

**S. 4145, Consumer Protection Remedies Act of 2022**

As advanced with an amendment out of the Senate Committee on Commerce, Science and Transportation on May 11, 2022

By Fiscal Year, Millions of Dollars	2022	2022-2027	2022-2032
Direct Spending (Outlays)	0	0	0
Revenues	*	17	45
Increase or Decrease (-) in the Deficit	*	-17	-45
Spending Subject to Appropriation (Outlays)	0	0	not estimated
Statutory pay-as-you-go procedures apply?	Yes	<b>Mandate Effects</b>	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2033?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between -\$500,000 and \$500,000.			

S. 4145 would restore the Federal Trade Commission’s (FTC’s) authority to obtain monetary relief through restitution or disgorgement, which was struck down by the decision in *AMG Capital Management, LLC v. FTC*. Whereas restitution requires violators to compensate victims for their monetary loss, disgorgement strips violators of monetary profits obtained from illegal activity. When the FTC cannot return that monetary relief to harmed consumers, the money is remitted to the Treasury and thus increases revenues.

Using information from the FTC about the amount of revenues remitted to the Treasury prior to the decision, CBO estimates that gross revenues would increase, on average, by \$7 million per year. Because collecting those amounts would reduce the base of income and payroll taxes, that authority would reduce revenues from income and payroll taxes. (In other words, gross collections under the bill would be partially offset by a reduction in other revenues.) On that basis, CBO estimates that enacting S. 4145 would increase net revenues by \$45 million over the 2022-2032 period.

The budgetary effects of the legislation are detailed in Table 1.



**Table 1.  
Estimated Budgetary Effects of S. 4145**

	By Fiscal Year, Millions of Dollars											2022-2027	2022-2032
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032		
	<b>Increases in Revenues</b>												
Estimated Revenues	*	*	2	5	5	5	5	5	6	6	6	17	45

\* = between zero and \$500,000.

On July 19, 2021, CBO transmitted a [cost estimate for H.R. 2668](#), the Consumer Protection and Recovery Act, as ordered reported by the House Committee on Energy and Commerce on June 10, 2021. S. 4145 is similar to H.R. 2668, but H.R. 2668 would permit the FTC to obtain monetary relief from both pending and new cases, whereas S. 4145 would only permit the FTC to obtain monetary relief from new cases. CBO’s estimates reflect those differences. In addition, CBO estimated the cost of H.R. 2668 relative to its July 2021 baseline; the estimate for S. 4145 reflects updates made in its May 2022 baseline.

The CBO staff contacts for this estimate are Joshua Shakin (for revenues) and David Hughes (for the FTC). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.