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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. 4447

To amend the Federal Trade Commission Act to provide the Commission with notice and comment rulemaking authority respecting unfair or deceptive acts or practices and to provide for civil penalties for violations of such Act respecting unfair or deceptive acts or practices, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. CASTOR of Florida introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Federal Trade Commission Act to provide the Commission with notice and comment rulemaking authority respecting unfair or deceptive acts or practices and to provide for civil penalties for violations of such Act respecting unfair or deceptive acts or practices, and for other purposes.

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 “21st Century FTC
3 Act”.

4 **SEC. 2. RULEMAKING RESPECTING UNFAIR OR DECEPTIVE**
5 **ACTS OR PRACTICES.**

6 The Federal Trade Commission Act (15 U.S.C. 41
7 et seq.) is amended—

8 (1) in section 18—

9 (A) in subsection (b)—

10 (i) by striking paragraphs (2) and (3);

11 (ii) in paragraph (1), by striking “,

12 and shall also” and all that follows and in-

13 sserting a period; and

14 (iii) by striking “(1) When pre-

15 scribing” and inserting “When pre-

16 scribing”;

17 (B) by striking subsection (c);

18 (C) in subsection (d)—

19 (i) in paragraph (1)—

20 (I) by striking “(A) a statement”

21 and all that follows through “(B) a

22 statement” and inserting “a state-

23 ment”; and

24 (II) by striking “; and (C) a

25 statement” and all that follows and

26 inserting a period; and

1 (ii) in paragraph (2)(A), by striking
2 “subsections (b) and (c)” and inserting
3 “subsection (b)”; and
4 (D) in subsection (e)—

5 (i) in paragraph (1)(B), by striking
6 “the transcript required by subsection
7 (c)(5),”;

8 (ii) in paragraph (3), by striking “, or
9 if” and all that follows and inserting the
10 following: “, or if the court finds that the
11 Commission’s action is not supported by
12 substantial evidence in the rulemaking
13 record (as defined in paragraph (1)(B) of
14 this subsection) taken as a whole. The
15 term ‘evidence’, as used in this paragraph,
16 means any matter in the rulemaking
17 record.”;

18 (iii) in paragraph (5)(C), by striking
19 the first and third sentences;

20 (iv) by striking paragraph (2); and

21 (v) by redesignating paragraphs (3)
22 through (5) as paragraphs (2) through (4),
23 respectively; and

24 (2) in section 22—

1 (A) in subsection (a)(1), by striking “or
2 section 18”; and

3 (B) in subsection (c)—

4 (i) in paragraph (1), by striking “, ex-
5 cept” and all that follows and inserting a
6 period; and

7 (ii) in paragraph (2), by striking “Ex-
8 cept as specified in paragraph (1), no” and
9 inserting “No”.

10 **SEC. 3. CIVIL PENALTIES FOR VIOLATIONS OF FEDERAL**
11 **TRADE COMMISSION ACT RESPECTING UN-**
12 **FAIR OR DECEPTIVE ACTS OR PRACTICES.**

13 Section 5(m)(1)(A) of the Federal Trade Commission
14 Act (15 U.S.C. 45(m)(1)(A)) is amended—

15 (1) by inserting “this Act or” after “violates”;

16 and

17 (2) by inserting “a violation of this Act or is”
18 before “prohibited”.