

# U.S. Rep. Fitzgerald: Introduces Fair and Balanced FTC Act

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**WASHINGTON, DC** – Congressman Scott Fitzgerald (WI-05) introduced the *Fair and Balanced FTC Act* to prohibit the Federal Trade Commission (FTC) from acting unless there is at least one Commissioner from a different party from the Chair. This would incentivize the President to nominate and confirm Commissioners to ensure a functioning body including minority Commissioners to provide feedback and dissent on harmful FTC actions.

*“Under President Biden, the FTC has become an ultra-partisan body that ignores dissenting voices, defies rule of law and disregards congressionally imposed limits on agency jurisdiction in favor of advancing radical left policies, **said Congressman Scott Fitzgerald.** The Commission should not act as an unaccountable, political arm of the party in power, but rather maintain its independent nature. This legislation would restore balance in the agency and refocus its efforts on considering constructive policies.”*

**Background:** The Federal Trade Commission (FTC) is typically composed of five Commissioners, and under statute, no more than three Commissioners can be from the same party, which should lead the White House to nominate two Commissioners from the opposition party. However, the current iteration of the FTC is led by three Democratic Commissioners and zero Republican Commissioners. As a result, the three Democratic Commissioners are able to impose their willful disregard of Congressionally-imposed limits on agency jurisdiction, Chair Khan’s defiance of legal precedent, and her abuse of power to achieve desired outcomes, without any dissent.

For example, In January, the Federal Trade Commission (FTC) issued a proposed rule that would outright ban voluntary non-compete clauses in virtually every

employment contract across the country. This would result in tens of millions of contracts becoming unenforceable. The FTC's proposed rule exceeds its delegated authority and imposes a top-down, one-size-fits-all approach that violates basic American principles of federalism and free markets. This power grab is just the latest example of the Biden FTC straying from the Commission's mandate in its eagerness to centrally plan the American economy to meet a preferred social agenda.