

**Statement of Andrew N. Ferguson**  
**Nominee to be a Commissioner of the Federal Trade Commission**  
**before the**  
**U.S. Senate Committee on Commerce, Science and Transportation**  
**United States Senate**  
**September 20, 2023**

Chair Cantwell, Ranking Member Cruz, and members of this Committee, I thank you for holding today's hearing and for the invitation to testify.

I thank President Biden for nominating me to serve as a Commissioner on the Federal Trade Commission. I am honored to have been chosen for this role.

I also thank Leader McConnell for his generous introduction, for recommending me to the President for this post, and for the opportunity to serve in his office for several years. Leader McConnell is one of the most influential legislators in American history, and I will always be grateful for my time working for him.

My parents are in the hearing room today, and other family and friends are watching remotely. I am deeply grateful to my parents. They both made tremendous personal sacrifices while raising three boisterous boys, and in ensuring we all had access to a Christian education. Whatever good I have to offer the world is because of them.

The free-enterprise system is perhaps America's greatest contribution to the world. It has lifted countless millions of people out of poverty, and has liberated them to pursue the sort of human flourishing to which all members of society are entitled. No economic system has promoted the common good more than free enterprise.

But the free-enterprise system is not automatically self-defending. Society reaps the benefits of free enterprise only if it protects the system from monopolies and fraud. That is the FTC's crucial mission—to protect against unfair methods of competition in our markets and to protect consumers from fraud and other deceptive practices. Without vigorous enforcement of our competition and consumer-protection laws, our free-enterprise system would cease to be the miraculous engine for mass flourishing that has transformed the world. It would promote the interests of a select few at the expense of the many.

I firmly believe in the FTC's mission. And I believe my experience as a litigator and policy advisor will empower me to help lead the FTC in the execution of its mission.

In private practice, I litigated consumer-protection and antitrust investigations before the FTC and the Justice Department. I litigated antitrust class-action and merger cases, including one of the largest Section 7 cases in history.

Then, as a Senate staffer, I saw the legislative process up close. I understand the difficult negotiations and careful compromises that go into the creation of our laws. I learned during my work on the CARES Act negotiations that our institutions function best through bipartisan cooperation whenever that is possible. And I know that Congress expects—and our Constitution requires—that executive-branch agencies like the FTC will vigorously enforce the laws as Congress has written them, respect the separation of powers, and obey the constraints Congress imposes on their authority.

Most recently, I have served for nearly two years as the Solicitor General of Virginia, where I have helped lead the Attorney General's efforts to protect consumers. I am counsel of record for Virginia and a coalition of sixteen other States—led by both Republican and Democratic attorneys general—alongside the United States in an important Section 2 lawsuit against Google, alleging that Google has monopolized the ad-tech markets. I have also filed amicus briefs defending State efforts to regulate TikTok in *Alario & TikTok v. Knudsen*, and State laws protecting consumers from pharmaceutical companies in *In re Fosamax Products Liability Litigation*. In addition, I recently filed an amicus brief before the Supreme Court on behalf of a bipartisan coalition of forty-two States and territories to help protect veterans' access to GI benefits in *Rudisill v. McDonough*.

Consumer protection and competition are not partisan issues. Every American has a stake in ensuring our free-enterprise system works for the common good. If confirmed, I commit to protecting consumers, enforcing the law, and fulfilling the FTC's mandate to ensure the free-enterprise system works for all.

I look forward to your questions.