



Sen. Schumer Recommends Rohit Chopra to Fill Empty FTC Slot

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May 10, 2017

Senate Minority Leader Charles E. Schumer (D-N.Y.) recommended May 9 that President Donald Trump tap consumer advocate Rohit Chopra to serve as a member of the Federal Trade Commission.

Chopra is a senior fellow at Consumer Federation of America and previously worked at the Department of Education and the Consumer Financial Protection Bureau.

The five Senate-confirmed commissioners are appointed to seven-year terms, and no more than three members of the commission may be from the same political party. Historically, the Senate minority leader recommends nominees for open slots on the commission affiliated with the minority party. The commission has been operating with only two commissioners since former chairwoman Edith Ramirez, a Democrat left the commission in February.

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Schumer's initiative may prompt the Trump Administration to bring the commission up to full strength.

Republican Maureen K. Ohlhausen and Democrat Terrell McSweeney are the present FTC commissioners. President Trump Jan. 25 selected Ohlhausen to be the commission's acting chairman. Schumer may get a chance to recommend another Democrat for FTC commissioner, as McSweeney's term expires in September.

"Traditionally the Senate defers to the opposition's party selection for an FTC commissioner," D. Reed Freeman, a partner at Wilmer Cutler Pickering Hale and Dorr LLP in Washington and co-chair of the firm's cybersecurity, privacy and communications practice, told Bloomberg BNA May 9.

However, these days nominations are "hyper-partisan," and Chopra may be asked detailed questions on his positions on antitrust issues, privacy issues and the FTC's enforcement agenda, Freeman said. "I would expect a lot of detailed questions but absent something extraordinary the tradition is the majority party confirms the proposed nomination," he said.

Mainstream Consumer Protection?

The main issue for confirming Chopra may be whether his position on consumer protection “is so far out of the mainstream” that Republican lawmakers feel “uncomfortable with him,” Freeman said. Chopra would, if nominated, get a “fair but detailed hearing,” he said.

A Schumer staffer told Bloomberg BNA May 9 that the senator took into account the commission’s mission and Chopra’s proven track record of fighting for consumers.

“Rohit is fair-minded and open to new points of view. His experience in government, the private sector, and consumer advocacy will prove to be valuable in this critical role,” Consumer Federation of America Director of Public Affairs Jack Gillis told Bloomberg BNA May 9.

At the Department of Education, Chopra worked on reforms to improve student loan servicing, reduce defaults and restrict fine print in college enrollment agreements. Before entering the government, he worked at global management consulting company McKinsey & Co.

If Trump accepts Schumer’s recommendation and Chopra is confirmed by the Senate, he would join a small group of FTC commissioners who aren’t attorneys. The last commissioner who wasn’t an attorney was Orson Swindle, who served on the commission until June 2005. The last non-attorney chairman was Janet D. Steiger, who left the commission in September 1997.

Chopra holds a BA from Harvard College and an MBA from the Wharton School at the University of Pennsylvania.

Washington-based think tank Cato Institute told Bloomberg BNA May 9 it didn’t have any comments on the recommendation. The White House, the FTC and Chopra didn’t immediately return Bloomberg BNA’s email requests for comment.