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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. ____

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “21st Century FTC Act”.

SEC. 2. RULEMAKING RESPECTING UNFAIR OR DECEPTIVE ACTS OR PRACTICES.

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

(1) in section 18—

(A) in subsection (b)—

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

(ii) in paragraph (1), by striking “, and shall also” and all that follows and inserting a period; and

(iii) by striking “(1) When prescribing” and inserting “When prescribing”;

(B) by striking subsection (c);

(C) in subsection (d)—

(i) in paragraph (1)—

(I) by striking “(A) a statement” and all that follows through “(B) a statement” and inserting “a statement”; and

(II) by striking “; and (C) a statement” and all that follows and inserting a period; and

(ii) in paragraph (2)(A), by striking “subsections (b) and (c)” and inserting “subsection (b)”;

(D) in subsection (e)—

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

(ii) in paragraph (3), by striking “, or if” and all that follows and inserting the following: “, or if the court finds that the Commission's action is not supported by substantial evidence in the rulemaking record (as defined in paragraph (1)(B) of this subsection) taken as a whole. The term

‘evidence’, as used in this paragraph, means any matter in the rulemaking record.”;

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

(iv) by striking paragraph (2); and

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

(2) in section 22—

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

(B) in subsection (c)—

(i) in paragraph (1), by striking “, except” and all that follows and inserting a period; and

(ii) in paragraph (2), by striking “Except as specified in paragraph (1), no” and inserting “No”.

SEC. 3. CIVIL PENALTIES FOR VIOLATIONS OF FEDERAL TRADE COMMISSION ACT RESPECTING UNFAIR OR DECEPTIVE ACTS OR PRACTICES.

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

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

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