

118TH CONGRESS  
2D SESSION

# H. R. 9665

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.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2024

Ms. SCHAKOWSKY (for herself and 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

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## 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consumer Protection  
5 and Recovery Act”.

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

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

6 (1) in subsection (b)—

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

9 (B) in paragraph (2)—

10 (i) by striking “that” and inserting  
11 “that either (A)”; and

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

16 (C) in the matter following paragraph  
17 (2)—

18 (i) by striking “to enjoin any such act  
19 or practice”;

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

22 (iii) by striking “without bond”;

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

25 (v) by striking “injunction.” and in-  
26 serting “injunction, equitable relief under

subsection (e), or such other relief as the court determines to be just and proper, including temporary or preliminary equitable relief.”;

(vi) by striking “Any suit” and inserting “Any suit under this subsection”; and

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

(2) by adding at the end the following:

“(e) EQUITABLE RELIEF.—

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

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

“(2) DISGORGEMENT.—In a suit brought under subsection (b)(2)(B), the Commission may seek, and the court may order, disgorgement of any unjust enrichment that a person, partnership, or corporation obtained as a result of the violation that gives rise to the suit.

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

9           “(4) LIMITATIONS PERIOD.—

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

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

22       (b)       CONFORMING       AMENDMENT.—Section  
23   16(a)(2)(A) of the Federal Trade Commission Act (15  
24   U.S.C. 56(a)(2)(A)) is amended by striking “(relating to  
25   injunctive relief)”.

1       (c) 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.

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