HONOLULU – Hawaii Attorney General Clare E. Connors joined a coalition of 29 attorneys general from around the nation and Hawaii Office of Consumer Protection (OCP) Executive Director Stephen Levins to support the Federal Trade Commission (FTC) in its efforts to combat fraudulent and anticompetitive conduct. In a letter to congressional leaders, the coalition expresses its strong support for the Consumer Protection and Recovery Act (H.R. 2668), which would ensure the ability of the FTC to obtain equitable monetary relief, including restitution for consumers and disgorgement of ill-gotten gains, after a U.S. Supreme Court decision changed established practice earlier this year.

“The FTC consistently has stood alongside Hawaii’s consumer protection agencies to protect the public from dishonest and predatory practices,” said Attorney General Connors. “This partnership has helped Hawaii use its resources more effectively to protect its consumers, and passage of the Consumer Protection and Recovery Act will allow the collaboration to continue.”

“Historically, the FTC has played a critical role in securing restitution for consumers from violators of consumer laws,” OCP Executive Director Stephen Levins said. “Congress needs to act as soon as possible to restore its authority to do so.”

For 40 years, the FTC was able to obtain equitable monetary relief by suing wrongdoers in district court. In fact, in the last five years alone, the FTC successfully recovered over $11.2 billion in refunds for consumers through court actions. But this all changed with the Supreme Court’s April 2021 decision in AMG Capital Management, LLC, et al. v. Federal Trade Commission, which limited the ability of the FTC to recover money for injured consumers.

The FTC is an important partner to states as they police anticompetitive, unfair, and deceptive trade practices. The lack of authority to seek equitable monetary relief —
directly in court proceedings — undermines the FTC’s efforts to combat unfair and
deceptive practices. As the coalition — led by New York Attorney General Letitia James
and Colorado Attorney General Phil Weiser — makes clear in their letter, this forces
states to divert resources away from other consumer protection efforts and to perform
duties previously fulfilled by the FTC.

Unfair and deceptive trade practices are a serious problem in the United States and the
coronavirus disease 2019 (COVID-19) pandemic has led to an uptick in consumer
complaints. Likewise, unfair competitive practices have dire and adverse impacts on
consumers and businesses. Monopolization, collusion, and other unlawful conduct
threaten the proper functioning of the American marketplace and cost consumers and
responsible businesses billions of dollars each year. Curtailing the remedies available to
the FTC enables bad actors to keep their ill-gotten gains, thereby emboldening
wrongdoers and incentivizing unlawful conduct.

Joining Attorneys General Connors, James, and Weiser in sending today’s letter to
Congress are the attorneys general of Alaska, California, Colorado, Connecticut,
Delaware, Idaho, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota,
Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Oregon,
of Columbia, as well as the executive director of the Hawaii Office for Consumer
Protection.

The letter can be found here.

# # # #

For more information, contact:
Gary H. Yamashiroya
Special Assistant to the Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, HI 96813