



## Consumer Protection/FTC ADVISORY ■

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### FTC at Full Strength Again

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After the U.S. Senate's vote to confirm Alvaro Bedoya as the fifth commissioner at the Federal Trade Commission (FTC), the FTC will again be operating at full strength. The Senate voted on Wednesday to confirm Alvaro Bedoya, 51–50, with Vice President Kamala Harris casting the tie-breaking vote. This will give the Democrats a majority after an eight-month vacancy following then-Commissioner Rohit Chopra's departure for the Consumer Financial Protection Bureau in September. Bedoya's confirmation will more easily allow Chair Lina Khan to pursue her ambitious agenda, including to propose privacy rules. Before Bedoya's confirmation, the FTC was deadlocked 2–2 between Democratic and Republican nominees, meaning that Khan needed bipartisan support to take any action requiring a commission vote.

Bedoya is a privacy expert who founded the Georgetown Law Center on Privacy and Technology and focused on the civil rights dangers of new technologies, including the potential disparate impact of data usage, particularly in the context of surveillance, while a professor there. He is now one of three Democratic nominees along with Khan and Commissioner Rebecca Slaughter. The FTC is rounded out by two Republican nominees, Commissioners Christine S. Wilson and Noah Joshua Phillips. Before joining Georgetown Law, Bedoya was chief counsel of the Senate Judiciary Subcommittee on Privacy, Technology, and the Law and chief counsel to Senator Al Franken (D-MN).

His expertise in privacy could factor greatly into his role in upcoming FTC initiatives. [In a speech to the International Association of Privacy Professionals on April 11, 2022](#), Khan revealed that the FTC "is considering initiating a rulemaking to address commercial surveillance and lax data security practices" that could include "substantive limits rather than just procedural protections." With Bedoya now seated, the FTC may proceed to enact a national privacy regulation that could significantly change the permissible uses of consumer data. Given Khan's focus on antitrust, Bedoya could become the FTC's foremost voice on data privacy and security issues and take the lead on any potential rulemaking effort.

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Companies should expect Khan to move aggressively to implement her agenda for antitrust enforcement and digital privacy regulations, and she will likely have the full support of newly confirmed Bedoya as well as Slaughter. It is expected that Republican commissioners Wilson and Phillips will continue to object to Khan's progressive agenda but with little ability to prevent the Democratic majority from moving the progressive agenda forward.

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