



Press Release

Questionable FTC Restitution Authority Heads to Supreme Court

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The Federal Trade Commission (FTC) claims to have the authority to seek restitution directly in federal court without going through its own full administrative process, but the Supreme Court will rule this term on whether the FTC truly does possess this power. In a new analysis, AAF's Director of Regulatory Policy Dan Bosch and Bernard Zamaninia examine the FTC's processes and authority, and they offer a policy response should the Supreme Court agree with the FTC.

An excerpt:

Should the Supreme Court agree with the FTC's interpretation of Section 13(b) of the Federal Trade Commission Act, Congress could consider amending Magnuson-Moss to clarify that the FTC can only seek restitution when full due process—meaning an FTC administrative law judge, the commissioners of the FTC, and a district court have all reviewed the case.

[Read the analysis.](#)