

Statement of Maureen K. Ohlhausen

Nomination as Commissioner, Federal Trade Commission

November 15, 2011

Chairman Rockefeller, Ranking Member Hutchison, and members of the Committee, it is a great honor to have been nominated by the President to serve as a Commissioner of the Federal Trade Commission. Thank you for the opportunity to appear before this Committee and for the time and attention you and your staff have devoted to this hearing. I am also honored to be appearing with FTC Chairman Jon Leibowitz, who was a Commissioner during my previous time at the agency and who, as Chairman, has led the agency to many successes during his tenure. If confirmed, I look forward to joining him and many other former colleagues at the Commission.

I will be very fortunate, if I am confirmed, to have the opportunity to return to public service at the FTC, an agency that has played an important role in American economic life for almost 100 years. I have spent much of my legal career at the Commission, first in the General Counsel's office, then working for an FTC Commissioner, and finally serving as the Director of the Office of Policy Planning. In these positions I gained extensive knowledge about the FTC's mission, which is to prevent business practices that are anticompetitive or deceptive or unfair to consumers; to enhance informed consumer choice and public understanding of the competitive process; and to accomplish these missions without unduly burdening legitimate business activity. I also gained in-depth experience of the variety of tools the Commission may employ to advance this mission, both as an enforcer and as a policy leader. My work in private practice with Wilkinson Barker and Knauer, as well as my academic activities, have also focused on the FTC and broadened my understanding of the Commission's role and capabilities.

The American economy and American consumers face many challenges today and the FTC can help them meet these challenges. The FTC has a strong track record of aggressive enforcement against fraud and deception, and the current Commission has continued those efforts by attacking “last dollar” frauds, such as bogus job opportunities and fraudulent debt relief, that flourish during hard economic times.

Other challenges are related to the breathtaking technological progress that American society has experienced in the last few years, with the explosive growth in Internet usage by consumers and businesses and the growth of smart phones. These new technologies have offered consumers great benefits in terms of convenience, connectedness, and access to content and services, while at the same time heightening concerns about privacy and data security. The task for the FTC is to help consumers protect their privacy without diminishing consumer benefits or hampering competition and industry innovation. The Commission currently has a reassessment of its privacy framework underway and, if confirmed, I look forward to consulting with my colleagues, the FTC staff, Congress, and consumer and industry groups to strike a balance that best serves consumers’ needs and preferences.

These technological changes have also spurred the creation of new combinations, business models, and practices that can drive innovation and competition in high tech and other markets. Antitrust law plays an important role in ensuring that markets do not suffer from anticompetitive mergers or harmful practices, and I believe in strong antitrust enforcement. Antitrust law is meant to protect consumers, not particular competitors, and economics is an essential tool for determining the likely competitive impact of any business combination or behavior. A freely functioning market, subject to antitrust oversight, provides the most benefits for consumers.

In addition to the Commission's enforcement work, I value the FTC's policy research and development activities, including its expert economic studies, as well as its excellent consumer and business education efforts. I also support the FTC's competition advocacy program, which can play a crucial role in highlighting government-imposed restraints on competition. I believe the FTC should use its many tools to help ensure that consumers enjoy the benefits of a well-functioning market.

In conclusion, if I am confirmed, I hope that my knowledge of the Commission and its many capabilities, combined with my expertise in consumer protection and competition, will help the agency fulfill its mission to protect consumers.

