



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

**Dissenting Statement of Commissioner Christine S. Wilson
Regarding the Federal Trade Commission Strategic Plan for Fiscal Years 2022-2026**

Today, the Commission issued its Strategic Plan for fiscal years 2022-2026. I continue to support the Commission's long-standing mission of protecting consumers and promoting competition, as well as the dedicated staff who work daily to implement that mission. But for the reasons described below, I must dissent from the new Strategic Plan.

Congress created the FTC to serve as an expert agency that protects consumers and promotes competition. The majority's vision for the agency expands its mission to include goals outside our statutory remit. The agency lacks the expertise (and, in some cases, the jurisdiction) to pursue the additional societal goals embodied in the Strategic Plan; moreover, pursuing those goals will distract from the important work we were established to accomplish. Prior attempts by the Commission to address myriad societal ills not included in our Congressional mandate invited strong censure from Congress.¹ Recent court decisions underscore the importance of respecting the limits of our authority.²

As a policy matter, the choice to pivot from a consumer welfare standard is ill-advised, particularly during a period of record inflation.³ Now more than ever, the agency should be laser-focused on protecting consumers — but the insertion of additional goals into our Strategic Plan means that, by definition, consumer welfare will not be maximized.⁴ In other words, the new Strategic Plan will result in higher prices, suppressed production, fewer choices, and dampened innovation.⁵ Members of Congress facing elections in the upcoming mid-terms should be concerned about the impact of Chair Khan's anti-consumer FTC on their constituents.

I will continue to support the Commission's law enforcement, advocacy, and educational efforts insofar as they promote competition and protect consumers. But I cannot support the ill-advised direction of the agency reflected in the Strategic Plan, which doubles down on the poor choices made by agency leadership under President Biden.

¹ See Federal Trade Commission Improvements Act of 1980, Pub. L. No. 96-252 (imposing restrictive procedures on Commission's consumer protection rulemaking); William E. Kovacic, *Competition Policy in its Broadest Sense: Michael Pertschuk's Chairmanship of the Federal Trade Commission 1977-1981*, 60 WM. & MARY L. REV. 1269, 1311-17 (2019) (describing Congressional action that limited the agency's jurisdiction, imposed procedural hurdles, and shuttered the Commission by allowing funding to lapse).

² See, e.g., *AMG Capital Management, LLC v. FTC*, 141 S. Ct. 1341 (2021) (finding that Section 13(b) of FTC Act does not authorize Commission to seek equitable monetary relief).

³ See Gabriel T. Rubin, *U.S. Inflation Hits New Four-Decade High of 9.1%*, WALL STREET JOURNAL (July 13, 2022 7:07 pm), <https://www.wsj.com/articles/us-inflation-june-2022-consumer-price-index-11657664129>.

⁴ LOUIS KAPLOW & STEVEN SHAVELL, *FAIRNESS VERSUS WELFARE* (2006).

⁵ *Id.*; see also Christine S. Wilson, Thomas J. Klotz & Jeremy A. Sandford, *Recalibrating the Dialogue on Welfare Standards: Reinserting the Total Welfare Standard into the Debate*, 26 GEO. MASON L. REV. 1427, 1453-55 (2019).