

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A
SUBSTITUTE TO **H.R. 2668**
OFFERED BY M __. _____

At the end of the bill, insert the following:

1 **SEC. 3. EFFECTS OF GUIDELINES, GENERAL STATEMENTS**
2 **OF POLICY, AND SIMILAR GUIDANCE.**

3 Section 18(a) of the Federal Trade Commission Act
4 (15 U.S.C. 57a(a)) is amended by adding at the end the
5 following:

6 “(3)(A) No guidelines, general statements of policy,
7 or similar guidance issued by the Commission shall confer
8 any rights upon any person, State, or locality, nor shall
9 operate to bind the Commission or any person, State, or
10 locality to the approach recommended in such guidelines,
11 general statements of policy, or similar guidance. In any
12 enforcement action, the Commission shall prove a violation
13 of a provision of law enforced by the Commission. The
14 Commission may not base an enforcement action on, or
15 execute a consent order based on, acts or practices that
16 are alleged to be inconsistent with any such guidelines,
17 general statements of policy, or similar guidance, unless
18 the acts or practices violate a provision of law enforced
19 by the Commission.

1 “(B) In any enforcement action, a defendant may
2 offer as evidence of compliance with a provision of law en-
3 forced by the Commission, any guidelines, general state-
4 ments of policy, or similar guidance issued by the Commis-
5 sion pursuant to that law.”

6 “(C) Nothing in this paragraph shall be construed to
7 confer any authority upon or negate any authority of the
8 Commission to issue guidelines, general statements of pol-
9 icy, or similar guidance.”.

