

[COMMITTEE PRINT]

[SHOWING THE TEXT OF H.R. 2668 AS FORWARDED BY THE SUBCOMMITTEE
ON CONSUMER PROTECTION AND COMMERCE ON MAY 27, 2021]

117TH CONGRESS
1ST SESSION

H. R. 2668

To amend the Federal Trade Commission Act to affirmatively confirm the authority of the Federal Trade Commission to seek permanent injunctions and other equitable relief for violations of any provision of law enforced by the Commission.

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2021

Mr. CÁRDENAS introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Federal Trade Commission Act to affirmatively confirm the authority of the Federal Trade Commission to seek permanent injunctions and other equitable relief for violations of any provision of law enforced by the Commission.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Consumer Protection
3 and Recovery Act”.

4 **SEC. 2. FTC AUTHORITY TO SEEK PERMANENT INJUNC-**
5 **TIONS AND OTHER EQUITABLE RELIEF.**

6 (a) PERMANENT INJUNCTIONS AND OTHER EQUI-
7 TABLE RELIEF.—Section 13 of the Federal Trade Com-
8 mission Act (15 U.S.C. 53) is amended—

9 (1) in subsection (b)—

10 (A) in paragraph (1), by inserting “has
11 violated,” after “corporation”;

12 (B) in paragraph (2)—

13 (i) by striking “that” and inserting
14 “that either (A)”; and

15 (ii) by striking “final,” and inserting
16 “final; or (B) the permanent enjoining
17 thereof or the ordering of equitable relief
18 under subsection (e),”; and

19 (C) in the matter following paragraph
20 (2)—

21 (i) by striking “to enjoin any such act
22 or practice”;

23 (ii) by striking “Upon” and inserting
24 “In a suit under paragraph (2)(A), upon”;

25 (iii) by striking “without bond”;

1 (iv) by striking “proper cases” and in-
2 serting “a suit under paragraph (2)(B)”;

3 (v) by striking “injunction.” and in-
4 serting “injunction, equitable relief under
5 subsection (e), or such other relief as the
6 court determines to be just and proper, in-
7 cluding temporary or preliminary equitable
8 relief.”;

9 (vi) by striking “Any suit” and insert-
10 ing “Any suit under this subsection”; and

11 (vii) by striking “In any suit under
12 this section” and inserting “In any such
13 suit”; and

14 (2) by adding at the end the following:

15 “(e) **EQUITABLE RELIEF.**—

16 “(1) **RESTITUTION; CONTRACT RESCISSION AND**
17 **REFORMATION; REFUNDS; RETURN OF PROPERTY.**—

18 In a suit brought under subsection (b)(2)(B), the
19 Commission may seek, and the court may order,
20 with respect to the violation that gives rise to the
21 suit, restitution for losses, rescission or reformation
22 of contracts, refund of money, or return of property.

23 “(2) **DISGORGEMENT.**—In a suit brought under
24 subsection (b)(2)(B), the Commission may seek, and
25 the court may order, disgorgement of any unjust en-

1 richment that a person, partnership, or corporation
2 obtained as a result of the violation that gives rise
3 to the suit.

4 “(3) CALCULATION.—Any amount that a per-
5 son, partnership, or corporation is ordered to pay
6 under paragraph (2) with respect to a violation shall
7 be offset by any amount such person, partnership, or
8 corporation is ordered to pay, and the value of any
9 property such person, partnership, or corporation is
10 ordered to return, under paragraph (1) with respect
11 to such violation.

12 “(4) LIMITATIONS PERIOD.—

13 “(A) IN GENERAL.—A court may not order
14 equitable relief under this subsection with re-
15 spect to any violation occurring before the pe-
16 riod that begins on the date that is 10 years be-
17 fore the date on which the Commission files the
18 suit in which such relief is sought.

19 “(B) CALCULATION.—For purposes of cal-
20 culating the beginning of the period described
21 in subparagraph (A), any time during which an
22 individual against which the equitable relief is
23 sought is outside of the United States shall not
24 be counted.”.

1 (b) APPLICABILITY.—The amendments made by this
2 section shall apply with respect to any action or pro-
3 ceeding that is pending on, or commenced on or after, the
4 date of the enactment of this Act.