (Online, April, 2019), available at <https://www.competitionpolicyinternational.com/public-goods-private-information-providing-an-interesting-internet/>.

Public Comment on FTC Hearings on Competition and Consumer Protection in the 21st Century, on behalf of U.S. Chamber Institute for Legal Reform, with Timothy J. Muris, Alan Charles Raul, Kate Heinzelman, Gabrielle Whitehall, December 21, 2018, available at https://www.ftc.gov/system/files/documents/public_comments/2018/12/ftc-2018-0098-d-0037-163376.pdf.

Public Comment on NHTSA’s Federal Automated Vehicles Policy: Accelerating the Next Revolution in Roadway Safety, with Sofie E. Miller and Daniel R. Perez, November 16, 2016, available at <https://regulatorystudies.columbian.gwu.edu/public-comment-nhtsa%E2%80%99s-federal-automated-vehicles-policy-accelerating-next-revolution-roadway-safety>.

“BIAS at the FCC,” Commentary, George Washington Regulatory Studies Center, June 6, 2016, available at <https://regulatorystudies.columbian.gwu.edu/bias-fcc>.

“Small-Dollar Installment Loans: An Empirical Analysis,” with Anand M. Goel (Navigant Economics, March 2, 2015) (available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2581667).

“An Empirical Analysis of the Value of Information Sharing in the Market for Online Content,” with Jeffrey A. Eisenach, published online by Digital Advertising Alliance, available at <http://www.aboutads.info/resource/fullvalueinfostudy.pdf>, January, 2014.

“Putting Consumers First: A Functionality-Based Approach to Online Privacy,” with Jeffrey A. Eisenach, (January 1, 2013). Available at SSRN: <http://ssrn.com/abstract=2211540> or <http://dx.doi.org/10.2139/ssrn.2211540>.

“Consumer Welfare Implications of Regulating Rent-to-Own Transactions,” with Jeffrey A. Eisenach and Robert E. Litan, <http://ssrn.com/abstract=2060984>, May 16, 2012.

“Television Advertising and Childhood Obesity,” published online by Grocery Manufacturers Association, available at <http://www.gmaonline.org/publicpolicy/docs/obesity/Beales%20Review%20of%20Recent%20Studies.pdf>, October, 2010.

“The Value of Behavioral Targeting,” published online by Network Advertising Initiative, available at http://www.networkadvertising.org/pdfs/Beales_NAI_Study.pdf, March, 2010.

"Modern Biotechnology and the Regulation of Information," Update: Food and Drug Law, Regulation, and Education, October, 2000, p. 10.

"Advertising is Less Powerful but More Important than Critics Believe," Book Review of Fear of Persuasion: A New Perspective on Advertising and Regulation, by John E. Calfee, in Commercial Speech Digest, Spring 1998, pp. 6-7.

"On the Eighth Day," Book review of Policy Controversy in Biotechnology: An Insider's View, by Henry I Miller, M.D., in Regulation, Winter 1997, pp. 50-51.

"Is there and FDA in your Future?" Medical Marketing and Media, June, 1995, Vol. 30, No. 6, pp. 34-47. (Roundtable discussion).

"Teenage Smoking: Fact and Fiction," The American Enterprise, March/April, 1994, p. 20.

Book Review of Richard T. Kaplar, ed., Bad Prescription for the First Amendment, in Journal of Public Policy and Marketing, Vol. 12, pp. 288-289, Fall, 1993.

"Congressional Confusion on Labeling and Advertising Could Deny Consumer Information and Free Speech," with Timothy J. Muris, Washington Legal Foundation Legal Opinion Letter, 1991.

"The Limits of Unfairness Under the Federal Trade Commission Act," with T. Muris (Association of National Advertisers, 1991).

"The Federal Trade Commission in the 1980s," in Marketing and Advertising Regulation: The Federal Trade Commission in the 1990s, P. Murphy and W. Wilkie, eds., University of Notre Dame, 1990, pp. 154-163.

"Dying For Drugs," Regulation: AEI Journal on Government and Society, December, 1988, pp. 9-11 (unsigned contributed editorial).

"Agency Focuses on the Most Harmful [food advertising] Claims," Los Angeles Times, October 27, 1986, p. V3.

"Comment" (on two advertising substantiation papers), in Empirical Approaches to Consumer Protection Economics, P. Ippolito and D. Scheffman, eds., Federal Trade Commission, March, 1986.

"Advertising Substantiation Program," with C. Guerard, E. Popper, D. Cheek, P. Skidmore, Report to the Federal Trade Commission, 1984.

Congressional Testimony

The Consumer Protection and Recovery Act: Returning Money to Defrauded Consumers, Subcommittee on Consumer Protection and Commerce, Committee on Energy and Commerce, United States House of Representatives, April 27, 2021.

Understanding the Digital Advertising Ecosystem, Subcommittee on Digital Commerce and Consumer Protection, Committee on Energy and Commerce, United States House of Representatives, June 14, 2018.

An Overview of the Credit Reporting System, Subcommittee on Financial Institutions and Consumer Credit, Committee on Financial Services, United States House of Representatives, September 10, 2014.

The FTC at 100: Views from the Academic Experts, Subcommittee on Commerce, Manufacturing, and Trade, Committee on Energy and Commerce, United States House of Representatives, February 28, 2014.

Credit Reports: What Accuracy and Errors Mean for Consumers, Subcommittee on Consumer Protection, Senate Committee On Commerce, Science, and Transportation, May 7, 2013

Legislative Hearing on H.R. 6149, the "Precious Coins and Bullion Disclosure Act," Subcommittee on Commerce, Trade and Consumer Protection, Committee on Energy and Commerce, United States House of Representatives , September 23, 2010.

Examining the Need for H.R. 2885, The Credit Monitoring Clarification Act, Committee on Financial Services, United States House of Representatives, May 20, 2008.

Peer-To-Peer ("P2P") File-Sharing Technology, Subcommittee on Competition, Infrastructure, and Foreign Commerce of the Committee on Commerce, Science, and Transportation, United States Senate, June 23, 2004.

Information Security -- Challenges for Businesses and Consumers, Subcommittee on Technology, Information Policy, Intergovernmental Relations, and The Census of the Committee On Government Reform, United States House of Representatives, June 16, 2004.

Efforts to Ensure the Truthfulness and Accuracy of the Marketing of Dietary Supplements for Children, Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce, United States House of Representatives, June 16, 2004.

Identity Theft and Social Security Numbers, Subcommittee On Social Security of the Committee On Ways and Means, United States House of Representatives, June 15, 2004.

Hearing on Online Pornography: Closing the Door on Pervasive Smut, Subcommittee On Commerce, Trade, and Consumer Protection of the Committee on Energy and Commerce, United States House of Representatives, May 6, 2004.

Spyware, Subcommittee On Commerce, Trade, and Consumer Protection of the Committee on Energy and Commerce, United States House of Representatives, April 29, 2004.

Efforts to Fight Fraud on the Internet, Special Committee On Aging, United States Senate, March 23, 2004.

Efforts to Combat Unfair and Deceptive Subprime Lending, Special Committee on Aging, U.S. Senate, February 24, 2004.

Consumer Protection Issues in the Credit Counseling Industry, Subcommittee on Oversight, Committee on Ways and Means, U.S. House of Representatives, November 20, 2003.

Unsolicited Commercial Email, Subcommittee on Regulatory Reform and Oversight, Committee on Small Business, U.S. House of Representatives, October 30, 2003.

Contact Lens Legislation, Committee on Energy and Commerce, U.S. House of Representatives, September 9, 2003.

Issues Relating to Ephedra Containing Dietary Supplements, Subcommittee on Oversight and Investigations, and the Subcommittee on Commerce, Trade, and Consumer Protection, . House of Representatives, July 24, 2003.

Unsolicited Commercial Email, Subcommittee on Commerce, Trade and Consumer protection and the Subcommittee on Telecommunications and the Internet, Committee on Energy and Commerce, U.S. House of Representatives, July 9, 2003.

Identity Theft: Prevention and Victim Assistance, Financial Institutions and Consumer Credit Subcommittee, Financial Services Committee, U.S. House of Representatives, June 24, 2003.

Identity Theft: Prevention and Victim Assistance, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, June 19, 2003.

Fair Credit Reporting Act, Financial Institutions and Consumer Credit Subcommittee, Financial Services Committee, U.S. House of Representatives, June 4, 2003.

Fair Credit Reporting Act, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, May 15, 2003.

Identity Theft, Financial Services Committee, U.S. House of Representatives, April 3, 2003.

Internet Sales of Prescription Drugs, Committee on Government Reform, U.S. House of Representatives, March 27, 2003.

Marketing of Dietary Supplements, Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, Committee on Governmental Affairs, U.S. Senate, October 18, 2002.

Senior Identity Theft, Special Committee on Aging, U.S. Senate, July 18, 2002.

Identity Theft Penalty Enhancement Act of 2002, Subcommittee on Technology, Terrorism, and Government Information, Judiciary Committee, U.S. Senate, July 9, 2002.

The Franchise Rule, Subcommittee on Commerce, Trade, and Consumer Protection, Committee on Energy and Commerce, U.S. House of Representatives, June 25, 2002.

The Sports Agent Responsibility and Trust Act, H.R. 4701, Subcommittee on Commerce, Trade, and Consumer Protection, Committee on Energy and Commerce, U.S. House of Representatives, June 5, 2002.

The Integrity and Accuracy of the WHOIS Database, Subcommittee on Courts, the Internet and Intellectual Property, Committee on the Judiciary, U.S. House of Representatives, May 22, 2002.

Identity Theft, Subcommittee on Technology, Terrorism, and Government Information, Judiciary Committee, U.S. Senate, March 20, 2002.

Charitable Solicitation Fraud, Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, U.S. House of Representatives, November 6, 2001.

Dietary Supplement Fraud, Special Committee on Aging, U.S. Senate, September 10, 2001.

Rent-to-Own, Financial Services Committee, U.S. House of Representatives, July 12, 2001.

Teenage smoking, Subcommittee on Health and Environment, Committee on Commerce, U.S. House of Representatives, December 9, 1997.

Lectures and Presentations

“Truth & Trends of Consumer Privacy and Compliance,” V!A Chicago 2023, September 19, 2023.

“An Information Economy Without Data,” Presentation to AG Alliance 2023 Annual Meeting, Rancho Palos Verdes, CA, June 20, 2023.

An Information Economy Without Data,” Presentation to Digital Advertising Alliance, Chicago, IL, June 14, 2023.

“Examining the Biden Administration’s Proposed Changes to Cost-Benefit Analysis,” Federalist Society Regulatory Transparency Project’s Fourth Branch Podcast, May 24, 2023, available at <https://fedsoc.org/commentary/podcasts/explainer-episode-54-examining-the-biden-administration-s-proposed-changes-to-cost-benefit-analysis-1>.

“Expert Discussion on Circular A-4,” George Washington Regulatory Studies Center and Society for Benefit-Cost Analysis, May 9, 2023.

“Back to the Future: How Not to Write a Regulation,” American Enterprise Institute, June 1, 2022.

“Competition at a Crossroads: Will the Executive Order on Competition Advance Competition or Restrict It?” Federalist Society Regulatory Transparency Project Webinar, September 9, 2021, available at <https://fedsoc.org/events/competition-at-a-crossroads-will-the-executive-order-on-competition-advance-competition-or-restrict-it>.

“Policy Issues Relating to the Abusive standard under Dodd-Frank,” Consumer Financial Protection Bureau Symposium on Abusive Acts or Practices, June 25, 2019.

“Economics of Commercial Data Regulation,” George Mason Law and Economics Center, Workshop for Attorneys General and Regulators on the Economics of Information, Advertising, and Privacy, May 12, 2019.

“Economics of Advertising,” George Mason Law and Economics Center, Workshop for Attorneys General and Regulators on the Economics of Information, Advertising, and Privacy, May 12, 2019.

“Competition and Consumer Protection Issues in Online Advertising,” FTC Hearings on Competition and Consumer Protection in the 21st Century, November 7, 2018.

“The Regulation of Consumer Data,” FTC Hearings on Competition and Consumer Protection in the 21st Century, September 13, 2018.

“Economics of Commercial Data Regulation,” George Mason Law and Economics Center, Workshop for Attorneys General and Regulators on the Economics of Information, Advertising, and Privacy, May 31, 2018.

“Economics of Advertising,” George Mason Law and Economics Center, Workshop for Attorneys General and Regulators on the Economics of Information, Advertising, and Privacy, May 31, 2018.

“Lessons in Liability: The US Privacy Landscape and Proposals for Reform,” IAPP Global Privacy Summit, April 2017.

“Wrap Up Panel,” Federal Trade Commission PrivacyCon 2017, Washington, DC, January 12, 2017.

“The Value of Advertiser-supported Online Content,” Digital Advertising Alliance Summit 2016, Los Angeles, CA, May, 2016.

“Monetary Remedies in FTC Consumer Protection Actions,” American Bar Association, Antitrust Law Section, Spring Meeting, Washington DC, April 6, 2016.

Discussant, Research Roundtable for Privacy Fellows, George Mason Law and Economics Center, Arlington, VA, December 2015.

“Nomi, Spokeo, and Privacy Harms,” George Mason Law and Economics Center Public Policy Briefing, Arlington, VA, November 2015.

Moderator, Economics of Data Breach Regulation, Public Policy Conference on Privacy and Data Security, George Mason Law and Economics Center, Arlington, VA, June 2015.

“Advertising Substantiation,” American Bar Association, Antitrust Law Section, Consumer Protection Conference, Washington DC, February 12, 2015.

“Behavioral Economics and Credit Regulation,” George Mason University, Arlington, VA, November 14, 2014.

“The Law and Economics of Consumer Protection,” George Mason University, Arlington, VA, October 23, 2014.

“Where is the FTC Heading On Digital Consumer Protection,” Tech Freedom Conference, Washington, DC, July 31, 2014.

“The Value of Information Sharing,” Digital Advertising Alliance, San Francisco, CA, June 26, 2014.

“The FTC’s Proper Role in Privacy and Data Security Regulation,” George Mason Law and Economics Center Conference on the Future of Privacy and Data Security Regulation,” Arlington, VA, May 14, 2014.

“Behavioral Economics,” George Mason Law and Economics Center, Arlington, VA, May 2, 2014.

“The FTC at 100,” Association of National Advertisers, Washington, DC, April 23, 2014.

“The Internet of Things,” American Bar Association, Business Law Section, Washington, DC, March 26, 2014

“The Regulatory Environment,” Federal Reserve Bank of Philadelphia, Conference on “Small-Dollar Credit: Products, Economics, and Regulation,” Philadelphia, Pa., July 11-12, 2013.

“The Economics of Relevant Advertising: Preserving the Consumer Value from the Ad-Supported Internet,” Digital Advertising Alliance Summit, Washington, DC, June 5, 2013.

“The Consumer Finance Market as a Reflection of Growing Income Disparity in America: The Social Benefits and Costs,” American Bar Association, Business Law Section, Washington, DC, April 5, 2013.

“Current Issues in Advertising Regulation,” American Bar Association, Antitrust Law Section, Consumer Protection Conference, Washington, DC, February 7, 2013.

“Protecting Consumers, Protecting Privacy: Addressing Privacy Issues as “Unfair or Deceptive Acts or Practices,” George Mason Law and Economics Center Conference on the Law & Economics of Privacy and Data Security, Arlington, VA, December 13, 2012.

“Benefits and Risks of Comprehensive Data Collection,” FTC Workshop on The Big Picture: Comprehensive Online Data Collection, Washington, DC, December 6, 2012.

“Product Selection: Unfair, Deceptive, and Abusive Practices,” Conference on Consumer Financial Protection Regulations: How Well do they Measure Up?, Federal Reserve Bank of Philadelphia, Payment Card Center, Philadelphia, PA, September 14, 2012.

“Consumer Protection and the Financial Crisis,” Experian Legal Conference, Bluffton, SC, March 20, 2012.

“The FTC and the CFPB,” American Bar Association, Antitrust Law Section, Fall Forum, Washington, DC, November, 2011.

“In Defense of the Pfizer Factors,” with Timothy J. Muris and Robert Pitofsky, George Mason University Law and Economics Center, Arlington, VA, September, 2011.

“Privacy Regulation in the U.S. and Europe,” Google Legal Summit, Los Angeles, CA, September, 2011.

“The Impact of the Interagency Working Group’s Proposed Restrictions on Advertising,” U.S. Chamber of Commerce Regulatory Affairs Committee, Washington, DC, June, 2011.

“The Value of Behavioral Targeting,” American Marketing Association, Marketing and Public Policy Conference, Washington, DC, June, 2011.

“A New Era for the FTC Advertising Substantiation Standards?” American Bar Association, Antitrust Law Section, Spring Meetings, Washington, DC, April, 2011.

“FTC Preliminary Privacy Report: Key Takeaways for Business,” International Association of Privacy Professionals, Global Privacy Summit, Washington, DC, March, 2011.

“Substantiation: Is the FTC Changing the Rules? Will The Courts Go Along?” American Bar Association, Antitrust Law Section, Consumer Protection Conference, Washington, DC, February, 2011.

“Regulating Online Advertising: What Will it Mean for Consumers, Culture & Journalism?” Progress & Freedom Foundation Capitol Hill Briefing, Washington, DC, July, 2009.

“The Bureau Director's Roundtable,” American Bar Association, Antitrust Law Section, Consumer Protection Conference, Washington, DC, June, 2009.

“A Two Decade Perspective on Changing FTC Priorities, Initiatives, and Impact,” American Marketing Association Marketing and Public Policy Conference, Washington, DC, May, 2009.

“Public Goods, Private Information, and Anonymous Transactions: Providing a Safe and Interesting Internet,” George Mason University/Microsoft Conference on the Law and Economics of Innovation, Arlington, Virginia, May, 2009.

“Historical Perspectives on Privacy in the United States,” Data Privacy in Transatlantic Perspective: Conflict or Cooperation? Durham, North Carolina, January, 2008.

“Media and Public Policy,” Future of Children Conference, Princeton, New Jersey, April, 2007.

“Regulating Through Consent Decrees,” American Bar Association, Business Law Section, Frederic Fisher Memorial Program, Washington, DC, March, 2007.

“The Bureau Director's Perspective,” American Bar Association, Antitrust Law Section, Consumer Protection Conference, Washington, District DC, January, 2007.

“Privacy Law: Enough Already!” American Bar Association, Antitrust Law Section, Washington, DC, October, 2006.

Numerous speeches to trade groups, consumer groups, and others while Director of the Bureau of Consumer Protection, 2001-2004.

"Off Label Uses of Prescription Drugs," Conference on Marketing and Public Policy, sponsored by American Marketing Association, May 17-18, 1996, Washington, D.C.

Discussant at Conference on Marketing and Public Policy, sponsored by American Marketing Association, May 19-20, 1995, Atlanta, Ga.

"What Happens After Approval? Regulatory Policy and the Flow of Information," American Enterprise Institute Conference on Reforming the Food and Drug Administration: The Pharmaceutical Approval Process," March 10, 1995, Washington, D.C.

"State Regulation of Franchise Contracts," with Timothy J. Muris, George Maxon University School of Law Faculty Workshop Series, November, 1994.

"Regulating the Franchise Relationship: Issues and Evidence," with Timothy J. Muris, Conference on Franchise Contracting, Organization, and Regulation, Michigan Business School, May 26-27, 1994.

Discussant at Conference on Marketing and Public Policy, sponsored by American Marketing Association, May 13-14, 1994, Washington, D.C.

"The Impact of Information in the Marketplace: Promoting New Uses for Old Drugs," Southern Economic Association, New Orleans, La., November 21-23, 1993.

"Regulating Pharmaceutical Advertising," Symposium, The Pharmaceutical Industry: Surviving Reform, Regulation, and Litigation," Seton Hall University School of Law, Newark, N. J., November 16, 1993.

Discussant at Conference on Marketing and Public Policy, sponsored by American Marketing Association, May 17-18, 1992, Washington, D.C.

"Marketing Pharmaceuticals: New Uses for Old Drugs," Conference on Competitive Strategies in the Pharmaceutical Industry, American Enterprise Institute, Washington, Oct. 27-28, 1993.

"Civil Penalties and Organizational Sanctions," Lecture at the Commodity Futures Trading Commission, Washington, D.C., January 30, 1992.

"The Economics of Information," Lecture at the Commodity Futures Trading Commission, Washington, D.C., October 14, 1991.

"Economic Analysis and the Regulatory Process," American Society of Association Executives, Washington, D.C., November 18, 1990.

Participant in Foresight Seminars on Pharmaceutical Research, Economic Issues in Genetic Screening, Washington, D.C., September, 1988.

Discussant at the Association for Consumer Research, Boston, Mass., October, 1987.

Food and Drug Law Institute, Seminar on Health Claims for Foods, Washington, D.C., September, 1987.

American Marketing Association Doctoral Consortium, Duke University, August, 1985.

Georgetown University Law Center for Continuing Legal Education, February, 1985.

Practicing Law Institute, Washington, December, 1984.

Unpublished Papers

“Comment on Putting Disclosure to the Test,” FTC Workshop Putting Disclosure to the Test, October 30, 2016.

“Public Comment on Protecting the Privacy of Customers of Broadband and Other Telecommunications Services,” George Washington Regulatory Studies Center, May 27, 2016, available at <https://regulatorystudies.columbian.gwu.edu/public-comment-protecting-privacy-customers-broadband-and-other-telecommunications-services>.

Artie’s Auto Body, Inc. v. The Hartford Fire Insurance Company, SC 19219, Amicus brief, Supreme Court of the State of Connecticut, with Timothy J. Muris, January 4, 2014.

POM Wonderful, LLC, v. Federal Trade Commission, Brief of Amici Curiae Consumer Healthcare Products Association and Council for Responsible Nutrition, U.S. Court of Appeals for the D.C. Circuit, August 21, 2013, with Timothy J. Muris

“Short-Term Consumer Credit: Literature Review,” October 2011.

“Associations between Screen Media and Language Development in Infants,” with Elizabeth Vandewater (2010).

“Market Oriented Consumer Protection,” (2009).

"Advertising and Teenage Smoking Behavior," November, 2000.

Public Interest comment on FDA’s proposed rule regarding nutrition labeling of trans fatty acids, submitted by the Regulatory Studies Program, Mercatus Center, George Mason University, April, 2000.

“The Inefficiency of State Regulation of Franchise Contracts,” with Timothy J. Muris, (1998).

"The Health Consequences of Decisions About Drugs," August, 1996.

"Regulating the Franchise Relationship: Issues and Evidence," with Timothy J. Muris, (1994).

"The Determinants of Teenage Smoking Behavior," Working Paper 96-34, School of Business and Public Management, The George Washington University (1996).

"Marketing Information and Pharmaceuticals: New Uses for Old Drugs," Working Paper No. 2, Department of Strategic Management and Public Policy, The George Washington University (1993).

"Advertising and the Determinants of Teenage Smoking Behavior," Working Paper No. 1, Department of Strategic Management and Public Policy, The George Washington University (1993).

"Television Program Quality and Restrictions on the Number of Commercials," presented at the Eighth Annual Conference on Telecommunications Policy Research, April, 1980 (Bureau of Economics Working Paper Number 30, June, 1980).

"Disseminating Defect Information," with E. Golding, October, 1980.

"Economic Effects of Standards and Disclosures," February, 1979.

"An Analysis of Exposure to Non-Network Television Advertising," Testimony submitted to the FTC, Hearings on Children's Advertising Rulemaking, November, 1978.

"The Gains and Losses from Industrial Concentration Revisited," July, 1978.

"The Distribution of Advertising Within an Industry," Ph.D. Dissertation, The University of Chicago, June, 1978.

"A Simple Model of Industry Adjustment to a Cost Saving Innovation," February, 1978.

Other Professional Activities

Member, Regulatory Transparency Project, Working Group on Regulatory Process, The Federalist Society, 2016 – present.

Member, Data Protection and Integrity Advisory Committee, Department of Homeland Security, 2004 – 2014; Chairman, 2006 - 2009.

Member, Institute of Medicine Committee on Food Marketing and the Diets of Children and Youth, 2004 - 2006.

Consultant for Facebook, Walt Disney Company, Pepsico, American Express, Visa, Exxon Mobil, America Online, Primerica, Mortgage Insurance Companies of America,

J. Howard Beales, III
Federated Department Stores, Ford Motor Co., General Mills, Grocery Manufacturers of
America, R. J. Reynolds, and others.

Curriculum Vita

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Ad Hoc referee for the Journal of Public Policy and Marketing.

Reviewer for papers for American Marketing Association's Marketing and Public Policy
Conference, 1992-1996.

Referee for Bureau of Economics Staff Report on comparative price advertising.

Textbook Reviewer for McGraw Hill (1997).