

**Prepared Remarks of Chairman Simons Announcing  
the Competition and Consumer Protection Hearings  
June 20, 2018**

In support of pursuing a vigorous law enforcement agenda, the Federal Trade Commission has for many years engaged in substantial research to stay informed of market developments, shape our policy agenda, and identify opportunities to develop the law consistent with our enforcement authority. Nearly a quarter-century ago, my former professor and then-FTC Chairman Bob Pitofsky re-invigorated the agency’s research and policy function with the 1995 “Global Competition and Innovation” hearings (the “Pitofsky Hearings”). Those hearings “were the first major step in establishing the FTC as a key modern center for...‘competition policy research and development’” and “sought to ‘articulate recommendations that would effectively ensure the competitiveness of U.S. markets without imposing unnecessary costs on private parties or governmental processes.’”<sup>1</sup> The hearings were followed by the release of two well-received staff reports, *Anticipating the 21<sup>st</sup> Century*, which presented analyses and recommendations on competition and consumer protection policy, respectively.<sup>2</sup>

Bob’s hearings “re-energized one of the FTC’s most valuable functions – to gather leaders in business, economics, law, and related disciplines to discuss tough, emerging problems and prepare public reports on the facts, issues, governing law, and the need, as appropriate, for change.”<sup>3</sup> Since then, the Commission has continued to use hearings, workshops and conferences in support of its dual mission to promote competition and to protect consumers from unfair and deceptive practices. As then-FTC Chairman Bill Kovacic explained, “[t]he progress

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<sup>1</sup> Timothy J. Muris, *More Than Law Enforcement: The FTC’s Many Tools – A Conversation with Tim Muris and Bob Pitofsky*, 72 ANTITRUST L.J. 772, 773 (2005).

<sup>2</sup> FED. TRADE COMM’N STAFF, ANTICIPATING THE 21<sup>ST</sup> CENTURY: COMPETITION AND CONSUMER PROTECTION POLICY IN THE NEW HIGH-TECH, GLOBAL MARKETPLACE (1996), <https://www.ftc.gov/reports/anticipating-21st-century-competition-consumer-protection-policy-new-high-tech-global>.

<sup>3</sup> Muris, *More than Law Enforcement*, at 774.

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of the Federal Trade Commission in its modern era has built heavily upon the willingness of its people to assess their work critically and explore possibilities for improvement.”<sup>4</sup>

I agree. A fundamental characteristic of a strong institution is a willingness to engage with new ideas and, in our case, changes in markets and business-to-business and business-to-consumer relationships. In that spirit, I am announcing today a new public hearings project – *Hearings on Competition and Consumer Protection in the 21<sup>st</sup> Century* – that pays tribute to, and is modeled after, the Pitofsky Hearings. This project reflects the spirit, style, and, most importantly, broad scope of that effort.

Beginning in September 2018, the FTC will hold a series of multi-day, multi-part public hearings – both here in Washington, DC and in conjunction with our regional offices – to consider whether broad-based changes in the economy, evolving business practices, new technologies, and international developments warrant adjustments to competition and consumer protection law, enforcement priorities, and policy. This is an “all-agency” project; the Bureaus of Competition, Consumer Protection, and Economics, the Office of the General Counsel, the Office of International Affairs, as well as the Office of Policy Planning, will devote significant resources to the effort to refresh and, if warranted, renew our thinking on current and anticipated competition and consumer protection issues.

These hearings will review the state of antitrust and consumer protection law and policy as it has evolved and been implemented by the Commission in the nearly quarter-century since the Pitofsky Hearings. We are soliciting comment on a broad range of issues in anticipation of our hearings. Our announcement includes substantial detail on the topics for which we seek

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<sup>4</sup> THE FEDERAL TRADE COMMISSION AT 100: INTO OUR 2<sup>ND</sup> CENTURY; THE CONTINUING PURSUIT OF BETTER PRACTICES, A REPORT BY FEDERAL TRADE COMMISSION CHAIRMAN WILLIAM E. KOVACIC (2009), [https://www.ftc.gov/sites/default/files/documents/public\\_statements/federal-trade-commission-100-our-second-century/ftc100rpt.pdf](https://www.ftc.gov/sites/default/files/documents/public_statements/federal-trade-commission-100-our-second-century/ftc100rpt.pdf), at (i).

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comment. We are especially interested in reviewing new empirical analyses with respect to any of the topics identified for comment.

In conjunction with our effort, we will solicit a diverse group of academics, consumer group representatives, business leaders, legal and economic practitioners, and technologists to participate in our moderated panels and discussion. We anticipate holding our hearing sessions in our conference facility, as well as in conjunction with universities and law schools local to our DC and regional offices. The hearings are open to public participation through a public comment process. Each of the sessions will be open to the public and streamed live for those who cannot attend in person. Details on the public comment process are in today's announcement.

Seventeen years ago, when I returned to the agency as Director of the Bureau of Competition, then-FTC Chairman Tim Muris promised that "continuity" with the policies of the Pitofsky Commission would be "the norm, with changes at the margin."<sup>5</sup> And I was in line with that approach when I worked for Tim. But, important and significant questions recently have been raised about whether we should rethink our approach to some of these issues. Therefore, it would be a mistake to adopt a policy of continuity without some serious reflection and evaluation.

The FTC has long been an agency committed to self-examination and critical thinking. We are excited about this new hearings project, and anticipate and look forward to substantial participation from our stakeholders.

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<sup>5</sup> Timothy J. Muris, Chairman, Federal Trade Commission, *Antitrust Enforcement at the Federal Trade Commission: In a Word – Continuity* (Aug. 7, 2001), <https://www.ftc.gov/public-statements/2001/08/antitrust-enforcement-federal-trade-commission-word-continuity>.