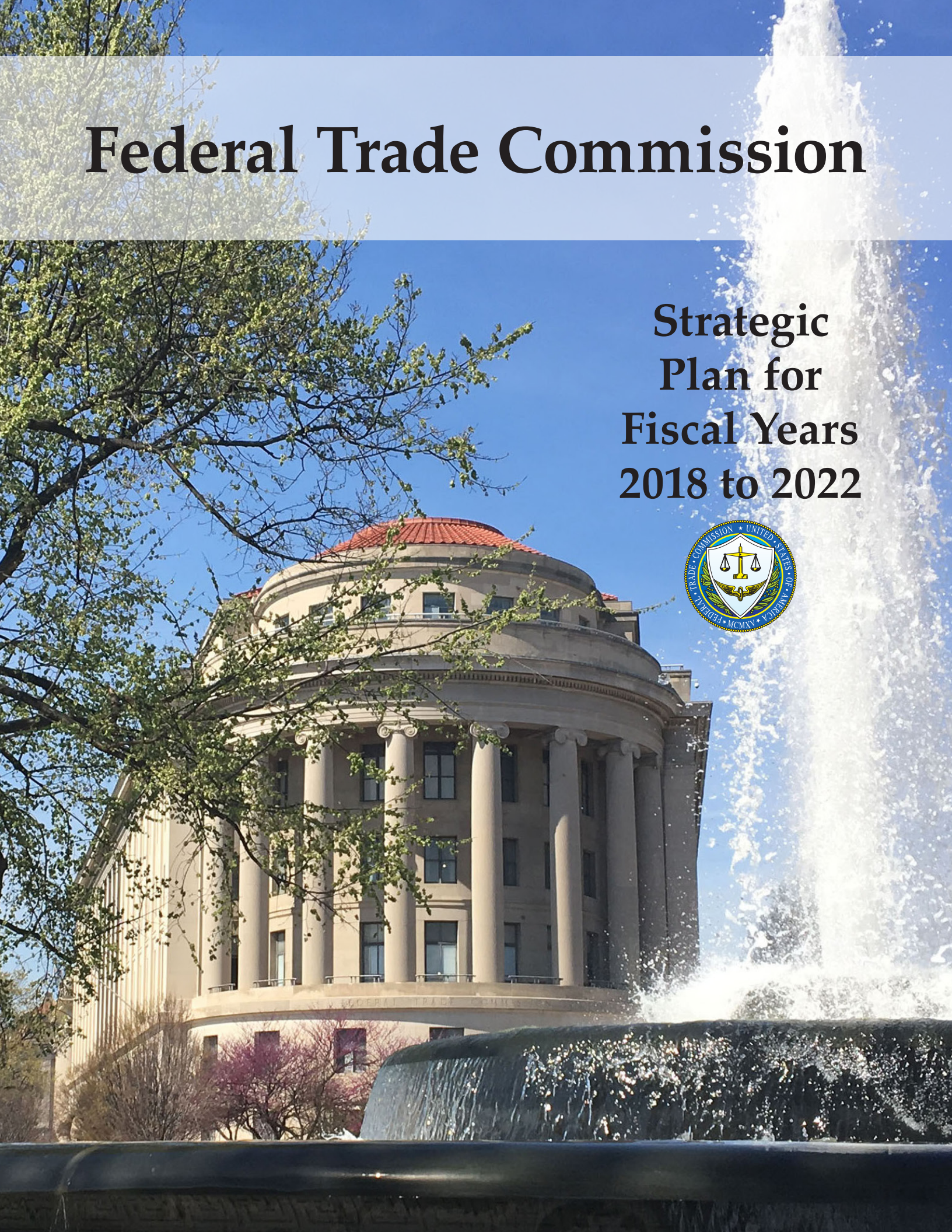
Federal Trade Commission

Strategic Plan for Fiscal Years 2018 to 2022



Message from the Acting Chairman

It is with pleasure that I present the Federal Trade Commission's Strategic Plan – the road map that will guide us over the next five years. The plan's goals and performance measures will enable us to gauge our success in protecting consumers, maintaining competition, and advancing our organizational performance.

We have revised our Strategic Plan in accordance with the GPRA Modernization Act (GPRMA) of 2010, which requires federal agencies to update their strategic plans every four years. This new plan will serve as the basis for reporting the agency's performance results.

This plan includes several updates. We have updated our mission statement to reflect better the FTC's active role in consumer protection and competition law enforcement, advocacy, and education efforts on behalf of American consumers and businesses. We have expanded our management goal (Strategic Goal 3) to address further information and technology management as critical support functions at the FTC. We have also introduced several new measures in Goal 3 that reflect the importance of support functions in maintaining our ability to serve the public.

On behalf of the Commission and FTC staff, we look forward to working with Congress, consumers, businesses, and our federal, state, local, and international law enforcement partners and other stakeholders as we strive for excellence.

Acting FTC Chairman
Maureen K. Ohlhausen

Table of Contents

Overview 3

Strategic Goal 1 – Protect Consumers From Unfair and Deceptive Practices In The Marketplace 6

Strategic Goal 2 – Maintain Competition to Promote a Marketplace Free From Anticompetitive Mergers, Business Practices, or Public Policy Outcomes 12

Strategic Goal 3 – Advance the FTC's Performance Through Excellence in Managing Resources, Human Capital, and Information Technology 17

Appendix of Performance Goals 23

Acknowledgements 26

The FTC's Mission:

Protecting consumers and competition by preventing anticompetitive, deceptive, and unfair business practices through law enforcement, advocacy, and education without unduly burdening legitimate business activity.

The FTC's Vision:

A vibrant economy characterized by vigorous competition and consumer access to accurate information.

Strategic Goal 1

Protect consumers from unfair and deceptive practices in the marketplace

Strategic Goal 2

Maintain competition to promote a marketplace free from anticompetitive mergers, business practices, or public policy outcomes

Strategic Goal 3

Advance the FTC's performance through excellence in managing resources, human capital, and information technology

Overview

Our Organization

The FTC is an independent agency that reports to the President and to Congress on its actions. These actions include pursuing vigorous and effective law enforcement; advancing consumers' interests by sharing its expertise with Congress, state legislatures, and U.S. and international agencies; developing policy and research tools through hearings, workshops, and conferences; and creating practical and plain-language educational programs and materials for consumers and businesses in a global marketplace with constantly changing technologies.

The FTC has a long tradition of maintaining a competitive marketplace for both consumers and businesses. In 1914, President Woodrow Wilson signed the Federal Trade Commission Act into law, creating the FTC, which then absorbed its predecessor organization, the Bureau of Corporations, in 1915. When the FTC was created in 1914, its purpose was to prevent unfair methods of competition in commerce as part of the battle to "bust the trusts." Over the years, the Congress passed additional laws giving the agency greater authority over anticompetitive practices.

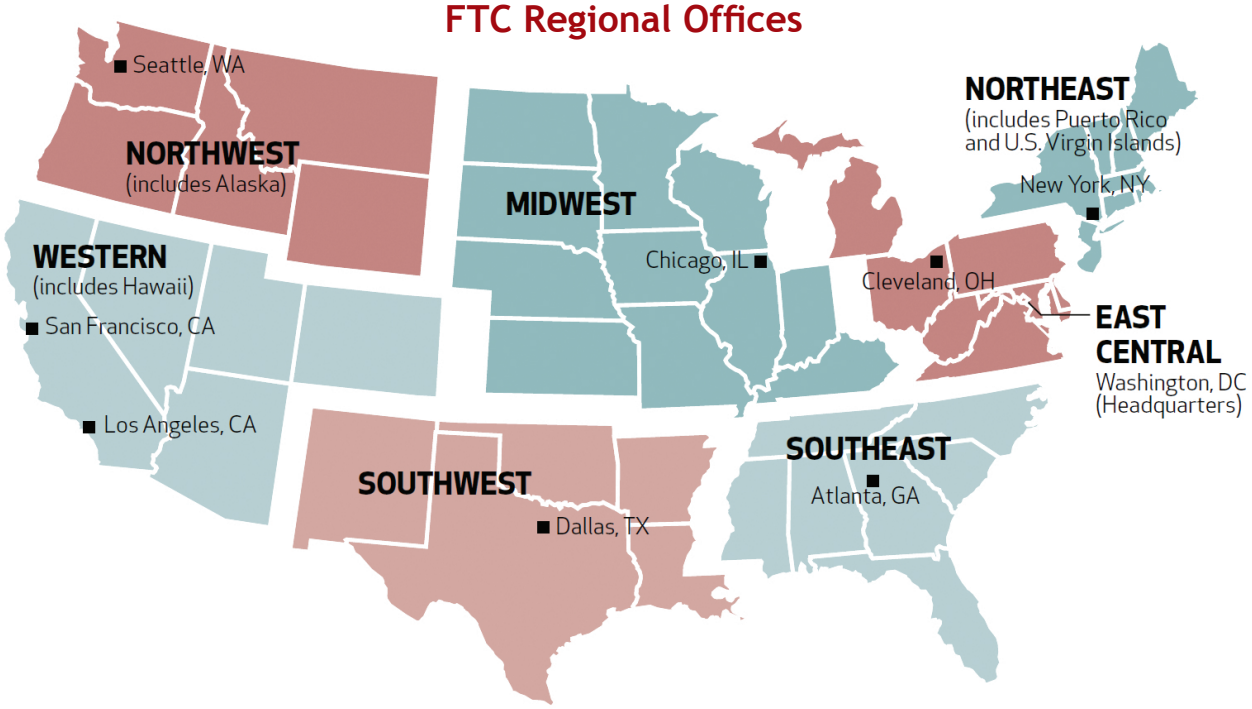
Recognizing that unfair and deceptive practices can distort a competitive marketplace as much as unfair methods of competition, in 1938 Congress amended the FTC Act and granted the FTC authority to stop "unfair or deceptive acts or practices in or affecting commerce." Since then, the FTC also has been directed to enforce a wide variety of other consumer protection laws and regulations.

The FTC is headed by a five-member Commission, nominated by the President and confirmed by the Senate, each serving a staggered 7-year term. The President chooses one commissioner to act as Chair. No more than three commissioners may be from the same political party.

The FTC's mission is carried out by the Bureau of Consumer Protection (BCP), the Bureau of Competition (BC), and the Bureau of Economics (BE). Their work is supported by the Office of the General Counsel, the Office of International Affairs, the Office of Policy Planning, the Office of the Secretary, the Office of the Executive Director, the Office of Congressional Relations, the Office of Public Affairs, the Office of Administrative Law Judges, the Office of Equal Employment and Workplace Inclusion, the Office of Inspector General, and eight regional offices across the country.

The FTC's workforce is its greatest asset. The agency's workforce consists of 1141 civil service employees dedicated to carrying out the agency's mission.

FTC Regional Offices



Scope of Responsibilities

The FTC is an independent law enforcement agency with both consumer protection and competition jurisdiction in broad sectors of the economy. The agency administers a wide variety of laws, such as the Federal Trade Commission Act (FTC Act), Fair Credit Reporting Act, and Clayton Act. In total, the Commission has enforcement or administrative responsibilities under more than 70 laws (see https://www.ftc.gov/enforcement/statutes for a listing). The FTC also enforces rules issued pursuant to the Federal Trade Commission Act or other laws, including the Business Opportunity Rule and the Telemarketing Sales Rule.

The Planning Process

The Office of the Executive Director led the strategic plan update process by establishing a governance structure supported by two governing bodies whose membership is representative of the entire FTC. First, a Working Group comprised of senior subject matter experts and analysts who reviewed the current Strategic Plan and produced the updated Draft 2018-2022 Strategic Plan. Second, an Executive Steering Committee comprised of executive leadership from across the FTC evaluated the plan and provided input on the Acting Chairman's goals and policy initiatives. The performance results described in this plan enable the FTC to administer its programs, gauge programmatic success, and make adjustments necessary to improve program quality. Staff who are responsible for performance reporting are guided by a Data Quality Appendix that provides details on the data quality of each performance goal.

Stakeholder Engagement

The FTC regularly reports to Congress, the President, and the public on its work to advance consumers' interests through its vigorous and effective law enforcement, sharing of expertise with domestic and international government agencies, conducting research, developing policy, and educating consumers and businesses.

The agency maintains a website at www.ftc.gov that provides information for both consumers and businesses, as well as online forms through which consumers may file complaints. The website includes a Performance page that contains the agency's current and prior financial and performance reports, as well as information on performance goal definitions and data quality.

The FTC's Strategic Plan reflects consumer and business engagement through objectives and measures that align consumer protection actions with complaint data, consumer and business satisfaction with access and education, and actions taken to maintain competition in merger and nonmerger cases.

In drafting this plan, the FTC held a 30-day public comment period. Staff contacted over 165 stakeholder organizations, as well 12 congressional committees, to encourage stakeholders to provide comments on the plan.

Major Management Priorities and Objectives

The FTC's management objectives are incorporated into Strategic Goal 3: Advance the FTC's performance through excellence in managing resources, human capital, and information technology. This Strategic Plan addresses priorities in areas of human capital management, information technology management and planning, financial and acquisition management, staff emergency preparedness, records management and ethics.

Strategic Goal 1 – Protect Consumers From Unfair and Deceptive Practices In The Marketplace

The FTC protects consumers from unfair and deceptive practices in the marketplace. The FTC conducts investigations, sues companies and people that violate the law, develops rules to protect consumers, and educates consumers and businesses about their rights and responsibilities. The agency also collects complaints about a host of consumer issues, including fraud, identity theft, financial matters, and Do Not Call violations. The FTC makes these complaints available to law enforcement agencies worldwide.

Because the FTC has jurisdiction over a wide range of consumer protection issues in order to carry out its broad mission, it must make effective use of limited resources by targeting its law enforcement and education efforts to achieve maximum impact and by working closely with federal, state, international, and private sector partners in joint initiatives. In addition, the agency engages in dialogue with a variety of stakeholders to understand emerging issues. The FTC also conducts research on a variety of consumer protection topics.

The FTC focuses on investigating and litigating cases that cause or are likely to cause substantial injury to consumers. This includes not only monetary injury, but also, for example, unwarranted health and safety risks. By focusing on practices that are actually harming or likely to harm consumers, the FTC can best use its limited resources.

Evaluations and Research

The FTC continuously evaluates the effectiveness of its efforts to protect consumers. The agency's research and analysis of important and emerging consumer protection issues enhances agency decision making and enables the agency to better protect consumers. This work is done through the Bureau of Consumer Protection and the Bureau of Economics. The FTC assesses the extent to which the consumer complaint and other information made available by the agency is used by FTC staff and our law enforcement partners. The agency evaluates whether enforcement activities are tracking the areas of greatest concern and whether there are new practices or technologies that require additional law enforcement.

- The agency reviews the focus of FTC consumer and business education efforts, determining whether the agency needs to reach new audiences in light of changes in demographics, advertising, and marketing practices, and identifying strategies or partnerships that will allow the FTC to reach those audiences.
- The FTC conducts independent studies and investigations on consumer protection issues associated with new technologies.
- The process for determining the success of our advocacy comments was re-evaluated in FY 2015. The refined process is meant to be more transparent, more consistently applied, and objective.

Strategic Objectives

The FTC has established three objectives to guide work in this area:

- **Objective 1.1** Identify and take actions to address deceptive or unfair practices that harm consumers.
- **Objective 1.2** Provide consumers and businesses with knowledge and tools that provide guidance and prevent harm.
- **Objective 1.3** Collaborate with domestic and international partners to enhance consumer protection.

Objective 1.1 Identify and take actions to address deceptive or unfair practices that harm consumers.

The FTC protects consumers by enforcing Section 5 of the FTC Act, which prohibits unfair or deceptive acts or practices in or affecting commerce, and by enforcing a number of statutes and rules proscribing specific unlawful practices. The FTC's Bureau of Consumer Protection, with the support of the Bureau of Economics, investigates cases and initiates civil enforcement actions, primarily by filing actions in federal court, when there is reason to believe that entities have violated these laws and rules. The FTC's enforcement actions seek injunctions and other relief. The FTC also brings enforcement actions via administrative proceedings.

To fulfill its goal of protecting consumers, the FTC must identify consumer protection issues and trends in the fast-changing, increasingly global marketplace. The agency strives to understand the issues affecting consumers, including any newly emerging methods of fraud, so that it can target its enforcement, education, and advocacy on those areas where consumers suffer the most harm. The FTC leverages its resources by sharing information with, and encouraging other law enforcement authorities to assist it in its efforts, by acting either independently or jointly.

To help ensure that its enforcement, education and advocacy efforts are well-targeted, the Bureau of Consumer Protection works with the Bureau of Economics in evaluating economic harm to consumers as cases and programs are developed.

The agency continues to collect consumer complaint information directly through four principal sources:

- a toll-free helpline (1-877-FTC- HELP)
- an identity theft hotline (1-877-ID-THEFT)
- the National Do Not Call Registry (1-888-382-1222)
- the online consumer complaint forms that support items 1-3, as well as online forms dedicated to complaints from members of the U.S. Armed Forces and to cross-border fraud complaints.

In addition, the FTC continues to gather consumer complaint information from other sources, including national surveys, state and federal law enforcement agencies, Better Business Bureaus, and private entities.

The Consumer Sentinel Network (CSN) is the FTC's secure website that provides more than 2,300 law enforcement users worldwide with access to more than 30 million consumer fraud, identity theft, financial, and Do Not Call Registry complaints collected during the past five years. Every year the FTC publishes a report of the top consumer complaints received.

The FTC recognizes that consumers cannot always identify whether unfair or deceptive practices have occurred. For example, consumers cannot evaluate for themselves the truthfulness of an environmental marketing claim, such as "made with recycled content." The agency, therefore, identifies targets by augmenting its complaint databases with other enforcement leads, such as ad monitoring, Internet "surfs" (monitoring the Internet for potentially false or deceptive advertising for a targeted product or service), evaluation of mobile practices, and direct referrals from government and private sector partners.

Strategies

- The FTC targets law enforcement efforts on violations that cause the greatest amount of consumer harm by reviewing complaints, monitoring practices in the marketplace, and evaluating other information. The FTC and its law enforcement partners mine the CSN database to identify trends and targets, as well as to develop cases against existing targets.
- The FTC stops injury through law enforcement that focuses on preventing fraud and harm to consumers, protecting consumer privacy, monitoring national advertising and new technologies, and suing entities that violate federal court and administrative orders obtained by the FTC.

External Factors

- Complaints are an integral component when determining the areas of greatest concern and injury to consumers. The FTC continually works to increase public awareness of the complaint process to encourage consumers to report fraud, identity theft, Do Not Call Registry violations, and other complaints. Identifying unlawful practices can be impacted by the number of complaints the agency receives. The volume of consumer complaints about marketplace experiences can influence the identification of law enforcement targets, broader trends, and policy concerns.
- The FTC's effectiveness in taking action to protect consumers may be affected by Congressional legislation, budgetary constraints, and staffing needs.
- The increasing costs of litigation, including the costs associated with processing and storing increasingly large amounts of electronic data in investigations and cases, may also affect the number of enforcement actions brought.

Performance Goals

1.1.1 Percentage of the FTC's consumer protection law enforcement actions that targeted the subject of consumer complaints to the FTC.

1.1.2 Rate of customer satisfaction with the FTC's Consumer Response Center.

1.1.3 Total consumer savings compared to the amount of FTC resources allocated to consumer protection law enforcement.

1.1.4 Amount of money returned to consumers or forwarded to the U.S. Treasury resulting from FTC enforcement action.

Objective 1.2 Provide consumers and businesses with knowledge and tools that provide guidance and prevent harm.

Consumer and business education serves as the first line of defense against deception and unfair practices. Well-informed consumers are better able to protect themselves from bad actors in the marketplace and well-informed business owners are less likely to inadvertently violate the law. The agency strives to give consumers the tools they need to make informed decisions and to give business the tools they need to comply with the law. Most FTC law enforcement initiatives include a consumer and/or business education component aimed at preventing consumer injury and unlawful business practices, and mitigating financial losses. The agency also conducts consumer and business education campaigns to raise awareness of new or emerging marketplace issues that have the potential to cause harm.

The FTC has a unique mandate to undertake certain forms of research based on Section 6 of the FTC Act. Under this authority, the FTC gathers, analyzes, and makes public certain information that serves the public interest. The FTC also convenes conferences and workshops through which experts and other experienced and knowledgeable parties identify cutting-edge consumer protection issues and discuss ways to address those issues. The FTC recognizes that stakeholders other than government are at times better placed to address certain consumer protection issues. The agency, therefore, encourages self-regulatory efforts and partners with the private sector to disseminate consumer education content developed by the agency.

Strategies

- The FTC focuses consumer and business education efforts on areas where deception, unfair practices, and information gaps cause the greatest injury. The FTC targets particular demographic groups with print and digital messages about marketplace issues that impact their health, safety, and economic well-being, both online and off. The agency also engages in education and outreach initiatives through multimedia and interactive content.
- The FTC creatively uses new technologies and private and public partnerships to reach new and underserved audiences, particularly those who may not seek information directly from the FTC.
- The FTC will continue to educate consumers about how to avoid identity theft and provide information to those who have become victims of identity theft.
- The FTC will continue to publicize its consumer complaint and identity theft websites and toll-free numbers in an ongoing effort to increase public awareness of its activities and inform the public of ways to contact the FTC to obtain information or file a complaint.
- The FTC will provide small businesses with more education resources to help them understand the law so they can comply with it.
- The FTC monitors the marketplace and technological developments to identify emerging consumer protection issues, holds workshops or conferences to examine these issues, and, where appropriate, issues reports analyzing the issues to provide the public with knowledge and tools to prevent consumer harm.

External Factors

- The FTC faces challenges meeting the demand for educational materials available in print and works to mitigate these issues through judicious use of funding, publication revisions, streamlining the catalog of printed materials, and emphasizing the materials available on the website.
- The financial and staffing resources required for consumer and business education, conferences, workshops, and reports may impact the success of this objective. Budgetary limitations and the increasing costs of litigation may require the FTC to devote fewer resources to this objective.

Performance Goals

1.2.1 Rate of consumer satisfaction with FTC consumer education websites.

1.2.2 Number of workshops and conferences the FTC convened that address consumer protection issues.

1.2.3 Number of consumer protection reports the FTC released.

Objective 1.3 Collaborate with domestic and international partners to enhance consumer protection.

Geographic location and other demographics may affect the types of deceptive and unfair conduct that consumers encounter. It is, therefore, important for governmental and non-governmental organizations to share information and resources to enhance consumer protection. The FTC works with partners in the United States and internationally to address consumer protection challenges, including new and emerging ones.

The FTC promotes consumer protection domestically by partnering with federal and state law enforcement in lawsuits that challenge and stop unlawful practices and seek redress for victims. It also promotes consumer protection through advocacy by filing comments with federal, state, and local government bodies and amicus briefs with the courts.

Because telemarketing and internet fraud, privacy violations, and data security breaches are increasingly cross-border in scope, the FTC routinely cooperates and collaborates with its foreign counterparts to implement broad-based international programs that combine cross-border law enforcement, policy, and technical assistance work.

Strategies

- The FTC leverages resources by working with domestic and international partners in government and the private sector to share information about consumer protection issues.
- The FTC pursues the development of international consumer protection enforcement models or approaches that focus on protecting consumers while maximizing consumer choice and economic benefit.
- The FTC provides technical assistance to countries establishing consumer protection regimes, as well as providing selected foreign officials with an opportunity to work alongside FTC attorneys, investigators, and economists to learn about the FTC's approach to consumer protection enforcement and to promote further cooperation between the countries.
- The FTC actively participates in numerous multinational organizations that engage in enforcement cooperation activities against mass-marketing fraud.

- The FTC provides policy advice to foreign consumer protection agencies through substantive consultations and written comments.
- The FTC targets advocacy activities to encourage federal regulators to ensure proper consumer protections are in place. The FTC's amicus briefs seek to ensure consistent interpretation of the consumer protection statutes in the courts.

External Factors

- When matters involve international targets, evidence, or assets, the FTC has limited control over a number of factors, including the extent to which foreign governments will provide information or cooperate with us on law enforcement matters. In addition, foreign legal rules often prohibit or limit foreign courts from recognizing or enforcing FTC judgments and orders, including asset preservation or collection orders. The FTC uses its US SAFE WEB Act authority to expand its international enforcement efforts and continues its outreach efforts to foreign governments to increase cooperation.
- Domestic advocacy, both to federal regulators and the courts, seeks to influence the decisions made by outside parties, but those decision makers have ultimate control over the outcome, and thus our success rate. The targets of our advocacies often receive pressure from other organizations, which may be making recommendations that are not in line with our own.

Performance Goals

1.3.1 Number of investigations or cases in which the FTC and other U.S. federal, state and local government agencies shared evidence or information that contributed to FTC law enforcement actions or enhanced consumer protection.

1.3.2 Number of investigations or cases in which the FTC obtained foreign-based evidence or information or engaged in other mutual assistance that contributed to FTC law enforcement actions or in which the FTC cooperated with foreign agencies and/or multilateral organizations on enforcement matters.

1.3.3 Number of instances of policy advice or technical assistance provided to foreign consumer protection and privacy agencies, directly and through international organizations.

1.3.4 Percentage of consumer protection advocacy comments and amicus briefs filed with entities including federal and state legislatures, agencies, or courts that were successful, in whole or in part.

Strategic Goal 2 – Maintain Competition to Promote a Marketplace Free From Anticompetitive Mergers, Business Practices, or Public Policy Outcomes

Vigorous competition results in lower prices, higher quality goods and services, and innovative and beneficial new products and services. By enforcing the antitrust laws, the FTC helps to ensure that consumers benefit from competition. The FTC's efforts to maintain competition focus primarily on preventing anticompetitive mergers and business practices. The FTC also engages in policy research and development, advocacy, and education to deter anticompetitive practices, reduce compliance costs, and encourage governmental actors at the federal, state, and local levels to evaluate the effects of their policies on competition and consumers. This work is critical to protect and strengthen free and open markets – the cornerstone of a vibrant economy.

Evaluations and Research

The objectives supporting Strategic Goal 2 align with the FTC's statutory tools to ensure free and open competition in the U.S. marketplace. Accordingly, our objectives focus on our enforcement authority and our advisory responsibilities. To this end, the FTC continuously evaluates the effectiveness of its efforts to maintain and promote competition. After each major litigation effort, the FTC internally evaluates its litigation performance and provides training to staff on lessons learned and best practices for future litigations. The FTC also periodically convenes best practice task forces to streamline the investigative process and reduce the burden imposed by investigations when appropriate. Wherever possible, the FTC's Bureau of Economics conducts retrospective analyses of mergers and other competition issues to determine whether the actions taken enhanced consumer welfare.

Always looking forward, the FTC strives to adapt to the dynamic markets we protect by leveraging the research, advocacy, and education tools at its disposal to improve its understanding of significant antitrust issues and emerging trends in business practices, technology, and markets.

Specific evaluations that were done include:

- In FY 2017, FTC staff released a study examining Commission merger remedies between 2006 and 2012. Based on those findings, the FTC has developed best practices related to the merger remedy process.
- The process for determining the success of the FTC's advocacy comments was re-evaluated in FY 2015. The refined process is more transparent, more consistently applied, and objective.

Strategic Objectives

The FTC has established three objectives to guide work in this area:

- **Objective 2.1** Identify and take actions to address anticompetitive mergers and practices.
- **Objective 2.2** Engage in effective research, advocacy, and stakeholder outreach to promote competition and advance its understanding.
- **Objective 2.3** Collaborate with domestic and international partners to preserve and promote competition.

Objective 2.1 Identify and take actions to address anticompetitive mergers and practices.

Anticompetitive mergers and business practices harm consumers through higher prices and by reducing quality, choices, and innovation, or by thwarting competitors' entry into a market. Enforcement of the antitrust laws provides substantial benefits to consumers by helping to ensure that markets are competitive.

The FTC's Bureaus of Competition and Economics investigate proposed and consummated mergers, as well as business conduct and agreements that may be anticompetitive. The FTC takes enforcement action when it has reason to believe that mergers or conduct will likely harm consumers. The FTC's enforcement tools include federal court and administrative litigation and consent orders that require divestitures or contain cease and desist provisions. In rare cases, the FTC pursues other equitable remedies including the disgorgement of ill-gotten gains where appropriate. In each case, the FTC strives to efficiently address the competitive concerns raised by a proposed merger or business practice and works toward a solution that maintains competition in the marketplace without unduly burdening legitimate business activity.

The Hart-Scott-Rodino (HSR) Premerger Notification Act provides the FTC an opportunity to identify anticompetitive mergers and take action to block or remedy them before they are consummated. The FTC administers the HSR program both for itself and for the Antitrust Division of the Department of Justice (DOJ), which shares authority to challenge anticompetitive mergers. Both for mergers that do not meet the HSR notification requirements and for conduct matters, the FTC relies upon referrals, trade press articles, consumer and competitor complaints, and other means to identify harmful practices that threaten competition.

Strategies

- Investigate potentially anticompetitive mergers and business conduct efficiently using rigorous, economically sound, and fact-based analyses that enhance enforcement outcomes and minimize burdens on business.
- Improve negotiation and litigation skills and refine investigative and decisional tools through continuous learning.
- Negotiate merger and nonmerger consent orders and win litigated orders that have significant remedial, precedential, and deterrent effects.
- Improve compliance with consent decrees and orders and with HSR reporting obligations.
- Provide transparency in the decision-making process, through comment periods, press releases, policy guidance, and analyses to aid public comment, and ensure existing guidance is up-to-date.
- Conduct market research, including evaluating the effectiveness of merger and conduct remedies, to inform future enforcement efforts.

External Factors

- The dynamism of our economic, technological, and legislative environments plays a direct role in the Commission's ability to achieve success under this objective. Evolving technologies, automation, and intellectual property issues continue to increase the complexity of antitrust investigations and litigation. This complexity, coupled with fluctuations in merger activity and complaints of potentially harmful business conduct sometimes lead to financial and personnel

resource limitations. The Commission will continue is efforts to identify best practices and other investigatory efficiencies to alleviate these potential resource limitations.

- Additionally, the ever-evolving legislative landscape, both with respect to federal and state antitrust enforcement authority will likely directly impact the Commission's ability to challenge anticompetitive mergers and business conduct. The FTC will continue to use its advocacy and educations tools to ensure that commission maintains the necessary tools for effective antitrust enforcement.

Performance Goals

2.1.1 Percentage of full merger and nonmerger investigations in which the FTC takes action to maintain competition.

2.1.2 Consumer savings through merger actions taken to maintain competition.

2.1.3 Total consumer savings compared to the amount of FTC resources allocated to the merger program.

2.1.4 Consumer savings through nonmerger actions taken to maintain competition.

2.1.5 Total consumer savings compared to the amount of FTC resources allocated to the nonmerger program.

Objective 2.2 Engage in effective research, advocacy, and stakeholder outreach to promote competition and advance its understanding.

The FTC has a unique mandate to undertake certain forms of research using Section 6 of the FTC Act and the historical report-writing activity of its predecessor entity, the Bureau of Corporations. Under this authority, the FTC gathers, analyzes, and makes public certain information concerning the nature of competition as it affects U.S. commerce. The FTC uses this authority to enhance consumer welfare by holding public hearings, convening conferences and workshops, conducting economic studies on competition issues of significant public importance, and issuing reports of its findings. The agency also uses the information it collects to refine its theoretical economic framework for analyzing competition issues and understanding industry practices, and to help the FTC respond effectively to changing marketplace conditions. This information also contributes to a better understanding of business practices and their competitive and economic implications, providing guidance to the business sector, the legal community, other enforcement authorities, the judiciary, and governmental decision makers and policymakers at the federal, state, and local levels.

The FTC also promotes competition through advocacy and education. In its advocacy work, the FTC files comments and amicus briefs with federal, state, and local government bodies and encourages them to consider the effect their proposed actions will have on competition, and consequently consumers. The FTC also has a mandate to educate consumers and businesses about competition law and policy. Informing businesses and their legal advisers about potential antitrust violations deters anticompetitive mergers and anticompetitive business practices and reduces businesses' cost of compliance. Educating consumers about their rights and their ability to bring violations to the FTC's attention reduces the cost of identifying anticompetitive conduct. Providing consumers and businesses with information about how antitrust enforcement benefits

the common good can also encourage cooperation with FTC investigations and strengthen enforcement actions.

Strategies

- Improve the agency's understanding of various practices and developments in the marketplace by conducting public hearings, conferences, and workshops that bring together interested parties and conducting economic research on these issues. Utilize the information gathered to inform the agency's enforcement agenda. Improve the dissemination of material gathered through hearings, conferences, and workshops.
- Target advocacy activities to encourage state and federal government policymakers to evaluate the competitive implications of their existing and proposed policies, emphasizing the impact on consumers of policies that unnecessarily restrict competition.
- Increase transparency of the agency's decision-making by ensuring that the content of complaints, press releases, and analyses to aid public comment explain in sufficient detail and with sufficient clarity the evidence and theory of a case, within the constraints of confidentiality requirements. Expand the use of other public statements to improve the public's understanding of the FTC's enforcement policies and the benefits of competition.

External Factors

- Financial and personnel resource limitations, driven primarily by the costs of litigation, may reduce resources available for this objective.
- Domestic advocacy, whether to state legislators or regulators, federal regulators, or the courts, seeks to influence decisions made by outside parties. Those decision makers have ultimate control over the outcome, and thus our success rate. The targets of our advocacies often receive pressure from other organizations, which may be making recommendations that are not in line with our own.

Performance Goals

2.2.1 Number of workshops, seminars, conferences, and hearings convened or co-sponsored that involve significant competition related issues.

2.2.2 Number of reports and studies the FTC issued on key competition related topics.

2.2.3 Percentage of competition advocacy matters filed with entities including federal and state legislatures, agencies, or courts that were successful, in whole or in part.

Objective 2.3 Collaborate with domestic and international partners to preserve and promote competition.

The FTC continues to build cooperative relationships with domestic and foreign antitrust agencies to ensure close collaboration on cases and convergence toward sound competition policies. On the domestic front, the FTC seeks to collaborate with other agencies and the state attorneys general to obtain the best results and maximize the use of limited resources in the enforcement of the U.S. antitrust laws.

Cooperation with competition agencies of other jurisdictions is a key component to an effective FTC competition enforcement program. With over 130 antitrust enforcers worldwide, it is critical that everyone work together to ensure that the international competition law system functions coherently and effectively. To accomplish this, the FTC builds strong bilateral relations

with foreign counterparts and takes a lead role in multilateral fora to promote case enforcement cooperation and convergence toward sound competition policies. This work helps protect U.S. interests by encouraging systems that apply standards to transactions and conduct affecting the global marketplace that are consistent with U.S. and worldwide best practices.

Strategies

- Work more extensively within the U.S. government inter-agency process and with other domestic government entities to support the FTC's efforts to promote market-based competition and policy convergence.
- Broaden and deepen our cooperation with foreign competition agencies on antitrust matters that are subject to concurrent review to improve the effectiveness of investigations and promote consistent outcomes.
- Promote policy convergence toward sound and effective antitrust enforcement internationally by working with a greater number of foreign competition agencies, including bilaterally through substantive consultations, written comments, and the provision of technical advice, and, multilaterally, by taking leadership roles in multilateral and regional organizations.
- Provide technical assistance to countries that are establishing competition regimes. Provide selected foreign officials with an opportunity to work alongside FTC attorneys, economists, and investigators to enhance their capacity to develop and implement sound competition policy and enforcement.
- Provide policy advice to foreign competition agencies through substantive consultations and written comments.

External Factors

- The development of competition policy involves numerous stakeholders, political considerations, and economic factors. Today, more than 130 governments enforce various sets of competition laws, and these different antitrust enforcement authorities increasingly overlap and intersect. Foreign policy and political considerations that are outside the scope of competition policy may also play a role. These factors can impact U.S. enforcement actions.
- The ability to conduct international technical assistance depends in part on the availability of external resources, support of U.S. embassies abroad, and the willingness of foreign governments to accept U.S. assistance.

Performance Goals

2.3.1 Percentage of FTC cases involving at least one substantive contact with a foreign antitrust authority in which the agencies followed consistent analytical approaches and reached compatible outcomes.

2.3.2 Number of instances in which the FTC provided policy advice or technical assistance to foreign competition agencies or governments, directly and through international organizations.

Strategic Goal 3 – Advance the FTC's Performance Through Excellence in Managing Resources, Human Capital, and Information Technology

The FTC believes that advancing organizational performance at all levels creates a strong foundation for overall mission success. The agency's work in Strategic Goal 3 highlights ongoing efforts to provide quality and timely services to the agency and enhances the agency's ability to focus on protecting consumers and maintaining competition.

Goal 3: Advance the FTC's performance through excellence in managing resources, human capital, and information technology, is inherently collaborative, and encompasses key management areas in the FTC: human capital, infrastructure and security, information technology resources, and financial management. A new objective has been added to Goal 3 to further address information and technology management as critical support functions at the FTC. Work in Goal 3 fosters leadership, transparency, and accountability across the agency and establishes a culture of customer service and effective planning, administration, and management. Employees at all levels are expected to show leadership in their areas of responsibility by exhibiting a willingness to develop and coach others, a commitment to teamwork, and a drive to find innovative and efficient solutions.

Evaluations and Research

The FTC rigorously reviews its management functions. With respect to financial management, the FTC's financial statements are audited annually, which encompasses a thorough overview of the agency's financial position and various transactions throughout the fiscal year. With respect to cybersecurity, annual government-wide Federal Information Security Modernization Act (FISMA) reviews are conducted, and the agency reviews and acts on any areas that need improvement. With respect to human capital management, reviews are essential for hiring, managing, training and retaining talented and high performing employees. To that end, FTC regularly evaluates and acts on its human capital programs via Office of Personnel Management (OPM) audits and assessments, Equal Employment Opportunity Commission (EEOC) reviews, and internal pulse and customer satisfaction surveys. In addition, results from OPM's Federal Employee Viewpoint Survey, provide important data on employee engagement, sense of inclusion, dedication to the FTC mission, and commitment to personal accountability.

Specific evaluations that were done include:

- In FY 2017, the FTC initiated an Enterprise Risk Management (ERM) program to assess risks systematically across major program areas. ERM assesses the full spectrum of the agency's risks related to achieving its strategic objectives using the agency Strategic Plan. The result of the assessment will be provided to agency leadership with a portfolio view of risk to help inform decision-making.
- In FY 2017, the OIG performed its most recent annual FISMA review, an evaluation of the FTC's information security program and practices. The evaluation found that FTC information security and privacy programs provided adequate and reasonable controls to protect FTC information assets. Four key areas for improvement were identified.

- In FY 2016, the OIG performed an evaluation of the FTC's information technology governance practices. The evaluation found that while the Governance Program is improving, there remain significant opportunities to accelerate maturation of the Program. The report makes 15 recommendations to this end. The FTC agreed with the recommendations and is implementing processes and procedures that will improve the areas of governance, acquisition planning, employee suitability determination, and information systems and network security.

Strategic Objectives

The FTC has established three objectives to guide work in this area:

- **Objective 3.1** Optimize resource management and infrastructure.
- **Objective 3.2** Cultivate a high-performing, diverse, and engaged workforce.
- **Objective 3.3** Optimize technology and information management that supports the FTC mission.

Objective 3.1 Optimize resource management and infrastructure.

The creation, modernization, and maintenance of physical and financial resources and infrastructure not only provides for a safe, secure, and efficient workplace but also helps the agency to achieve its mission and respond to, and anticipate, future agency needs. These efforts span several FTC offices and functions.

The FTC is committed to ensuring that processes and procedures are in place and tested so that, in the event of an emergency, people and property are protected and that the agency can continue to execute essential mission requirements.

The FTC believes in the importance of accountability and transparency, as shown through resource stewardship and financial oversight activities. The work in this area covers a wide range of administrative and operational efforts, such as formulating and executing the agency budget, managing acquisition activities, overseeing the internal control program, managing accounting operations, spearheading audit resolution, and ensuring compliance with financial management laws and regulations.

The FTC has launched an internal control and risk management office to establish, maintain, and monitor internal controls and assess risk. These measures have the purpose of ensuring: (1) obligations and costs are in compliance with applicable laws; (2) assets are safeguarded against waste, loss, unauthorized use, or misappropriation; (3) and agency revenues and expenditures are properly recorded and accounted to permit the preparation of reliable financial performance reports and to maintain accountability over the assets.

Procurement Action Lead Time (PALT) is a widely-used government measurement that estimates the number of days to award a procurement action, once a complete procurement package has been received. At the FTC, PALT will provide estimated processing timeframes for our customers as well as measure the Acquisitions Division's performance against those standards.

The FTC believes in the importance of accountability, transparency, and ensuring its employees meet all of their ethical obligations. Transparency is a critical part of government ethics, and Congress has determined that the citizens should know their leaders' financial interests. The Ethics in Government Act imposes detailed requirements for public financial disclosure by senior

United States Government officials. The purpose of these requirements is to assist employees and their agencies in avoiding conflicts between duties and private financial interests or affiliations.

Strategies

- Continue to update its Continuity of Operations Plan (COOP), which defines the necessary planning and actions that are required to ensure the preservation and performance of FTC mission essential functions.
- Set up a training program for Emergency Preparedness that will include various training formats as well as the e-Train system. Training will be encouraged and emphasized through a robust communication plan that will include making sure that people know what they should do to be safe as well as informing them about how they can best prepare themselves for emergencies. Additionally, FTC will emphasize drills and activities that provide employees the opportunity to practice proper emergency response procedures.
- Improve the effectiveness and efficiency of the FTC's financial management operations, including critical procurement-related work. Building on the successful integration of the procurement and core financial systems, the FTC plans to automate how the agency receives and pays for services. This complete financial management system will strengthen the agency's internal controls, improve efficiency of the end-to-end procure-to-pay process, and provide agency staff with timely information regarding budget execution and the availability of funds.
- Improve our Procurement Action Lead Time (PALT), a widely-used government measurement that estimates the number of days to award a procurement action, once a complete procurement package has been received.
- Ensure timely filing of financial disclosure reports through improved tracking and communication.

External Factors

- The FTC continues to partner with the Department of the Interior's Interior Business Center (IBC) to host the agency's core financial system and make payments. FTC is one of many IBC customers, and system upgrades or future mandatory requirements mean the agency must follow IBC's lead.
- Changes in government requirements, especially for financial management, may cause a shift in priorities or change how the FTC approaches the work.

Performance Goals

3.1.1 The extent to which the FTC is prepared to protect people and property and to continue mission essential operations during emergencies.

3.1.2 Percentage of survey respondents who are satisfied or very satisfied with the timeliness of administrative operations.

3.1.3 Achieve a favorable (unmodified) audit opinion from the agency's independent financial statement auditors.

3.1.4 Percentage of new entrant, annual, and termination Public Financial Disclosure Reports that are filed within the required timeframe.

3.1.5 Percentage of contract actions awarded within FTC's established Procurement Action Lead Time.

Objective 3.2 Cultivate a high performing, diverse, and engaged workforce.

The FTC's workforce is its greatest asset. The FTC works to ensure the presence of the right talent in the right positions at the right time to meet the challenges of the 21st century. This objective also captures efforts to tap into the rich resources of the global community and ensure fairness in the workplace. By attracting, developing, motivating, and retaining a high performing, diverse, inclusive, and engaged workforce, the FTC advances organizational performance. By having a workforce that looks like and draws from the consumers it protects, the FTC strengthens its ability to meet its mission.

The FTC uses the Federal Employee Viewpoint Survey administered by OPM to measure success in this objective. The survey focuses on employees' perceptions of critical areas of their work life and workforce management, and measures factors that influence whether employees want to join, stay, and help their agency meet its mission. The FTC uses an integrated approach to link human capital programs and policies to agency mission, goals, and strategies and to provide continuous improvement in efficiency and effectiveness.

In addition, the FTC uses Management Directive 715 (MD-715) submitted by the agency to the U.S. Equal Employment Opportunity Commission on an annual basis. MD-715 is a tool for agencies to use to ensure that all workers are competing on a fair and level playing field and have the opportunity to achieve their fullest potential.

Strategies

- Use integrated workforce planning to identify and fulfill current and future human capital needs to carry out the agency's mission and implementing programs and processes to enable us to recruit, develop, and retain a highly qualified and diverse workforce.
- Strive to create an agency-wide performance culture that focuses on individual and organizational accountability toward achieving the FTC's programmatic goals and priorities. The agency also seeks to achieve this objective by providing quality training and outreach to staff.

External Factors

- Funding levels in a constrained budget environment, as well as delays in annual appropriations, have the potential to adversely affect implementation of human capital strategies and programs.
- Changes in the economy have a direct impact on our agency's ability to attract and retain its workforce. Good job markets have led staff to seek higher-paying opportunities in other higher paying agencies or to jobs outside the Federal sector.
- Like many other high-performing agencies, FTC must continuously evaluate its human capital strategies and plans, and embrace the changes required to attract, develop, engage and retain a 21st century work force.

Performance Goals

3.2.1 The extent to which FTC employees consider their agency to be a best place to work.

3.2.2 The extent to which employees believe the FTC encourages a culture that is open, diverse, and inclusive.

3.2.3 The extent to which employees believe the FTC cultivates engagement throughout the agency.

3.2.4 The extent to which employees believe FTC management promotes a results-oriented performance culture.

Objective 3.3 Optimize technology and information management that supports the FTC mission.

Successful accomplishment of the FTC mission is increasingly dependent on IT systems and services. FTC staff relies on the agency's IT systems to manage the high volume of information gathered as part of the agency's mission, and to comply with mandates concerning the preservation and handling of agency records. The FTC must invest in IT services that will improve the user experience, allowing the agency to manage increasing data volumes effectively while meeting regulatory obligations.

An enterprise architecture-based approach will be used to modernize FTC's IT capabilities, eliminating outdated systems and utilizing cloud-based solutions when practicable. By properly assessing the future IT landscape, FTC can take advantage of emerging IT services while ensuring a clear focus on FTC mission objectives.

The FTC must continue to address the challenges of meeting the government-wide FISMA requirements. This legislation mandates that information and information systems must be protected from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide integrity, confidentiality and availability.

The FTC is also committed to effective and efficient management of information resources, and is transitioning to managing most information resources electronically. This transition will enable staff to perform their work more efficiently, facilitate public access, and protect sensitive information from inappropriate access.

Strategies

- Execute a unified IT Modernization Program to ensure all IT initiatives are strategically aligned, and reduce cost of commodity IT services through cloud-based and shared solutions, redirecting savings to mission-focused litigation support solutions.
- Use government-wide acquisition contracts (GWAC) and secure cloud providers to reduce cost and speed implementation of modernization efforts.
- Focus on security, documentation, and process improvements necessary to advance the FISMA maturity of the FTC.
- Improve agency IT services by creating resilient and available services, consolidating the management, increasing utilization of IT resources, and investing in new technologies to advance the FTC's mission.

- Continue the transition to electronic information resource management and electronic record-keeping, and manage FTC records in accordance with the Managing Government Records Directive M-12-18.
- Implement an Enterprise Content Management (ECM) system to allow staff to do their work in a collaborative environment and to manage information throughout its lifecycle.

External Factors

- The ability to make significant technology investments, including investments in an ECM system, may be affected by resource constraints.
- Federal mandates and guidance may limit available information management solutions and delay cloud-based modernization efforts.
- Evolving information security threats will affect IT modernization efforts and FTC's overall risk posture. FTC will continue to mature its processes and documentation surrounding information security and risk management to monitor and mitigate risks associated with IT modernization efforts as part of a comprehensive IT risk management program. FTC will also continue to standardize security controls across systems to decrease complexity and risk.

Performance Goals

3.3.1 Availability of information technology systems.

3.3.2 Percentage of IT spend on provisioned IT services.

3.3.3 Achieve a favorable FTC Cybersecurity Index score.

3.3.4 Percentage of permanent records that are managed electronically.

Appendix of Performance Goals

indicates Key Performance Goal

Goal 1 - Protect consumers from unfair and deceptive practices in the marketplace

Objective 1.1 Identify and take actions to address deceptive or unfair practices that harm consumers.

1.1.1	Percentage of the FTC's consumer protection law enforcement actions that targeted the subject of consumer complaints to the FTC.
1.1.2	Rate of customer satisfaction with the FTC's Consumer Response Center.
1.1.3	Total consumer savings compared to the amount of FTC resources allocated to consumer protection law enforcement.
1.1.4	Amount of money returned to consumers or forwarded to the U.S. Treasury resulting from FTC enforcement action.

Objective 1.2 Provide consumers and businesses with knowledge and tools that provide guidance and prevent harm.

1.2.1	Rate of consumer satisfaction with FTC consumer education websites.
1.2.2	Number of workshops and conferences the FTC convened that address consumer protection issues.
1.2.3	Number of consumer protection reports the FTC released.

Objective 1.3 Collaborate with domestic and international partners to enhance consumer protection.

1.3.1	Number of investigations or cases in which the FTC and other U.S. federal, state and local government agencies shared evidence or information that contributed to FTC law enforcement actions or enhanced consumer protection.
1.3.2	Number of investigations or cases in which the FTC obtained foreign-based evidence or information or engaged in other mutual assistance that contributed to FTC law enforcement actions, or in which the FTC cooperated with foreign agencies and/or multilateral organizations on enforcement matters.
1.3.3	Number of instances of policy advice or technical assistance provided to foreign consumer protection and privacy agencies, directly and through international organizations.
1.3.4	Percentage of consumer protection advocacy comments and amicus briefs filed with entities including federal and state legislatures, agencies, or courts that were successful in whole or in part.

Goal 2 – Maintain competition to promote a marketplace free from anticompetitive mergers, business practices, or public policy outcomes

Objective 2.1 Identify and take actions to address anticompetitive mergers and practices.

2.1.1	Percentage of full merger and nonmerger investigations in which the FTC takes action to maintain competition.
2.1.2	Consumer savings through merger actions taken to maintain competition.
2.1.3	Total consumer savings compared to the amount of FTC resources allocated to the merger program.
2.1.4	Consumer savings through nonmerger actions taken to maintain competition.
2.1.5	Total consumer savings compared to the amount of FTC resources allocated to the nonmerger program.

Objective 2.2 Engage in effective research, advocacy, and stakeholder outreach to promote competition and advance its understanding.

2.2.1	Number of workshops, seminars, conferences, and hearings convened or co-sponsored that involve significant competition-related issues.
2.2.2	Number of reports and studies the FTC issued on key competition-related topics.
2.2.3	Percentage of competition advocacy comments and advocacy briefs filed with entities including federal and state legislatures, agencies, or courts that were successful, in whole or in part.

Objective 2.3 Collaborate with domestic and international partners to preserve and promote competition.

2.3.1	Percentage of FTC cases involving at least one substantive contact with a foreign antitrust authority in which the agencies followed consistent analytical approaches and reached compatible outcomes.
2.3.2	Number of instances in which the FTC provided policy advice or technical assistance to foreign competition agencies or government, directly and through international organizations.

Goal 3 – Advance the FTC's performance through excellence in managing resources, human capital, and information technology

Objective 3.1 Optimize resource management and infrastructure.

3.1.1	The extent to which the FTC is prepared to protect people and property and to continue mission essential operations during emergencies.
3.1.2	Percentage of survey respondents who are satisfied or very satisfied with the timeliness of administrative operations.
3.1.3	Achieve a favorable (unmodified) audit opinion from the agency's independent financial statement auditors.
3.1.4	Percentage of new entrant, annual, and termination Public Financial Disclosure Reports that are filed within the required timeframe.
3.1.5	Percentage of contract actions awarded within FTC's established Procurement Action Lead Time.

Objective 3.2 Cultivate a high-performing, diverse, and engaged workforce.

3.2.1	The extent to which FTC employees consider their agency to be a best place to work.
3.2.2	The extent to which employees believe the FTC encourages a culture that is open, diverse, and inclusive.
3.2.3	The extent to which employees believe the FTC cultivates engagement throughout the agency.
3.2.4	The extent to which employees believe FTC management promotes a results-oriented performance culture.

Objective 3.3 Optimize technology and information management that supports the FTC mission.

3.3.1	Availability of information technology systems.
3.3.2	Percentage of IT spend on Provisioned IT Services.
3.3.3	Achieve a favorable FTC Cybersecurity Index score.
3.3.4	Percentage of permanent records that are managed electronically.

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