

118TH CONGRESS
1ST SESSION

H. R. 4324

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

JUNE 23, 2023

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

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

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

5 (1) in section 18—

6 (A) in subsection (b)—

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

8 (ii) in paragraph (1), by striking “,
9 and shall also” and all that follows and in-
10 sserting a period; and

11 (iii) by striking “(1) When pre-
12 scribing” and inserting “When pre-
13 scribing”;

14 (B) by striking subsection (c);

15 (C) in subsection (d)—

16 (i) in paragraph (1)—

17 (I) by striking “(A) a statement”
18 and all that follows through “(B) a
19 statement” and inserting “a state-
20 ment”; and

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

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

1 (D) in subsection (e)—

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

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

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

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

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

21 (2) in section 22—

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

24 (B) in subsection (c)—

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

4 (ii) in paragraph (2), by striking “Ex-
5 cept as specified in paragraph (1), no” and
6 inserting “No”.

7 **SEC. 3. CIVIL PENALTIES FOR VIOLATIONS OF FEDERAL**
8 **TRADE COMMISSION ACT RESPECTING UN-**
9 **FAIR OR DECEPTIVE ACTS OR PRACTICES.**

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

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

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

○