



# Federal Trade Commission Annual Performance Report for Fiscal Year 2021 and Annual Performance Plan for Fiscal Years 2022 to 2023





# Table of Contents

- Introduction . . . . . 1
- Annual Performance Report for FY 2021 . . . . . 3
  - Strategic Goal 1: Protect Consumers From Unfair and Deceptive Practices in the Marketplace. . . . . 8
  - Strategic Goal 2: Maintain Competition to Promote a Marketplace Free From Anticompetitive Mergers, Business Practices, or Public Policy Outcomes . . . . . 23
  - Strategic Goal 3: Advance the FTC’s Performance Through Excellence in Managing Resources, Human Capital, and Information Technology . . . . . 35
- Comparing the FY 2018-2022 FTC Strategic Plan to the FY 2022-2026 FTC Strategic Plan . . . . . 47
- Annual Performance Plan FYs 2022-2023 . . . . . 55
  - Strategic Goal 1: Protect the Public From Unfair or Deceptive Acts or Practices in the Marketplace . . . 59
  - Strategic Goal 2: Protect the Public from Unfair Methods of Competition in the Marketplace and Promote Fair Competition . . . . . 68
  - Strategic Goal 3: Advance the FTC’s Effectiveness and Performance. . . . . 76



# Introduction

## About the Annual Performance Report FY 2021

Beginning in FY 2014, the Federal Trade Commission (FTC) combined the Annual Performance Report and the Annual Performance Plan into a single document. The performance report and the performance plan are organized by strategic goal and objective as defined by the FTC Strategic Plan. FY 2021 was a transition year as Federal agencies reviewed and updated their Strategic Plans in view of a new Presidential administration and as required by the GPRA Modernization Act of 2010. As a result, the FTC Annual Performance Plan FY 2022-2023 and the Annual Performance Report FY 2021 are based on two separate Strategic Plans. The Annual Performance Report FY 2021 (Section II) is organized by strategic goal and objective as defined in the Agency Strategic Plan for Fiscal Years 2018 to 2022. The Annual Performance Plan FY 2022-2023 (Section III) is organized by strategic goal and objective as defined in the recently updated FTC Strategic Plan for Fiscal Years 2022 to 2026.

To see the FTC's planning and performance documents, please view <https://www.ftc.gov/about-ftc/budget-strategy>.

## Agency and Mission Information

The FTC works to protect and strengthen free and open markets and to promote informed consumer choice, both in the United States and around the world. While the FTC is primarily a law enforcement agency, the FTC also uses a variety of other tools to fulfill its mission, including rule making, research, studies on marketplace trends and legal developments, and consumer and business education.

### Agency Mission, Vision, and Goals (FY 2022-2026)

- **Mission Statement:** Protecting the public from deceptive or unfair business practices and from unfair methods of competition through law enforcement, advocacy, research, and education.
- **Vision Statement:** A vibrant economy fueled by fair competition and an empowered, informed public.
- **Strategic Goal 1:** Protect the public from unfair or deceptive acts or practices in the marketplace.
- **Strategic Goal 2:** Protect the public from unfair methods of competition in the marketplace and promote fair competition.
- **Strategic Goal 3:** Advance the FTC's effectiveness and performance.

### Our Organization

The FTC works to promote fair and open markets and protect the entire American public from unfair or deceptive business practices. While primarily a law enforcement agency, the FTC uses a variety of other tools to fulfill its mission, including rulemaking, research, studies on marketplace trends and legal developments, public outreach and engagement, and consumer and business education.

The FTC is an independent agency that reports to the President and to Congress on its actions on behalf of the American public. These actions include:

- Pursuing vigorous and effective law enforcement
- Advancing consumers' interests by sharing expertise with Congress, state legislatures, and U.S. and international agencies
- Developing policy and research tools through hearings, workshops, and conferences
- Creating practical, plain language educational programs and materials for broad, diverse communities of consumers and businesses in a global marketplace with constantly changing technologies

- Disseminating information about the Commission’s activities to the public to foster understanding, accountability, public participation, and transparency.

The FTC has a more than 100-year history of working to maintain a competitive marketplace for both consumers and honest businesses. In 1914, President Woodrow Wilson signed the Federal Trade Commission Act into law, creating the FTC. When the FTC was created, its purpose was to prevent unfair methods of competition in commerce as part of the battle to “bust the trusts.” Over the years, Congress passed additional laws giving the agency greater authority over anticompetitive practices.

Congress, in 1938, 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 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 seven-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 Opportunity and Workplace Inclusion, the Office of the Inspector General, the Office of the Chief Privacy Officer, and eight regional offices across the country.

The FTC’s workforce is its greatest asset. At the end of FY 2021, the agency’s workforce had 1123 civil service employees dedicated to carrying out the agency’s mission

### **Performance Measurement Reporting Process**

Bureau and office representatives serve as the Performance Measure Reporting Officials (PMRO), who act as data stewards for each of the agency’s publicly reported performance metrics. The PMROs report performance data to the Performance Improvement Officer on a quarterly or annual basis via an internal data reporting tool. The Financial Management Office (FMO) also leads periodic performance metric reviews in coordination with budget execution reviews. Quarterly reports are sent to senior managers throughout the agency, allowing for adjustments to agency strategies based on the interim results.

### **Verification and Validation of Performance Data**

The following outlines how the agency ensures the performance information it reports is complete, reliable, and accurate:

- The FTC has adopted a central internal repository for performance data entry, reporting, and review. The electronic data tool reduces human error, increases transparency, and facilitates review of the agency’s performance information.
- Each PMRO is responsible for updating the data quality appendix (DQA) at least once per year. The DQA serves as a process document, laying out data sources, and collection methods for performance information, as well as how metrics are calculated.
- PMROs must provide all supporting documentation for their performance results at both the midpoint and end of the fiscal year. This allows FMO Performance Staff to “dig beneath the surface” and see the data underlying the metrics.
- After reviewing the underlying data, several metrics are selected each year to investigate more thoroughly, including interviewing the staff responsible for data collection, asking about alternative methods, and comparing data collection and calculations to those reported in the DQA.



# Annual Performance Metrics FYs 2016 to 2021

	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target
<b>Goal 1: Protect consumers from unfair and deceptive practices in the marketplace.</b>							
<b>Objective 1.1: Identify and take actions to address deceptive or unfair practices that harm consumers.</b>							
<b>Metric 1.1.1</b> Percentage of the FTC’s consumer protection law enforcement actions that targeted the subject of consumer complaints to the FTC.	91.2%	94.4%	89.6%	87.8%	90.5%	85.2%	80.0%
<b>Metric 1.1.2</b> Rate of customer satisfaction with the FTC’s Consumer Response Center. (A)Website (B)Call Center	(A) 81 (B) 83	(A) 80 (B) 84	(A) 80.3 (B) 85	(A) 81.2 (B) 84	(A) 82.5 (B) 84	(A)83.3 (B) 84	average satisfaction rate for websites/call centers (A) 73.1 in FY21 (B)73.1 in FY21
<b>Metric 1.1.3</b> Total consumer savings compared to the amount of FTC resources allocated to consumer protection law enforcement.	\$8.80 in consumer savings per \$1 spent	\$35.20 in consumer savings per \$1 spent	\$39.00 in consumer savings per \$1 spent	\$38.60 in consumer savings per \$1 spent	\$14.40 in consumer savings per \$1 spent	\$13.00 in consumer savings per \$1 spent	\$7.00 consumers savings per \$1 spent
<b>Metric 1.1.4</b> Amount of money the FTC returned to consumers or forwarded to the U.S. Treasury resulting from FTC enforcement action.	\$95.2 million	\$2.69 billion	\$3.25 billion	\$3.52 billion	\$2.79 billion	\$2.39 billion	\$65 million
<b>Objective 1.2 Provide consumers and businesses with knowledge and tools that provide guidance and prevent harm.</b>							
<b>Metric 1.2.1</b> Rate of consumer satisfaction with FTC consumer education websites.	76	77	76.5	77.7	76.2	72.9	average satisfaction rate for websites 74.6 in FY21
<b>Metric 1.2.2</b> Number of workshops and conferences the FTC convened that address consumer protection issues.	12	19	11	12	13	12	10
<b>Metric 1.2.3</b> Number of consumer protection reports the FTC released.	8	10	18	11	23	13	10
<b>Objective 1.3 Collaborate with domestic and international partners to enhance consumer protection.</b>							
<b>Metric 1.3.1</b> 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.	387	359	369	453	551	505	375
<b>Metric 1.3.2</b> 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.	53	50	43	48	42	39	32



	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target
<b>Metric 1.3.3</b> Number of instances of policy advice or technical assistance provided to foreign consumer protection and privacy agencies, directly and through international organizations.	53	66	64	71	60	63	60
<b>Metric 1.3.4</b> Percentage of consumer protection advocacy matters filed with entities, including federal and state legislatures, agencies, or courts that were successful, in whole or in part.	85.7%	85.7%	*	*	*	*	60.0%
<b>Goal 2: Maintain competition to promote a marketplace free from anticompetitive mergers, business practices, or public policy outcomes</b>							
<b>Objective 2.1 Identify and take actions to address anticompetitive mergers and practices.</b>							
<b>Metric 2.1.1</b> Percentage of full merger and nonmerger investigations in which the FTC takes action to maintain competition.	54.6%	49.1%	67.9%	62.9%	77.1%	67.9%	Between 50.0% and 80.0%
<b>Metric 2.1.2</b> Consumer savings through merger actions taken to maintain competition.	\$2.59 billion	\$2.59 billion	\$2.66 billion	\$3.09 billion	\$1.78 billion	\$1.64 billion	\$1.5 billion
<b>Metric 2.1.3</b> Total consumer savings compared to the amount of FTC resources allocated to the merger program.	\$46.40 in consumer savings per \$1 spent	\$55.60 in consumer savings per \$1 spent	\$50.30 in consumer savings per \$1 spent	\$65.90 in consumer savings per \$1 spent	\$25.70 in consumer savings per \$1 spent	\$27.00 in consumer savings per \$1 spent	\$35.00 in consumer savings per \$1 spent
<b>Metric 2.1.4</b> Consumer savings through nonmerger actions taken to maintain competition.	\$1.02 billion	\$1.12 billion	\$1.10 billion	\$1.77 billion	\$901.1 million	\$1.13 billion	\$900 million
<b>Metric 2.1.5</b> Total consumer savings compared to the amount of FTC resources allocated to the nonmerger program.	\$52.30 in consumer savings per \$1 spent	\$39.60 in consumer savings per \$1 spent	\$40.10 in consumer savings per \$1 spent	\$75.80 in consumer savings per \$1 spent	\$45.95 in consumer savings per \$1 spent	\$46.00 in consumer savings per \$1 spent	\$35.00 in consumer savings per \$1 spent
<b>Objective 2.2 Engage in effective research, advocacy, and stakeholder outreach to promote competition and advance its understanding.</b>							
<b>Metric 2.2.1</b> Number of workshops, seminars, conferences, and hearings convened or co-sponsored that involve significant competition-related issues.	3	3	7	11	4	2	3
<b>Metric 2.2.2</b> Number of reports and studies the FTC issued on key competition-related topics.	9	11	9	4	7	8	
<b>Metric 2.2.3</b> Percentage of competition advocacy matters filed with entities including federal and state legislatures, agencies, or courts that were successful, in whole or in part.	64.7%	58.6%	*	*	*	*	60.0%

	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target
<b>Objective 2.3 Collaborate with domestic and international partners to preserve and promote competition.</b>							
<b>Metric 2.3.1</b> 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.	100%	96%	98%	100%	100%	100%	95%
<b>Metric 2.3.2</b> Number of instances in which the FTC provided policy advice or technical assistance to foreign competition agencies or government.	171	160	151	165	155	117	130
<b>Goal 3: Advance the FTC's performance through excellence in managing resources, human capital, and information technology.</b>							
<b>Objective 3.1 Optimize resource management and infrastructure.</b>							
<b>Metric 3.1.1</b> The extent to which the FTC is prepared to protect people and property, and to continue mission essential operations during emergencies.  (A) Achieve a favorable COOP rating.  (B) The number of products and activities related to Physical Security that inform staff and provide opportunities to practice emergency procedures.	(A) 90% (B) N/A	(A) 95% (B) N/A	(A) 95% (B) 39	(A) 95% (B) 70	(A) COOP exercise cancelled (B) 115	(A) COOP exercise cancelled (B) 74	(A) 85% (B) 42
<b>Metric 3.1.2</b> Percentage of survey respondents who are satisfied with the timeliness of administrative operations.	N/A	81%	82%	87%	78%	81%	75%
<b>Metric 3.1.3</b> Achieve a favorable (unmodified) audit opinion from the agency's independent financial statement auditors.	Unmodified opinion	Unmodified opinion	Unmodified opinion	Unmodified opinion	Unmodified opinion	Unmodified opinion	Unmodified opinion
<b>Metric 3.1.4</b> Percentage of new entrant, annual, and termination Public Disclosure Reports that are filed within the required timeframe.	N/A	N/A	98.3%	98.4%	95.1%	98.5%	95.0%
<b>Metric 3.1.5</b> Percentage of contract actions awarded within FTC's established Procurement Action Lead Time.	78%	65%	57%	67%	89%	94.6%	75%
<b>Objective 3.2 Cultivate a high-performing, diverse, and engaged workforce.</b>							
<b>Metric 3.2.1</b> The extent to which FTC employees consider their agency a best place to work.	81%	83%	85%	84%	89%	60%	74% (FY21 results 64%)
<b>Metric 3.2.2</b> The extent to which employees believe the FTC encourages an environment that is open, diverse, and inclusive.	75%	78%	78%	78%	**	**	Exceed government-wide average by 10 points
<b>Metric 3.2.3</b> The extent to which employees believe the FTC cultivates engagement throughout the agency.	82%	83%	83%	84%	87%	74%	81% (FY 21 results 71%)
<b>Metric 3.2.4</b> The extent to which employees believe FTC management promotes a results-oriented performance culture.	70%	73%	74%	75%	**	**	Exceed government-wide average by 10 points

	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target
<b>Objective 3.3 Optimize technology and information management that supports the FTC mission.</b>							
<b>Metric 3.3.1</b> Availability of information technology systems.	99.75%	99.70%	99.71%	99.98%	99.97%	99.94%	99.60%
<b>Metric 3.3.2</b> Percentage of IT spend on Provisioned IT Services.	N/A	N/A	36.6%	37.0%	40.0%	42.7%	40.0%
<b>Metric 3.3.3</b> Achieve a favorable FTC Cybersecurity Index score.	N/A	N/A	3 of 8	6 of 8	7 of 8	6 of 8	6 of 8
<b>Metric 3.3.4</b> Percentage of the FTC’s paper records held at the Washington National Records Center (WNRC) that are processed and appropriately either (a) destroyed or (b) transferred to the National Archives and Records Administration (NARA).	N/A	N/A	N/A	16.9%	31.3%	***	***
<b>Metric 3.3.5</b> Successfully transfer permanent electronic records dated between 2004 and 2016 to NARA in a timely manner.	N/A	N/A	N/A	2004-2006 records transferred	No records transferred	***	***

\* Results not available at time of publication.

\*\* OPM did not report the results of this FEVS index in FY 2020 or FY 2021.

\*\*\* The FTC’s work in this area was halted in mid-2020, at NARA’s request, pending the FTC’s development of new records’ schedules for mission and policy-related work. This is standard practice when new schedules are needed. The agency is collaborating closely with NARA to develop new schedules and has already begun to submit them to NARA for approval.

# Strategic Goal 1: Protect Consumers From Unfair and Deceptive Practices in the Marketplace

The FTC protects consumers from unfair and deceptive acts and practices in the marketplace by conducting investigations, suing companies and individuals that violate the law, developing rules to protect consumers, and educating 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, it must effectively use its 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 broad range 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 leverage its limited resources.

## 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.

Goal 1 and its supporting Strategic Objectives comprise the first of two mission-focused components of the FTC's FY 2021 Performance Report.

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

**Goal Leader: Director, Bureau of Consumer Protection; Director, Bureau of Economics**

### **FY 2021 Progress Update**

The agency continued to focus its resources on areas that cause the greatest harm to consumers. For example, the agency continued to work with other enforcement authorities and stakeholders to stop scammers and others engaging in unfair and deceptive business practices during the novel Coronavirus Disease 2019 (COVID-19) crisis. Congress passed the COVID-19 Consumer Protection Act in 2020, making it illegal under the FTC Act to engage in a deceptive act or practice associated with the treatment, cure, prevention, mitigation, or diagnosis of COVID-19, or any government benefit related to COVID-19. The law also authorizes the FTC to seek civil monetary penalties for first-time violations, a remedy not normally available under the FTC Act. In the first case under this new law, the FTC brought an enforcement action against St. Louis-based chiropractor Eric Anthony Nepute and his company Quickwork LLC for deceptively marketing products containing vitamin D and zinc as scientifically proven to treat or prevent COVID-19. The FTC also brought an enforcement action against Frank Romero (doing business as Trend Deploy) for allegedly falsely promising consumers that he could quickly deliver facemasks and other personal protective equipment during the COVID-19 pandemic, then failing to deliver on customers' orders or offer cancellations or refunds.

The FTC also brought an enforcement action against Blessings in No Time (BINT), a "blessing loom" investment program, alleging that it has operated as an illegal pyramid scheme that bilked tens of millions of dollars from thousands of consumers, targeted African Americans and harmed people struggling financially during the COVID-19 pandemic. Separately, at the request of the FTC, a federal court in Ohio issued a temporary restraining order against 25 counterfeit websites that were allegedly playing on consumers' COVID-19 pandemic fears to trick them into paying for Clorox and Lysol products that the defendants never delivered. Additionally, the medical director of California-based Golden Sunrise Nutraceutical, Inc., agreed to settle FTC charges that he took part in deceptively advertising a \$23,000 treatment plan as a scientifically proven way to treat COVID-19. Dr. Stephen Meis agreed to pay \$103,420 to provide refunds to defrauded consumers and is barred from making similar unsupported health claims in the future. The FTC also approved a final administrative consent order settling charges that Marc Ching, a California-based marketer of a supplement called Thrive, which consists mainly of Vitamin C and herbal extracts, made baseless claims that it can treat, prevent, or reduce the risk of COVID-19.

Amazon also agreed to pay more than \$61.7 million to settle FTC charges Amazon failed to pay Amazon Flex drivers the full amount of tips they received from Amazon customers. The FTC alleged that in its app and numerous marketing materials, Amazon advertised that drivers could earn \$18 to \$25 per hour plus 100% of customer tips. According to the FTC, during a two-and-a-half year period from 2016 to 2019, Amazon Flex used about \$61.7 million in tips to subsidize drivers' base pay. Customers thought they were tipping drivers, not Amazon, and drivers were left shortchanged. The FTC's complaint alleges that the company stopped its behavior only after becoming aware of the FTC's investigation in 2019. The \$61.7 million represents the full amount that Amazon allegedly withheld from drivers and will be used by the FTC to compensate drivers.

Smart home security and monitoring company Vivint Smart Homes Inc. agreed to pay \$20 million to settle FTC allegations that the Utah-based firm misused credit reports to help unqualified customers obtain financing for the company's products and services. Under the settlement, Vivint will pay a \$15 million civil penalty and an additional \$5 million to compensate injured consumers. In the complaint filed by DOJ on behalf of the FTC, the Commission alleged that Vivint violated the Fair Credit Reporting Act (FCRA) by improperly obtaining credit reports in order to qualify potential customers for financing for its smart home monitoring and security products. The FTC also alleged that Vivint violated the FTC's Red Flags Rule by failing to implement an identity theft prevention program, which is required of certain companies that regularly use or obtain credit reports.

Yellowstone Capital, a provider of merchant cash advances, agreed to pay more than \$9.8 million to settle FTC charges that it took money from businesses' bank accounts without permission and deceived them about the amount of financing business owners would receive and other features of its financing products. In addition, the settlement permanently prohibits the defendants from misleading consumers about the terms of their financing, including the amount and timing of any fees and whether business owners are required to be personally liable for the financing. The defendants will also be prohibited from making withdrawals from consumers' bank accounts without their express informed consent.

As in past years, the FTC focused on its greatest asset in protecting consumers—its staff. FTC staff has continued to work to identify, develop, and communicate best practices and updated procedures to maximize the efficiency of the FTC's consumer protection work. BCP also continued to make law enforcement training a priority in FY 2021. BCP continued to expand the content on BCP Lit, its widely used internal training and information platform. BCP added new training materials, legal resources, and investigation and litigation advice to BCP Lit, as well as revised and updated existing training content. BCP also conducted a variety of seminars, brown bags, and lectures on topics such as administrative litigation, tolling agreements, managing investigations efficiently, judgment collection, digital payment apps, robocalls, and advanced Relativity training. BCP conducted several COVID-related seminars including "Mapping the Digital Divide: Before, During, and After COVID-19," "Scam Pandemic: How Attackers Exploit Public Fear through Phishing," and "Virtual Classrooms and Real Harms." BCP also sent a number of staff attorneys to deposition trainings run by the District of Columbia Bar. BCP approved training for investigators to become qualified as Certified Fraud Examiners. In addition, BCP's Office of Technology Research and Investigation worked to keep BCP's staff current and tech-savvy, providing training and seminars on topics such as investigative tools, digital marketing and advertising, microtask platforms, and discrimination in algorithms delivering job ads. BCP also continued to offer its mentoring program to staff.

BCP devoted time to identifying litigation support tools that will enhance staff efficiency and effectiveness in investigation and litigation.

BCP faces resource challenges such as rising costs for expert witness contracts, travel (before pandemic-related restrictions were instituted and after they are lifted), and litigation support tools. Overcoming these challenges is critical as BCP litigates larger and more complex cases involving traditional frauds, as well as cases in emerging technologies, privacy and data security, and deceptive advertising in new media channels.

### Performance Metrics

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

The FTC collects complaints about a host of consumer issues, including fraud, identity theft, financial matters, and Do Not Call violations. Complaints are integral to determining the areas of greatest concern and injury to consumers. This measure gauges how well the FTC's consumer protection law enforcement actions target the subject of consumer complaints.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
91.2%	94.4%	89.6%	87.8%	90.5%	85.2%	80%	Exceeded

**FY 2021 Highlights:** In FY 2021, 23 of 27 of BCP's law enforcement actions targeted the subject of consumer complaints to the FTC. Because BCP augments identification of targets from its databases with other strategies for generating enforcement leads—such as monitoring compliance with FTC orders, ad monitoring, internet surfs, mobile application surveys, and direct referrals from government and private-sector partners—the results vary from year to year.

**Performance Metric 1.1.2:** Rate of customer satisfaction with the FTC’s Consumer Response Center.

This goal measures how satisfied consumers are with the FTC’s Consumer Response Center, which is responsible for collecting consumer complaints. Satisfaction is measured separately for consumers filing complaints through online forms (a), and for those filing complaints through the call center (b). The Consumer Response Center is often consumers’ first contact with the FTC, and if consumers do not have a satisfactory experience, they may be less likely to file complaints. Consumer complaints help the FTC to identify consumer protection issues and trends in the fast-changing, increasingly global marketplace.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
(a) 81 (b) 83	(a) 80 (b) 84	(a) 80.3 (b) 85.0	(a) 81.2 (b) 84.0	(a) 82.5 (b) 84.0	(a) 83.3 (b) 84.0	(a) 73.1 (b) 73.1	(a) Exceeded (b) Exceeded

**FY 2021 Highlights:** The FTC’s Consumer Response Center continues to perform above the private and public industry benchmarks.

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

This measure tracks the efficiency of the FTC’s consumer protection law enforcement spending. We compare how much money the FTC saves consumers each year through law enforcement to the amount the FTC spends on consumer protection law enforcement. Consumer savings are comprised of: (a) the amount of money returned to consumers and (b) an estimate of the amount of harm that would have occurred but for the FTC’s law enforcement action. To calculate this latter figure, the FTC assumes that the unlawful conduct would have continued for one year but for the FTC’s action. The FTC also assumes that the amount of harm that would have occurred in that year is the same as what consumers lost in the past. Performance metrics 2.1.3 and 2.1.5 are similar metrics that track the impact of antitrust law enforcement. The amount reported is a three-year rolling average (average of the current year and two prior year totals).

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
\$8.80 in consumer savings per \$1 spent	\$35.20 in consumer savings per \$1 spent	\$39.00 in consumer savings per \$1 spent	\$ 38.60 in consumer savings per \$1 spent	\$14.40 in consumer savings per \$1 spent.	\$13.00 in consumer savings per \$1 spent	\$7.00 in consumer savings per \$1 spent	Exceeded

**FY 2021 Highlights:** The agency saved consumers on average over 13 times the amount of resources devoted to the consumer protection program in the past three years, or an average of \$1.3 billion per year. This is largely attributable to the LendingClub Corporation, Dish Network, and Simple Health Plans cases. Although the results for FY 2020 and FY 2021 are significantly higher than the target, the amounts reported decreased from prior years because \$7.3 billion in consumer redress for the Volkswagen case, which was part of the FY 2017 result, is no longer included in the three-year average.

**Performance Metric 1.1.4:** The amount of money the FTC returned to consumers or forwarded to the U.S. Treasury resulting from FTC enforcement action.

This goal tracks the FTC’s effectiveness in returning money to consumers who were defrauded and forwarding money to the U.S. Treasury (e.g., if sending money to individuals is impracticable, or if funds were paid as a civil penalty). The FTC targets law enforcement efforts on violations that cause the greatest amount of consumer harm; the amount of money returned to consumers or forwarded to the U.S. Treasury is a useful indicator that the FTC is targeting the right defendants. The number reported is a three-year rolling average (average of the current year and two prior year totals).

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
\$95.2 million	\$2.69 billion	\$3.25 billion	\$ 3.52 billion	\$2.79 billion	\$2.39 billion	\$65 million*	Exceeded
*In April 2021, the United States Supreme Court ruled in AMG Capital Management v. FTC that the FTC is unable seek monetary relief under Section 13(b) of its authority, which previously served as the primary means by which the Commission returned money to consumers. . As a consequence, the FTC anticipates a downward trend in the actual results for this goal. See AMG Capital Mgmt., LLC v. FTC, No. 19-508, 593 U.S. ___, slip op. (Apr. 22, 2021), <a href="https://www.supremecourt.gov/opinions/20pdf/19-508_l6gn.pdf">https://www.supremecourt.gov/opinions/20pdf/19-508_l6gn.pdf</a> .							

**FY 2021 Highlights:** In the last three years, the annual average of the total amount returned to consumers and forwarded to the U.S. Treasury is \$2.39 billion. In FY 2021, the FTC returned \$323.8 million to consumers and forwarded \$158.7 million to the U.S. Treasury. FTC returned money to more than 3 million consumers in dozens of cases, including Progressive Leasing, University of Phoenix, and Career Education Corporation. The money returned to the U.S. Treasury included civil penalties obtained in settlements with Vivint Smart Home, AppFolio, Inc, and Environmental Safety International. In addition, in FY 2021, some FTC orders required defendants to self-administer refund programs worth more than \$79.5 million in refunds to consumers, including Western Union and OTA Franchise Corporation.

**Other Indicators**

**Indicator 1.1.IND.1:** Number of complaints collected and entered into the Consumer Sentinel Network (CSN) database.

The agency assimilates a large number of consumer complaints, including complaints about Do Not Call violations. The agency receives these complaints from a variety of sources, including direct consumer complaints to the FTC and complaints received by the FTC’s partners. In this manner, the FTC will collect robust information to inform its law enforcement efforts.

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual
9.7 million	8.7 million	8.5 million	8.3 million	11 million



**Indicator 1.1.IND.2:** The percentage of redress cases in which money designated for distribution is mailed to consumers within 6 months.

This indicator ensures that the FTC returns redress dollars to injured consumers as quickly as possible. Money is considered “designated for distribution” when the FTC is in receipt of all funds, legal issues are resolved, and a usable claimant list is ready. If there is a claims process in which consumers must apply for a refund, then dollars are “designated for distribution” after all claims have been reviewed and verified.

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual
95.5%	90.9%	91.7%	93.1%	100%

**Indicator 1.1.IND.3:** Number of contributors to the Consumer Sentinel Network (CSN).

CSN allows members to access consumer complaints submitted directly to the FTC, as well as complaints shared by the following data contributors, federal partners, multiple state Attorneys General (AGs), private companies, and non-profit organizations. By expanding the number of data contributors, the FTC will have better information with which to inform its law enforcement efforts. This number counts current, active data contributors that collect data from the general public and directly enter that data into Sentinel. This number does not count entities that refer consumers to the FTC Complaint Assistant. Sentinel does not include data from commercial data brokers or information resellers.

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual
N/A	42	43	44	45

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

**Goal Leaders: Director, Bureau of Consumer Protection; Director, Bureau of Economics**

### **FY 2021 Progress Update**

**COVID-19:** The FTC developed a multimedia campaign, complete with a dedicated website, Coronavirus Pandemic (COVID-19): The FTC in Action ([ftc.gov/coronavirus](https://ftc.gov/coronavirus); [ftc.gov/coronavirus/es](https://ftc.gov/coronavirus/es)). The site contains a library of more than 120 consumer and business blog posts and scam alerts on topics ranging from relief checks and treatment claims to charity fraud, government imposter scams, and misinformation and rumors. The site also houses robocall recordings, videos on avoiding COVID-19 scams and Economic Impact Payment scams, social media shareables, infographics, and materials in other languages. Recognizing the economic shift resulting from the pandemic and its disproportionate impact on communities of color, the FTC is using American Rescue Plan funds granted by Congress to develop a targeted campaign to help get information and resources into historically underserved communities in this challenging environment. Further, recognizing the impact of the pandemic on small businesses, the FTC continues to work with the Small Business Administration (SBA), Small Business Development Corporations (SBDCs), and the Better Business Bureau (BBB) nationwide to help business owners in all communities protect their businesses, livelihood, and employees from pandemic-related scams and economic hardship.

**Outreach to Specific Consumer Audiences:** The FTC creates tailored messages and materials for diverse audiences and collaborates with partner organizations and agencies to disseminate FTC information to their constituents in those target communities. For example, the FTC's Pass It On campaign ([ftc.gov/PassItOn](https://ftc.gov/PassItOn) and [ftc.gov/Pasalo](https://ftc.gov/Pasalo) in Spanish), tailored to people age 65 and older, is a research-based campaign to share information about fraud and encourage readers to share the information with a friend. The agency continues to promote these resources through webinars and presentations in collaboration with other federal agencies such as the Consumer Financial Protection Bureau, local government offices on aging, legal services providers, non-profit organizations such as AARP, and at the World Elder Abuse Awareness Day Global Summit.

**Outreach to Military Service Members:** The FTC has reached military service members through continued, years-long collaboration with the Department of Defense Office of Financial Readiness and other military partners. The FTC's resources, found at [MilitaryConsumer.gov](https://MilitaryConsumer.gov), are shared by the agency and its partners through social media outreach and media coverage, and culminate in national outreach efforts each year during July's Military Consumer Month.

**Protecting Small Businesses:** The FTC held virtual Green Lights & Red Flags: FTC Rules of the Road for Business and actively reaches out to bar associations and business organization in communities of color to bring in speakers and attendees from those communities. The FTC co-hosted one recent event with a historically black college or university (HBCU) law school and will continue to seek partnerships with law and business schools at HBCUs and Hispanic Serving Institutions. The FTC also developed and continues to promote, present, and disseminate clear resources that inform small businesses about cyber threats and provide tips on how to deal with them. These materials, which are co-branded with the National Institute of Standards and Technology (NIST), the Department of Homeland Security (DHS), and the SBA, help business owners better understand cybersecurity and train their employees. The agency has also focused on expanding the reach of its Spanish language campaign materials on cybersecurity and the scams that target small businesses, in collaboration with SBDCs, the SBA, and the BBB.

## Performance Metrics

**Performance Metric 1.2.1:** Rate of consumer satisfaction with FTC consumer education websites.

This measure gauges the effectiveness, helpfulness, and usability of the FTC’s consumer education websites. Consumer education serves as the first line of defense against deceptive and unfair practices. Well-informed consumers are better able to protect themselves from bad actors in the marketplace. This measure includes the customer satisfaction scores for [consumer.ftc.gov](https://consumer.ftc.gov) and [bulkorder.ftc.gov](https://bulkorder.ftc.gov). Starting in FY 2020, the FTC is reporting the customer satisfaction score through the desktop survey on [consumer.ftc.gov](https://consumer.ftc.gov).

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
76	77	76.5	77.7	76.2	72.9	74.6	Not Met

**FY 2021 Highlights:** In FY 2021, the FTC used the desktop survey on [consumer.ftc.gov](https://consumer.ftc.gov) to determine the rate of customer satisfaction with FTC consumer education websites. Customer feedback showed that early calendar 2021 dips in Q2 satisfaction correlated with the FTC’s assistance to sister agencies, such as the IRS and Treasury, in explaining the intricacies of the Economic Impact Payment to a range of different audiences. This required complicated steps for consumers, resulting in frustration with the process that likely negatively impacted satisfaction score: Q2’s satisfaction rate dropped to 71.6, compared to 74.8 in Q1. DCBE adjusted its approach to helping the agencies clarify their own messaging and then using the FTC blog to drive people to the responsible agency, where they could get those answers. Satisfaction scores again dipped in July, which correlates to issues consumers experienced with not being able to obtain their credit reports from [AnnualCreditReport.com](https://AnnualCreditReport.com), a site the FTC links to but does not control. Consumer dissatisfaction with the process negatively impacted the FTC’s website: Q4 satisfaction dropped to 71.6, compared to 73.4 in Q3, attributable primarily to the lower satisfaction rate in July. BCP remains committed to ensuring consumers know their rights and businesses know their responsibilities and will continue to ensure customer satisfaction with FTC consumer education websites.

**Performance Metric 1.2.2:** Number of workshops and conferences the FTC convened that address consumer protection issues.

The FTC convenes workshops and conferences through which experts and other experienced and knowledgeable parties discuss significant consumer protection issues and ways to address those issues. This indicator helps the FTC ensure that enforcement and education efforts are augmented by encouraging discussions among all interested parties, as well as empirical research on novel or challenging consumer protection problems.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
12	19	11	12	13	12	10	Exceeded

**FY 2021 Highlights:** In FY 2021, the FTC convened or co-sponsored 12 workshops and conferences that addressed consumer protection problems. These events brought together over 3,900 participants.

**Performance Metric 1.2.3:** Number of consumer protection reports the FTC released.

FTC staff prepare reports regarding current important topics in consumer protection, and these reports are the basis for this measure. Consumer protection reports provide information to policy makers, both internally and externally, to help them understand important contemporary issues. This measure also ensures that the FTC releases a variety of informative reports to the public that help promote the understanding and awareness of consumer protection issues.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
8	10	18	11	23	13	10	Exceeded

**Other Indicators**

**Indicator 1.2.IND.1:** Number of federal, state, local, international, and private partnerships to maximize the reach of consumer and business education campaigns.

This indicator helps determine the extent to which the FTC’s print education publications reach consumers through federal, state, local, international, and private organizations. Organizations, such as congressional offices, state AGs, small businesses, schools, police departments, and banks, work as partners with the FTC by distributing these materials to their clients and customers. These organizations can order free bulk quantities of educational materials via an online order system: <https://www.bulkorder.ftc.gov>. For a measure of the quantity of publications distributed, see Indicator 1.2.IND.2.

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual
12,944	12,705	14,346	8,800	6,183*

\* The ongoing COVID-19 pandemic continued to cause a significant decrease in the number of orders received for print publications from unique organizations.

**Indicator 1.1.IND.2:** Number of consumer protection messages accessed (a) in print and (b) digitally.

These indicators gauge the reach of the agency’s education messages for consumers and businesses in print and via the web. The print measure counts the total quantity of publications ordered from [bulkorder.ftc.gov](https://www.bulkorder.ftc.gov). The digital indicator counts the number of page views of FTC consumer education articles, blog posts, and other materials on FTC websites, as well as the page views of FTC business education plain-language guidance articles and blog posts.

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual
(a) 14.5 million (b) N/A	(a) 13.2 million (b) 45.2 million	(a) 13.7 million (b) 49.5 million	(a) 8.9 million (b) 47.5 million	(a) 6.2 million* (b) 57 million

\* The ongoing COVID-19 pandemic continued to cause a significant decrease in the number of orders received for print publications from unique organizations.

**Indicator 1.2.IND.3:** Number of social media followers and email subscribers.

This indicator gauges the extent of consumer and business outreach via social networks and email communications.

<b>FY 2017 Actual</b>	<b>FY 2018 Actual</b>	<b>FY 2019 Actual</b>	<b>FY 2020 Actual</b>	<b>FY 2021 Actual</b>
481,064	512,545	449,048	620,099	569,304

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

**Goal Leaders: Director, Bureau of Consumer Protection; Director, Office of International Affairs; Director, Office of Policy Planning**

#### **FY 2021 Progress Update**

*Domestic Collaboration* - In the enforcement area, the FTC worked closely with its federal, state, local, and international partners on numerous investigations, exceeding the targets for collaboration with both domestic and international counterparts to enhance consumer protection. The agency's collaborative domestic efforts included its case against Associated Community Services, Inc., brought with 46 agencies from 38 states and D.C., in which the defendants allegedly bombarded 67 million consumers with 1.3 billion deceptive charitable fundraising calls (mostly illegal robocalls). The defendants collected more than \$110 million using their deceptive solicitations. The FTC also worked closely with its federal, state, and local partners on numerous investigations, including its case against Frontier Communications for misrepresenting Internet speeds, which the FTC brought with law enforcement agencies from Arizona, Indiana, Michigan, North Carolina, Wisconsin, and California, and its magazine subscription scam case against Inmate Magazine Service, which the FTC brought with the State of Florida. The FTC, along with more than 50 federal and state law enforcement partners, announced Operation Corrupt Collector, a nationwide law enforcement and outreach initiative to protect consumers from phantom debt collection and abusive and threatening debt collection practices. This crackdown encompasses more than 50 enforcement actions against debt collectors engaged in these illegal practices brought by the FTC, three federal partners, and partners from 16 states. Additionally, the FTC, along with 19 federal, state, and local law enforcement partners announced Operation Income Illusion, a nationwide crackdown on scams that target consumers with fake promises of income and financial independence that have no basis in reality. The impact of these scams has intensified as scammers seek to take advantage of the COVID-19 pandemic and financial crisis. Operation Income Illusion encompasses more than 50 law enforcement actions against the operators of work-from-home and employment scams, pyramid schemes, investment scams, bogus coaching courses, and other schemes that can cost consumers thousands of dollars.

*International Collaboration* – Despite the challenges posted by the pandemic, the FTC cooperated with a wide range of foreign agencies and multilateral organizations on 39 investigations, cases, and enforcement related projects. Foreign authorities assisted the FTC by sharing consumer complaints, corporate records, confidential investigative information as well as expert reports and other non-public court records. A key tool for the FTC to combat cross-border fraud and other misconduct that harms American consumers is the U.S. SAFE WEB Act. The Act confirms the FTC's statutory authority to sue foreign wrongdoers for conduct with a nexus to the U.S. and supports information sharing and investigative assistance with the agency's foreign counterparts. First passed in 2006, and renewed in 2012, the Act was scheduled to sunset in 2020. During FY 2020 the FTC worked with members of Congress to obtain its reauthorization and on September 24, 2020, Congress reauthorized the Act. The Act, which was signed into law on October 20, 2021 facilitated the FTC's cooperation efforts during this fiscal year.

Following the reauthorization, the FTC [entered into an updated memorandum of understanding \(MOU\)](#) with two Nigerian enforcement agencies, the Federal Competition and Consumer Protection Commission (FCCPC) and the Economic and Financial Crimes Commission (EFCC), reaffirming the agencies' capacity and willingness to share information and to assist one another in cross-border fraud and other consumer protection investigations. The MOU updates a 2013 agreement with the EFCC and the FCCPC's predecessor agency.

The FTC continued to pursue enforcement cooperation with foreign counterparts on COVID-19 matters, referring false and misleading health claims for COVID-19 treatments and cures originating abroad to foreign agencies. In response, some foreign agencies issued their own cease-and-desist letters or took other actions against companies in their jurisdictions. To date, most of the foreign entities that received warning letters have complied with the FTC's request to cease making all such claims for products that they promote or make

available in the U.S. The agency also led an International Consumer Protection and Enforcement Network (ICPEN) project on COVID-19, together with Colombia's Superintendency of Industry and Commerce (SIC). The project group conducted an internet sweep and a review of member agency data on COVID-19 consumer protection issues. It also provided training and resources on various aspects of COVID-19 enforcement including information gathering and maintaining confidentiality in a home office environment. The agency continued to work collaboratively on COVID-19 issues with its foreign counterparts in the Global Anti-Fraud Enforcement Network and the Unsolicited Communications Enforcement Network. The agency also worked with its foreign counterparts on other enforcement-related projects, working to launch a new project on pyramid and promotional schemes in ICPEN, developing a training session, jointly with Canada's Office of the Privacy Commissioner for ICPEN and GPEN members on investigating and litigating matters involving unlawful uses of consumer data, and working within GAEN to address emerging frauds, such as cryptocurrency scams.

The FTC also expanded its online tools for sharing data about international scams with Brazil's Secretaria Nacional do Consumidor and Colombia's Superintendency for Industry and Commerce through [econsumer.gov](https://econsumer.gov), a site created by members of the ICPEN (and managed by the FTC) to gather and share consumer complaints about international scams. The [econsumer.gov](https://econsumer.gov) initiative now includes agencies from 41 countries. The FTC also started receiving cross-border complaints reported to the Australian Competition & Consumer Commission's Scamwatch complaint portal for sharing through the Consumer Sentinel Network.

The FTC continued its work to protect consumer privacy in cross-border data transfer systems. The agency helped to expand the Asia-Pacific Economic Cooperation (APEC) Cross-Border Privacy Rules (CBPRs). The FTC hosted a virtual workshop to educate Bermudian businesses about the privacy rules, following Bermuda's formal recognition of the APEC CBPRs as a valid mechanism for overseas data transfers.

Finally, on the enforcement front, the FTC, with the United Kingdom's Competition & Markets Authority and with drafting assistance from the European Commission's Directorate-General for Justice and Consumers, developed an [OECD Legislative Toolkit](#) to improve countries' ability to engage in cross-border enforcement cooperation. The Toolkit covers investigatory powers, enforcement outcomes, and cooperation practices, and is a practical resource for consumer protection enforcement agencies that do not currently have the domestic legal authority needed for such enforcement co-operation. It addresses operational and legal issues and provides concrete examples of cases and legislation from a broad range of countries.

In the policy arena, the FTC engaged on 63 policy matters to promote sound consumer protection and privacy policies, complementing its international enforcement work. In particular, the FTC provided input to international policy organizations such as the OECD, the G7, UNCTAD, the OAS, APEC, and the Global Privacy Assembly, as well as regional networks including the Asia Pacific Privacy Authorities, the African Consumer Protection Dialogue, and FIAGC. Of note, the FTC, which holds formal leadership roles in the OECD's consumer committee and its privacy committee, made key contributions to the OECD's conference on "[The Consumer Marketplace of the Future](#)," marking fifty years of OECD consumer policy work. The conference, which attracted over 1600 registered participants from governments, businesses, consumer organizations, and academic institutions around the world, set the stage for future OECD work on issues ranging from consumer protection in online marketplaces, effective disclosures and dark commercial patterns online, and sustainable consumption and the green economy. FTC staff contributed to OECD digital economy publications on dark commercial patterns, the effects of online disclosures about personalized pricing on consumers, and children in the digital environment. The FTC also joined with other G7 members, under the leadership of the U.K.'s Information Commissioner's Office, in advancing work on privacy by contributing input on redesigning remedies for the digital age.

Bilaterally, the FTC provided informal input to agencies that are developing legislation on digital consumer protection and privacy issues. FTC staff have also actively engaged in consumer protection issues related to the Internet Corporation for Assigned Names and Numbers (ICANN), the organization that establishes policies for

internet governance through the domain name system (DNS). In particular, FTC staff provided input on DNS abuse and the impact of privacy laws on law enforcement and consumer protection agency access to domain name registration data of legal entities.

Using new technologies, in FY 2021, the FTC conducted several virtual technical assistance missions and capacity-building training sessions for developing consumer protection and privacy agencies in Peru, Bahrain, Paraguay, the United Arab Emirates, and Ukraine. These sessions provided foreign regulators and law enforcers with information on the FTC’s approach to emerging digital consumer protection issues, as well as practical investigational skills and tools for cross-border cooperation. The FTC also hosted, with COMESA, a virtual meeting of the African Consumer Protection Dialogue, which included more than 20 African countries, the U.S. Consumer Product Safety Commission, and the Australian Competition and Consumer Commission. Discussions focused on consumer remedies and redress, cross-border cooperation, consumer complaints, consumer education and business guidance, consumer data privacy, and product safety.

Promoting international cooperation is a long-term endeavor that can be affected by events beyond the agency’s control, such as foreign court proceedings and political changes that result in changes in foreign counterpart agencies’ policies and staff and restrict best practices and information exchanges. Political turmoil in certain regions can also make cooperation on particular issues more difficult. The global COVID-19 pandemic presented numerous challenges, including the suspense of the FTC’s International Fellows program, which provides foreign officials with a first-hand appreciation of FTC practices and approaches. Nonetheless, the FTC was able to overcome many of those challenges by using technology creatively to work with its counterparts around the world.

**Performance Metrics**

**Performance Metric 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.

This measure tracks the amount of information sharing by the FTC and other domestic law enforcement agencies to further the goal of protecting consumers from fraud. The geographic location and other demographics may affect the types of fraud that consumers encounter, making it important for government agencies to share information and resources to enhance consumer protection.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
387	359	369	453	551	505	375	Exceeded



**Performance Metric 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.

OIA works to expand cooperation and coordination between the FTC and international consumer protection partners through information sharing, investigative assistance, and the development of investigative best practices and enforcement capacity. This measure counts the number of investigations and cases in which the FTC and foreign consumer protection agencies shared information or engaged in other enforcement cooperation.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
53	50	43	48	42	39	32	Exceeded

**FY 2021 Highlights:** In FY 2021, the FTC cooperated in 39 instances on consumer protection and privacy matters to obtain or share evidence or engage in other enforcement cooperation in investigations, cases, and enforcement related projects. Foreign authorities assisted the FTC in activities such as sharing consumer complaints, obtaining corporate records, and providing other investigative information. The FTC also provided assistance to numerous foreign authorities using its authority under the U.S. SAFE WEB Act and other cooperation tools to share information and provide investigative assistance using compulsory process. On September 24, 2020, Congress reauthorized the SAFE WEB Act, and the legislation was signed into law on October 20, 2020. The FTC also cooperated in enforcement matters with international enforcement organizations such as the ICPEN, the GPEN, and the UCENet.

**Performance Metric 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.

This measure quantifies the FTC’s efforts to develop policies and best practices that promote consumer protection and privacy and data security by assisting countries in developing and implementing consumer protection laws, rules, and best practices. These efforts include providing policy advice, direct technical assistance and capacity building to developing agencies, and professional development opportunities through the International Fellows program.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
66	66	64	71	60	63	60	Exceeded

**FY 2021 Highlights:** In FY 2021, the FTC provided policy advice and technical input to foreign consumer and privacy agencies in 63 instances. A wide range of consumer and privacy issues were addressed through virtual seminars, substantive consultations, oral presentations, and written comments. Of the inputs, five represented virtual technical assistance missions to new and developing consumer protection and privacy agencies in Peru, Bahrain, Ukraine, Paraguay, and UAE. The FTC also provided consumer protection and privacy input to multinational organizations such as the OECD, UNCTAD, ICANN, APEC, Asia Pacific Privacy Authorities (APPA), Global Privacy Assembly (GPA), International Working Group for Personal Data Protection in Telecommunications (IWGDPT), Organization of American States (OAS), European Commission, Association of Southeast Asian Nations (ASEAN), and the African Consumer Protection Dialogue.

**Performance Metric 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.

The FTC’s consumer protection advocacy takes many forms—including advocacy comments, amicus briefs, workshops, reports, and testimony. This measure evaluates the success rate for resolved consumer protection advocacy comments and amicus briefs. While the FTC is primarily a law enforcement agency, advocacy work is a cost-effective way to further the FTC’s consumer protection mission, by allowing the FTC to address consumer protection issues that may be affected by the actions of public entities, including regulators and legislators.

To determine whether an advocacy comment or amicus brief is successful, staff waits for the relevant case, legislative process, or agency rulemaking to be fully resolved. Once the matter is resolved, the outcome is compared to the policy recommendations within the advocacy comment or the legal arguments set forth in the amicus brief. Advocacies are classified as successful, partially successful, moot, or unsuccessful based on the outcome achieved. The FTC does not attempt to quantify or measure how much effect the FTC’s advocacy had on the decision. While most advocacies contain either consumer protection recommendations or competition recommendations, a few advocacy comments may have both, and thus, are counted in this performance metric as well as Performance Metric 2.2.3.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
85.7%	85.7%	*	*	*	*	N/A	Not Met

\*Results for this measure are often delayed and are reported as available.

**Other Indicator**

**Indicator 1.3.IND.1:** Number of advocacy comments and amicus briefs on consumer protection issues filed with entities, including federal and state legislatures, agencies, and courts.

Whereas Performance Metric 1.3.4 measures the success of the FTC’s consumer protection advocacy comments and amicus briefs, this indicator reports the quantity of consumer protection advocacy comments and amicus briefs filed each year. While the FTC is primarily a law enforcement agency, advocacy work is a cost-effective way to further the FTC’s consumer protection mission and allows the FTC to address situations where consumer protection may be affected by the actions of public entities, including regulators and legislators. While most advocacies contain either consumer protection recommendations or competition recommendations, a few advocacy comments may have both, and thus, are counted in this indicator as well as Indicator 2.2.IND.1.

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual
7	4	3	2	3

## 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.

### 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.

Goal 2 and its Strategic Objectives comprise the second of two mission-focused components of the FTC's FY 2021 Performance Report.

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

**Goal Leaders: Director, Bureau of Competition (BC); Director, Bureau of Economics (BE)**

### **FY 2021 Progress Update**

In FY 2021, the agency concluded 19 matters in which it took action to maintain competition, including 4 consent orders and 6 abandoned transactions. The agency focused its efforts on markets with the greatest impact on American consumers. This fiscal year saw a continuation of the Commission's ambitious antitrust litigation docket, with 16 active litigations from the current or prior years.

This year, the Commission authorized federal court or administrative litigation in six merger investigations. The agency successfully concluded four of its seven merger litigations in their initial stages when the parties involved abandoned their transactions after the Commission issued its complaints.

For example, the Commission issued an administrative complaint, and authorized staff to seek a preliminary injunction in federal court, to block CoStar Group's proposed acquisition of competitor RentPath Holdings. The two firms both operate two-sided online platforms such as Apartments.com (CoStar) or Rent.com (RentPath) for renters to identify available apartments. According to the complaint, the acquisition would significantly increase concentration for internet listing services advertising for large apartment complexes (more than 100 units) in 49 metropolitan areas throughout the United States. After the Commission issued its complaint, the parties announced the abandonment of the proposed merger, and the Commission subsequently dismissed the complaint and withdrew the matter from adjudication.

Procter & Gamble also abandoned its proposed acquisition of nascent rival Billie, a direct-to-consumer seller of women's shaving and body care products after the Commission issued an administrative complaint seeking to block the transaction. According to the complaint, the acquisition would have allowed Procter & Gamble, the leader in both women's and men's wet shave razors, to eliminate the competitive threat to its business posed by the growing rival firm and return to its dominant position to the detriment of consumers. Following the abandonment, the Commission dismissed its complaint and withdrew the matter from adjudication.

In another matter, the Commission issued an administrative complaint challenging Lehigh Cement Company's proposed acquisitions of rival cement producer Keystone Cement Company. The complaint alleged the deal would have harmed competition in the market for gray Portland cement, a key ingredient used to make concrete, in the eastern Pennsylvania and western New Jersey areas by eliminating one of four significant competitors in the market. Cement markets are generally local or regional due to the substantial transportation costs driven by the extreme weight of the products. The complaint further alleges that the existing competition between the two rival firms has caused aggressive price competition in the market. Shortly after the Commission issued its complaint, the parties announced the abandonment of the deal and the Commission withdrew the matter from adjudication.

The Commission works tirelessly to maintain competition in vital health care services markets. In 2021, the FTC took action to block two anticompetitive health care services mergers. In November 2020, the Commission issued an administrative complaint challenging Methodist Le Bonheur Healthcare's proposed \$350 million acquisition of two Memphis-area hospitals from Tenet Healthcare Corporation. The Commission's complaint alleged that the transaction would have lessened competition for inpatient general acute care services in the Memphis area by eliminating the close competition between the merging providers and reducing from four to three the number of competing hospital systems operating in the area, leading to higher prices and reduced quality. Shortly after the FTC issued its complaint, the parties abandoned their proposed transaction.

Similarly, in December 2020 the Commission issued an administrative complaint and authorized staff to seek a preliminary injunction in federal court enjoining Hackensack Meridian Health's proposed acquisition of Englewood Health Foundation. According to the complaint, the deal would eliminate close competition

between the health care providers in the Bergen County, NJ area, giving the combined hospital system increased leverage with insurers, leading to higher insurance premiums, co-pays, deductibles, and other out-of-pocket expenses. Following a two-week hearing, the US District Court for the District of New Jersey granted the Commission's request for preliminary injunction in August 2021.

The FTC's commitment to health care markets extends to the full array of health-related services and products from pharmaceuticals to medical devices and diagnostics. This year, the Commission issued an administrative complaint challenging Illumina Inc.'s proposed acquisition of Grail, makers of DNA-sequencing-based, non-invasive early detection liquid biopsy test used in screening for multiple types of cancer. According to the complaint, Illumina is the only provider of these multi-cancer early detection (MCED) testing services in the United States, and the deal would likely diminish innovation in the U.S. market for MCED services, which have the potential to identify up to 50 types of cancer and save millions of lives. This matter is pending in administrative court.

The Commission also continues to police against increasingly complex monopolization schemes in pharmaceutical markets. This year, the Commission authorized staff to seek a permanent injunction alleging that a second agreement between Endo Pharmaceuticals and Impax Laboratories violated the antitrust laws by eliminating competition in the market for extended-release oxymorphone (brand name: Opana ER). According to the complaint, after withdrawing its reformulated version of Opana ER voluntarily due to FDA safety concerns, Endo entered into an agreement with Impax, the only other authorized seller of the product, thereby eliminating potential competition from a reformulated Endo product, and allowing the firms to share the monopoly profits. This matter is pending in federal court. The FTC previously found that a 2010 agreement between the parties in which Endo paid Impax not to compete by launching a generic version of Opana ER was an illegal reverse-payment settlement. The Fifth Circuit upheld the Commission's decision in April 2021 and the Supreme Court denied Impax's certiorari petition in December 2021.

The FTC also faces a challenging landscape in attempting to maintain competition in increasingly complex and pervasive technology markets that raise unique antitrust considerations. In December 2020, the Commission authorized staff to file a landmark monopolization case against Facebook in federal court alleging the company has engaged in a systematic strategy, including the acquisition of nascent competitors, to maintain its monopoly, and allowing Facebook to impose anticompetitive terms on software developers. This matter is pending in federal court. After the judge granted Facebook's motion to dismiss the FTC's complaint, the Commission filed an amended complaint in August 2021.

As in past years, the FTC focused on its greatest asset in promoting competition: its staff. The agency continued its emphasis on employee-led staff development through its Training Council and mentoring programs. These programs are cost-neutral, improve knowledge transfer on important antitrust issues, and enhance information sharing between practitioners, thereby supporting the long-term success of the competition mission. Despite the pandemic, the agency was able to provide meaningful professional development opportunities to staff and those completing internships within BC by leveraging digital platforms and other distance-learning tools.

Resource constraints remain a significant challenge. The rising costs of critical expert witness resources, driven in part by the Commission's substantial litigation docket, has been an area of focus for agency leadership. Likewise, increases in caseload and merger filings continue to put significant pressure on staffing resources.

## Performance Metrics

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

This measure tracks FTC actions taken to maintain competition, including litigated victories, consent orders, abandoned transactions, or restructured transactions (either through a fix-it-first approach or eliminating the competitive concern) in a significant percentage of full merger and nonmerger investigations.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
54.6%	49.1%	67.9%	62.9%	77.1%	67.9%	Between 50.0% and 80.0%	Met

**FY 2021 Highlights:** In FY 2021, the agency took action to maintain competition in 19 of 28 full merger and nonmerger investigations concluded. The FTC’s 19 actions included 6 consents orders, 3 litigated victories, 4 matters in which the parties abandoned their transactions after the Commission authorized staff to challenge the proposed acquisition in federal or administrative proceedings, and 6 abandoned transactions. This year’s results fall within the target range for this performance metric.

The agency’s 19 actions included 15 merger actions and 4 nonmerger actions in second request or compulsory process investigations in a broad array of industries such as health care, pharmaceuticals, medical devices, online platforms, consumer products, energy, and industrial goods and chemicals.

**Performance Metric 2.1.2:** Consumer savings through merger actions taken to maintain competition.

This measure reports the estimated amount of money that the Commission saved consumers by taking action against potentially anticompetitive mergers. The number reported is a five-year “rolling average” (average of the current year and four prior year totals).

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
\$2.59 billion	\$2.59 billion	\$2.66 billion	\$3.09 billion	\$1.78 billion	\$1.64 billion	\$1.5 billion	Exceeded

**FY 2021 Highlights:** The FTC saved consumers on average an estimated \$1.64 billion per year through its merger actions to maintain competition in the past five years. This year, performance under this goal exceeded the targeted level. Mergers in a broad array of industries including health care, pharmaceuticals, medical devices, online platforms, consumer products, energy, chemicals, and industrials goods resulted in considerable consumer savings during the period.

**Performance Metric 2.1.3:** Total consumer savings compared to the amount of FTC resources allocated to the merger program.

This measure reports the estimated amount of money that the Commission saved consumers by taking action against potentially anticompetitive mergers compared to the amount spent on the merger program. The amount reported is a five-year “rolling average” (average of the current year and four prior year totals).

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
\$46.40 in consumer savings per \$1 spent	\$55.60 in consumer savings per \$1 spent	\$50.30 in consumer savings per \$1 spent	\$65.90 in consumer savings per \$1 spent	\$25.70 in consumer savings per \$1 spent	\$27.00 in consumer savings per \$1 spent	\$35.00 in consumer savings per \$1 spent	Not Met

**FY 2021 Highlights:** In FY 2021, the FTC saved consumers approximately \$27.00 for every dollar devoted to its merger program. This year, the FTC concluded fewer merger matters than in previous years. Combined with a merger wave that drove significant spending in the merger program, the agency fell short of reaching the target for this performance metric.

**Performance Metric 2.1.4:** Consumer savings through nonmerger actions taken to maintain competition.

This measure reports the estimated amount of money that the Commission saved consumers by taking action against potentially anticompetitive business conduct. The number reported is a five-year “rolling average” (average of the current year and four prior year totals).

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
\$1.02 billion	\$1.12 billion	\$1.10 billion	\$1.77 billion	\$901 million	\$1.13 billion	\$900 million	Exceeded

**FY 2021 Highlights:** The FTC saved consumers on average an estimated \$1.13 billion per year through its nonmerger actions to maintain competition in the past five years. This year, performance under this goal exceeded the target level. Conduct matters in multiple industries, including technology, pharmaceuticals, and professional services contributed to these substantial savings for the American public during the period.

**Performance Metric 2.1.5:** Total consumer savings compared to the amount of FTC resources allocated to the nonmerger program.

This measure reports the estimated amount of money that the Commission saved consumers by taking action against potentially anticompetitive business conduct compared to the amount spent on the nonmerger program. The amount reported is a five-year “rolling average” (average of the current year and four prior year totals).

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
\$52.30 in consumer savings per \$1 spent	\$39.60 in consumer savings per \$1 spent	\$40.10 in consumer savings per \$1 spent	\$75.80 in consumer savings per \$1 spent	\$46.00 in consumer savings per \$1 spent	\$46.00 in consumer savings per \$1 spent	\$35 in consumer savings per \$1 spent	Exceeded

**FY 2021 Highlights:** In FY 2021, the FTC saved consumers approximately \$46 per dollar devoted to its nonmerger enforcement program. As mentioned under 2.1.4, nonmerger actions in the technology, pharmaceuticals, and professional services industries contributed to those savings, exceeding the annual target for this performance metric.

### Other Indicators

**Indicator 2.1.IND.1:** Average total sales for the current year plus the previous four fiscal years in the affected markets in which the Commission took merger enforcement action.

This indicator demonstrates that the Commission’s merger actions are guided in part by the size of the relevant product/geographic markets involved. It is important that the FTC use its resources in areas where it can achieve the most positive change. The number reported is a five-year “rolling average” (average of the current year and four prior year totals).

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual
\$88.3 billion	\$103.4 billion	\$112.7 billion	\$69.4 billion	\$65.9 billion

**Indicator 2.1.IND.2:** Average total sales for the current year plus the previous four fiscal years in the affected markets in which the Commission took anticompetitive market enforcement action.

This indicator demonstrates that the FTC’s nonmerger actions are guided, in part, by the size of the relevant product/geographic markets involved. It is important that the FTC use its resources in areas where the most positive change can be achieved. The amount reported is a five-year “rolling average” (average of the current year and four prior year totals).

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual
\$77.10 billion	\$75.5 billion	\$80.48 billion	\$11.9 billion	\$13.3 billion



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

**Goal Leaders: Director, Bureau of Competition; General Counsel, Office of the General Counsel; Director, Office of Policy Planning; Director, Bureau of Economics**

### FY 2021 Progress Update

While this year's surge in merger filings consumed much of the agency's attention, the FTC continued work on a number of studies and public conferences to advance the agency's understanding of economic developments and emerging business practices and inform antitrust policy through consideration of diverse perspectives.

In November 2020, the Bureau of Economics [hosted its Thirteenth Annual Microeconomics Conference](#). This two-day workshop brought together scholars working in areas related to the FTC's antitrust, consumer protection, and public policy missions.

The Bureau of Competition continued to promote transparency, particularly of the HSR process, through posts on the [Competition Matters blog](#). The blog hosted the announcement of the release of [monthly HSR filing statistics](#), as well as changes to the HSR process to accommodate the high number of filings this year. The bureau also hosted [three Virtual Q&A Sessions](#), open to the public, to collect input as staff continue considering changes to the HSR rules, which notably include adjustments to reporting requirements relating to aggregate acquisitions amongst associates, and de minimis filing exemptions for acquisitions of 10 percent or less of an issuer's voting securities. The rulemaking initiative will also gather data related to a variety of potential future changes to the HSR rules.

The FTC released a number of reports on competition issues, including an examination of ways to enhance cooperation with international agencies, titled [The FTC's Role in a Changing World](#). The report built off expert testimony from a March 2019 FTC event. The FTC also [sent a report to congress](#) on the effects that so-called rebate walls have on competition in markets for pharmaceutical and biopharmaceutical drugs. In addition, work continued on a number of previously announced 6(b) studies launched in FY 2020, including examinations of tech mergers and physician practice consolidation, which should see research output in future years.

In regards to competition advocacy, the FTC [filed an amicus brief](#) in *UFCW Local 1500 Welfare Fund v. AbbieVie*, supporting neither side but addressing two legal errors committed by the district court in applying *FTC v. Actavis*. The agency also [submitted a comment to the Department of Veterans Affairs](#) (VA) supporting the rule allowing licensed VA health care professionals to deliver health care services at in a state other than the health care professional's state of licensure. Then in August 2021, the [FTC sent a comment urging the Federal Reserve Board](#) to clarify and strengthen the implementation of debit card fee and routing reforms.

The FTC will continue to identify opportunities to advance the public's and its own understanding of competition issues in a dynamic and increasingly complex marketplace, particularly with respect to health care, technology, and intellectual property. The agency must continue to use its limited resources to expand its advocacy and outreach efforts, but it must balance this activity with increased demands from its resource-intensive enforcement efforts. The agency must also expand its use of technology and public interaction to better promote the consumer understanding of the benefits of competition.

## Performance Metrics

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

This measure demonstrates the Commission’s commitment to ensuring that consumers obtain the benefits of competition through its policy-related activities such as workshops, seminars, conferences, and hearings convened or cosponsored that involve significant competition-related issues.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
3	3	7	11	4	2	3	Not Met

**FY 2021 Highlights:** The FTC convened two events during FY 2021. First, was the 13th Annual Microeconomics Conference, held virtually, which included a broad array of scholars from competition to consumer protection. The agency also held a series of virtual Q&A sessions on the agency’s proposed amendments to the HSR Rules and Advanced Notice of Proposed HSR Rulemaking. Resource constraints amidst a merger wave have significantly limited the agency’s ability to organize and hold public events this fiscal year. It is unclear whether similar constraints will continue to hinder performance in this area in the future.

**Performance Metric 2.2.2:** Number of reports and studies the FTC issued on key competition related topics.

This measure reports competition policy-related activities such as Commission or staff research, reports, economic or policy papers, studies, or other significant antitrust guidance produced after substantive investigation, study, or analysis. These activities enhance the public’s knowledge of competition issues and promote the adoption of policies based on sound competitive principles to the extent possible. Also included as part of this measure are reports to other federal agencies that report on the FTC’s activities.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
9	11	9	4	7	8	8	Met

**FY 2021 Highlights:** FTC staff issued an FTC report on [Non-HSR Reported Acquisitions by Select Technology Platforms, 2010-2019](#). This report was the result of a 6(b) study issued in February 2020, inquiring into the terms, scope, structure, and purpose of acquisitions by the largest technology platforms’ that did not require reporting to antitrust authorities at the FTC and the Department of Justice. The report focused on 616 transactions valued at or above \$1 million. The report produced a number of key findings that have been published and are not part of the public dialog.

**Performance Metric 2.2.3:** Percentage of competition advocacy comments and amicus briefs filed with entities including federal and state legislatures, agencies, or courts that were successful, in whole or in part.

The FTC’s competition advocacy takes many forms—including advocacy comments, amicus briefs, workshops, reports, and testimony. This measure evaluates the success rate for resolved competition advocacy comments and amicus briefs. Although the FTC is primarily a law enforcement agency, advocacy work is a cost-effective way to further the FTC’s competition mission and allow the FTC to address situations where competition may be affected by the actions of public entities, including regulators and legislators.

To determine whether an advocacy comment or amicus brief is successful, staff waits for the relevant case, legislative process, or agency rulemaking to be fully resolved. Once the matter is resolved, the outcome is compared to the policy recommendations within the advocacy comment or the legal arguments set forth in the amicus brief. Advocacies are classified as successful, partially successful, moot, or unsuccessful based on the outcome achieved. The FTC does not attempt to quantify or measure how much effect our advocacy had on the decision. Although most advocacies contain either consumer protection recommendations or competition recommendations, a few advocacy comments may have both, and thus, are counted in this performance metric as well as Performance Metric 1.3.4.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
64.7%	58.6%	*	*	*	*	60.0%	N/A

\*Results for this measure are often delayed and are reported as available.

### Other Indicator

**Indicator 2.2.IND.1:** Number of advocacy comments and amicus briefs on competition issues filed with entities, including federal and state legislatures, agencies, and courts.

Whereas Performance Metric 2.2.3 measures the success of our competition advocacy comments and amicus briefs, this indicator reports the quantity of competition advocacy comments and amicus briefs filed each year. The FTC is primarily a law enforcement agency, but advocacy work is a cost-effective way to further the FTC’s competition mission and allows the FTC to address situations where competition may be affected by the actions of public entities, including regulators and legislators. Although most advocacies contain either consumer protection recommendations or competition recommendations, a few advocacy comments may have both, and thus, are counted in this indicator as well as Indicator 1.3.IND.1.

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual
16	16	6	12	3

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

**Goal Leaders:** Director, Office of International Affairs; Director, Bureau of Competition; Director, Bureau of Economics

### FY 2021 Progress Update

To promote and maintain free and vigorous competition, the FTC continues to build and strengthen relationships with competition agencies internationally and to work through multilateral forums and with domestic partners to promote convergence toward sound competition enforcement and policy. Progress in FY 2021 included:

- **Enforcement Cooperation:** The FTC continued to cooperate and coordinate with foreign counterparts on competition investigations. In FY 2021, the FTC cooperated with agencies in 14 jurisdictions in 25 merger matters and 8 conduct matters of mutual concern. Several of these matters involved cooperation with multiple agencies to achieve effective, sound, and consistent outcomes, including some that involved digital and pharmaceutical sectors.
- **Promoting Convergence:** Despite challenges posed by the pandemic, the FTC engaged on policy issues of common interest and shared enforcement techniques and experience with officials from 34 competition agencies. This included: high-level meetings with colleagues from numerous competition authorities; commenting on draft competition laws and agency guidance and exchanging policy and enforcement experience bilaterally and through groups such as the [Multilateral Pharmaceutical Task Force](#). The FTC also detailed a key staff member to the UK CMA to deepen understanding of the CMA's new enforcement powers and practices in order to deepen cooperation between our agencies, particularly following the UK's departure from the European Union.
- **International Competition Network (ICN):** The FTC is a leader in the ICN, a network of nearly all of the world's competition agencies and a preeminent venue for the coordination of international antitrust policy. The FTC continued to serve on the ICN's Steering Group, co-chaired its implementation group, which promotes use by member agencies of ICN best practice recommendations and work product, co-led the ICN's team of working group leaders who coordinate the network's substantive work, and served as a core member of the Special Project Group on International Enforcement Cooperation. The Commission led the organization of the ICN's most significant training event of the year, a virtual workshop series over four weeks for 200 case handlers from over 60 jurisdictions. In 2021-22, as the ICN celebrates its twentieth anniversary, the FTC is co-leading a comprehensive review of the network's substantive coverage and working methods in order to prepare recommendations for the ICN's operations and work program for the next decade. The FTC participates across the work of the ICN, contributing to new ICN work on mergers, compliance, agency digitalization, and dominance in digital markets. The FTC also oversees the ICN's [online training program](#) to promote sound analytical and procedural practices across all aspects of antitrust enforcement. In light of emerging digital economy issues faced by competition agencies, the FTC also helped initiate new ICN work to explore the interaction among competition, consumer protection, and data privacy enforcement and policies, and is moving into a co-chair role on this project.
- **Other Multilateral Fora:** The FTC continues its active participation and leadership in the OECD, APEC, UNCTAD, and the Inter-American Competition Alliance to promote cooperation and convergence. For example, in FY 2021 the FTC played a key role in developing the OECD Competition Committee's long-term project on competition in the digital economy and is collaborating with the OECD's Secretariat to work on, among other topics, the application of competition laws to intellectual property rights and international enforcement cooperation. The FTC was a lead contributor to the OECD Recommendations on transparency and procedural fairness in competition law enforcement, which the OECD Council adopted in 2021.

- **Relations with Newer Agencies:** The FTC continued engagement with counterparts around the world, often through virtual means. With the rapid growth in the number of jurisdictions with competition laws over the past decades, the FTC’s technical assistance program has helped younger agencies apply their laws in ways that support competitive markets and compatible analysis and outcomes in cross-border matters. In FY 2021, the FTC conducted 22 technical assistance programs for staff of competition agencies in 13 jurisdictions including among others India, Indonesia, Latvia, Peru, and the Philippines. Toward the end of the fiscal year, the FTC was able to recommence its in-person delivery of technical assistance in Ukraine by placing experienced FTC lawyers in the competition agency to advise on investigations and enforcement. FTC advisors also assisted in drafting amendments to the framework competition law. The Ukraine Parliament gave preliminary approval to many of these amendments, thus furthering important US government objectives relating to the role of oligarchs in the economy.
- **Working Within the U.S. Government:** Throughout the year, the FTC worked with U.S. government agencies to address, in a coordinated and effective manner, competition issues that implicate broader U.S. policy interests; those include the protection of intellectual property, non-discriminatory treatment of U.S. companies, and due process in antitrust investigations and proceedings. The FTC is a key U.S. interlocutor in the G7 discussions pertaining to competition and the digital economy and is actively engaged in the US-EU Trade and Technology Council, co-leading the parallel competition policy dialogue.

### Performance Metrics

**Performance Metric 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.

OIA strives to ensure appropriate cooperation on and coordination of investigations under parallel review by the FTC and foreign competition agencies. This measure gauges the effectiveness of the FTC’s enforcement cooperation with foreign antitrust authorities pursuing parallel enforcement activities.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
100%	96%	98%	100%	100%	100%	95%	Exceeded

**FY 2021 Highlights:** In FY 2021, the FTC cooperated on 33 enforcement matters. FTC staff engaged in substantive case cooperation with 14 agencies, including those of Australia, Austria, Canada, China, the European Union, Germany, Israel, Japan, South Korea, New Zealand, Singapore, Spain, South Africa, and the United Kingdom. The FTC and its counterpart agencies reached compatible outcomes in all cases completed during the fiscal year. While the FTC will continue to strive for 100% success, the target reflects the possibility of inconsistent outcomes, particularly as additional antitrust agencies assert their jurisdiction, more agencies prosecute cases based on unilateral conduct theories, and competition laws and policies undergo reform.

**Performance Metric 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.

This measure quantifies the FTC’s efforts to promote understanding and convergence toward best practice. This includes efforts to assist foreign competition authorities to enhance their enforcement capacity, build sound regulatory frameworks, improve agency effectiveness, and promote competition policies in their economies. These efforts include engaging on policy and practice and the provision of technical assistance, as well as professional development opportunities for international partners through the International Fellows program.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
171	160	151	165	155	117	130	Not Met

**FY 2021 Highlights:** In FY 2021, the FTC was able to overcome many challenges posed by the pandemic by using technology creatively to work with its counterparts around the world. The FTC provided policy advice through virtual consultations, written submissions, and comments on proposed laws and guidelines to foreign competition agencies in 95 instances. The FTC’s policy advice remains highly regarded and sought after by new and experienced competition agencies and by participants in international organizations and conferences. The agency also conducted 22 technical assistance missions, predominantly via virtual means, which included a number of regional programs that engaged staff from multiple agencies. Yet, the travel restrictions resulting from the pandemic led to the suspension of the FTC’s International Fellows program for the fiscal year, the inability of FTC officials to conduct in-person meetings and technical assistance trainings, and the postponement of a number of international meetings. These developments, along with changes in FTC internal policies, resulted in the agency’s not reaching its target.

**Other Indicator**

**Indicator 2.3.IND.1:** Percentage of full investigations in which the FTC and other U.S. federal, state, and local government agencies shared evidence or information that contributed to FTC law enforcement.

Due to the wide geographic impact of merger and nonmerger actions, it is important that the FTC share information and resources with other domestic federal, state, and local government agencies in the investigation and enforcement of competition cases. This indicator reports the number of full merger and nonmerger investigations concluded in a given fiscal year that involved information sharing with domestic federal, state, or local government agencies.

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual
N/A	52.6%	31.8%	22.2%	52%

## 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 furtherance of 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 is inherently collaborative and encompasses all of the agency's key management areas: human capital; infrastructure and security; information technology resources; and financial management. 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. FTC 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.

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.

Goal 3 and its Strategic Objectives comprise the stewardship-focused component of the FTC's FY 2021 Performance Report.

### **Objective 3.1: Optimize resource management and infrastructure.**

**Goal Leaders: Executive Director, Office of the Executive Director (OED); General Counsel, Office of the General Counsel (OGC)**

#### **FY 2021 Progress Update**

- **Security / Emergency Preparedness**

- The FTC completed a review and updates to the COOP Plan and deployed a limited number of satellite phones as another layer of communication.
- The FTC replaced aging Automatic External Defibrillator units in its Washington, DC office and installed new units in its regional offices.
- The FTC replaced an antiquated Electronic Security Systems in its Washington, DC office locations, installing state of the art video surveillance and access control hardware and software.
- The FTC authored a series of educational materials for Regional Offices, culminating with the creation of a “Staying Safe in San Francisco Guide” for use by staff who have expressed concerns with increased crimes rates in the area. This Guide was established through coordination with Regional leadership, local law enforcement, and the Federal Protective Services.

- **Facilities**

- The FTC completed a COVID-19 Safety Plan that help safeguard the FTC community when inside FTC facilities and continued virtual work processes that were initiated in 2020.
- The FTC completed installation of Electronic Security System in Headquarters and Constitution Center offices, upgrading servers and replacing cameras and badge readers.
- The FTC began construction of new workspace for the San Francisco and Atlanta Regional Offices in federal buildings in preparation for relocating staff during Fall 2021.
- In FY 2021, the FTC relinquished approximately 6,000 sq. ft. of storage space in Constitution Center. The FTC continued to be in the planning stages of the leasing process for the agency’s Constitution Center space, which will provide a new workspace for FTC staff when the current lease expires.
- To boost remote work capabilities, the FTC implemented new mail services that included digitizing mail and distributing mail electronically. The FTC also initiated an assessment with the Government Printing Office to suggest optimizing solutions for the agency’s changing copy and production needs, which would be implemented upon the current contract expiration.

- **Finance**

- The FTC’s Financial Management Office (FMO) continued to implement the Enterprise Risk Management (ERM) program plan and strategy. Specifically, FMO identified, assessed, and monitored risks related to mission performance and updated the agency risk profile. The risk-management efforts helped agency leadership determine where to apply resources to address the FTC’s highest priorities and risks. FMO will continue to support efforts to monitor and update risk registers to highlight and help the agency manage the most significant risks.
- The agency made progress towards paperless procurement and automated reporting of acquisition activities through more comprehensive use of our financial reporting tool, Oracle Business Intelligence. Our transition to an electronic procurement file management system was delayed by the pandemic. The FTC is still exploring options in this area.



## Performance Metrics

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

(a) Achieve a favorable COOP rating.

(b) The number of products and activities related to Physical Security that inform staff and provide opportunities to practice emergency procedures.

(a) The FTC COOP Plan defines the necessary planning and actions that are required to ensure the preservation and performance of the FTC’s essential functions. Continuity planning facilitates the performance of FTC essential functions during all-hazards emergencies or other situations that may disrupt or potentially disrupt normal operations. The FTC COOP Plan is validated through annual tests, training, and exercises that confirm the agency’s ability to perform essential supporting functions during an emergency. The annual government-wide Eagle Horizon exercise helps agencies assess and validate components of their continuity plans, as well as the policies, procedures, systems and facilities agencies use to respond to and recover from an emergency. This assessment also serves to identify issues for subsequent improvement.

(b) The Physical Security Branch develops promotional and educational materials such as posters, publications, classroom and web-based training courses, and exercises and drills designed to give employees the information they need to remain safe in the workplace. This measure tracks the number of products (posters, publications, etc.) and activities (training opportunities, drills, etc.) focused on workplace safety and security that are provided to FTC employees.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
(a) 90% (b) N/A	(a) 95% (b) N/A	(a) 95% (b) 39	(a) 95% (b) 70	(a) COOP exercise cancelled (b) 115	(a) COOP exercise cancelled (b) 74	(a) 80% (b) 42	(a) COOP exercise canceled (b) Exceeded

**FY 2021 Highlights:** The FTC continues to refine its COOP plan, though the annual COOP exercises have been cancelled the last two years, as the federal government navigates the pandemic.

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

OED conducts an annual online Customer Satisfaction Survey that is voluntary, anonymous, and offered to all FTC employees. Respondents are asked to indicate their level of satisfaction with a range of OED services on a 5-point scale of Very Satisfied to Very Dissatisfied. This measure tracks the level of customer satisfaction with the OCASO’s responsiveness to phone and email requests (Question #34).

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
N/A	81%	82%	87%	78%	81%	75%	Exceeded

**Performance Metric 3.1.3:** Achieve a favorable (unmodified) audit opinion from the agency’s independent financial statement auditors.

FTC management is responsible for the preparation and fair presentation of annual financial statements in accordance with U.S. generally accepted accounting principles. As required by law, the FTC’s financial statements are audited annually by independent auditors. The auditors will determine whether the annual financial statements and related notes present fairly, in all material respects, the assets, liabilities, and net position in accordance with U.S. generally accepted accounting principles. The ideal outcome is an unmodified opinion. Potential negative outcomes include a qualified or adverse opinion, or a disclaimer from opinion.

FY 1997 to FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
Unmodified Opinion	Unmodified opinion	Unmodified Opinion	Unmodified Opinion	Met

**FY 2021 Highlights:** The agency’s FY 2021 independent financial audit yielded our 25th consecutive unmodified opinion, the highest audit opinion available. The independent auditors did not identify any material weaknesses, significant deficiencies, or instances of non-compliance with internal controls, financial systems, or laws and regulations.

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

Ensuring public confidence in the integrity of FTC operations is paramount. The Ethics in Government Act of 1978, as amended, requires covered officials at the FTC to file public financial disclosure reports (OGE Form 278e) addressing their finances as well as other interests outside the federal government. The reports allow for a systematic review of the financial interests of both current and prospective senior staff. The timely filing of the OGE Form 278e helps prevent actual conflicts of interest and ensures the FTC’s Ethics Team is able to identify and address potential conflicts. This measure tracks the percentage of public disclosure reports filed within the required timeframe. Timeframes vary based on the type of required filing, and the FTC’s Ethics Team may grant limited extensions of the filing deadline for good cause.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
N/A	N/A	N/A	98.3%	95.1%	98.5%	95%	Exceeded

**Performance Metric 3.1.5:** Percentage of contract actions awarded within FTC’s established Procurement Action Lead Time (PALT).

The agency’s Acquisitions Branch engages in the time-intensive process of awarding government contracts, task orders, and modifications. To measure the efficiency of this work, this measure tracks the percentage of contract actions awarded within established lead times. The lead-time varies depending on the type of contract.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
78%	65%	57%	67%	89%	94.6%	75%	Exceeded

**FY 2021 Highlights:** The FTC’s Acquisition Department continues to make improvements in staff retention and work processes, which have helped decrease the time needed to award contracts.

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

**Goal Leaders: Executive Director, Office of the Executive Director; Director, Bureau of Consumer Protection; Director, Bureau of Competition; Director, Bureau of Economics; General Counsel, Office of the General Counsel; Director, Office of EEO/EEOWI**

### FY 2021 Progress Update

#### **Leveraging Technology to create human capital efficiencies:**

In FY21, the FTC's Human Capital Management Office (HCMO) began development of and finalized the implementation of a new human resources data systems to improve the efficiency and effectiveness of its FTC's human capital management programs: the Personnel Security Case Tool and the Onboarding, Change, and Off Boarding System

- **Personnel Security Case Tool (Service Now – Human Resources Service Delivery Module):** Built upon the ServiceNow HR Service Module, this new system improves the ability of the Personnel Security Office to conduct investigations, track upcoming investigations, and report results to the Office of the Director of National Intelligence. The new system receives electronic delivery of investigation results from the Defense Counterintelligence and Security Agency in a secure manner. This system has become the cornerstone of the FTC's transformation of the onboarding and offboarding system.
- **Onboarding, Change, and Off Boarding System:** Led the development of the new Onboarding, Change, and Off Boarding System. This system will replace several non-connected systems and facilitate managing the process through technology. Reports of employees, volunteers, and contractors that have completed onboarding will be provided automatically to the Privacy Office and Ethics each pay period. The system is projected for agency-wide implementation in FY2022.

The agency is modernizing its human capital (HC) systems by, among other things, migrating from paper-based to electronic systems. These changes have been critical to success of the agency during the pandemic throughout FY21 where most FTC staff have been working remotely. The success of these projects requires the FTC to recruit and retain staff with the requisite project and database management skills to successfully implement and manage electronic databases and provide support to internal customers. The FTC's ability to recruit the HC workforce of the future is impacted by a strong labor market for federal HC professionals in the Washington, D.C. area, the availability of opportunities at higher-paying agencies and in the private sector, and by staff turnover in HCMO. Another factor is the limited availability of qualified, experienced HC professionals with federal HC experience.

In FY21, the FTC's Office of EEO/EEOWI continued its long-standing partnerships with employees and senior officials across the agency regarding diversity, equity, inclusion, and accessibility. FTC employees and senior officials have an ongoing presence in many agency groups, committees, and task forces that focus on diversity, equity, inclusion, and accessibility in the contexts of the FTC's workforce and the context of the programmatic services that the FTC provides to the public. For example, FTC employees and senior officials are present on, and actively participate in, the FTC's Taskforce on Equity. The FTC also benefited from several events and activities that were planned and presented by the FTC Diversity Council, the FTC Women's Employee Resource Group, and the Pride Employee Resource Group (which was formalized in FY 2021).

## Performance Metrics

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

Employee satisfaction is measured by averaging the results from three questions on the Federal Employee Viewpoint Survey (FEVS). Measuring the overall job satisfaction of FTC employees provides managers with important information regarding employees' general satisfaction with their organization and the work they do. Overall job satisfaction is closely correlated with employee retention.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
81%	83%	85%	84%	89%	60%	74% (FY21 results = 64%)	Not Met

**FY 2021 Highlights:** The FTC is aware of the large drop in results for this metric and is working with staff to better understand what is going on and what we can do to improve.

**Performance Metric 3.2.2:** The extent employees believe the FTC encourages an environment that is open, diverse, and inclusive.

This measure is based on the FEVS New IQ Index, which gauges the extent to which employees believe the agency has policies and programs that promote a work environment that is open, diverse, and inclusive. The New IQ Index identifies behaviors that help create and sustain an inclusive work environment. Workplace inclusion is a contributing factor to both employee engagement and organizational performance.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
75%	78%	78%	78%	FEVS removed in FY20	FEVS removed in FY21	Exceed the government-wide average by 10 points	N/A

**FY 2021 Highlights:** OPM did not report the results of this FEVS index in FY 2021.

**Performance Metric 3.2.3:** The extent to which employees believe the FTC cultivates engagement throughout the agency.

The Employee Engagement Index of the FEVS determines this measure. The Index gauges the extent to which employees believe that management listens and provides meaningful support and feedback in various areas that assist staff in supporting the overall mission of the agency. The index is based on FEVS questions that assess three sub-factors: Leaders Lead, Supervisors, and Intrinsic Work Experience.

- **Leaders Lead:** Employees’ perceptions of leadership’s integrity as well as leadership behaviors such as communication and workforce motivation.
- **Supervisors:** Interpersonal relationship between worker and supervisor, including trust, respect, and support.
- **Intrinsic Work Experience:** Employees’ feelings of motivation and competency relating to their role in the workplace.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
82%	83%	83%	84%	87%	74%	81% (FY 21 results = 71%)	Not Met

**FY 2021 Highlights:** The FTC is aware of the large drop in results for this metric and is working with staff to better understand what is going on and what we can do to improve.

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

The Results Oriented Performance score of the FEVS determines this measure. The score indicates the extent to which employees believe their organizational culture promotes improvement in processes, products and services, and organizational outcomes.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
70%	73%	74%	75%	FEVS removed in FY20	FEVS removed in FY21	Exceed the government-wide average by 10 points	N/A

**FY 2021 Highlights:** OPM did not report the results of this FEVS index in FY 2020 and FY 2021.

## Other Indicators

**Indicator 3.2.IND.1:** Percentage of eligible FTC employees who have telework agreements.

This indicator provides information on overall employee participation in the FTC telework program. Telework is a valuable tool that supports workplace flexibility by allowing an employee to perform work—during any part of regular, paid hours—at an approved alternative worksite (e.g., home, telework center). It is an important tool for achieving a resilient and results-oriented workforce.

NOTE: In FY 2020, we are reporting a higher frequency of telework participation as the agency is mandated to work remotely in response to continuity of operations planning for the COVID-19 pandemic emergency. Prior data measured routine telework participation in the program as a workforce flexibility provided to FTC staff.

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual
N/A	85%	88%	99%	99%

**Indicator 3.2.IND.2:** Number of requests for reasonable accommodations resolved through the FTC’s reasonable accommodations process.

This indicator tracks the resolution of requests for reasonable accommodation submitted to the HCMO Disability Program Manager by FTC employees or job applicants with permanent or temporary disabilities that affect the performance of their job duties. Tracking this data helps ensure the agency complies with the policies and procedures outlined in the Administrative Manual, Chapter 3: Section 300 - Disability Anti-Discrimination Policy and Reasonable Accommodation Procedures, and the Rehabilitation Act of 1973.

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual
N/A	46	84	32	16

**Indicator 3.2.IND.3:** Average number of days to issue a certificate of eligible candidates to a hiring manager.

This indicator tracks the average number of days it takes for HCMO HC specialists to issue a certificate of eligible candidates to hiring managers after a job opportunity announcement has closed. Providing a list of eligible job candidates in a timely manner enables managers to continue to meet the FTC mission by filling vacant positions with qualified persons as quickly as possible.

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual
N/A	13.5 days	19 days	15.3 days	17.1 days

**Indicator 3.2.IND.4:** Average number of days to make a hiring decision.

This indicator tracks the average number of days between the date hiring managers receive a certificate of eligible candidates and the date managers return hiring certificates to HCMO for processing after they make a hiring decision. Making timely hiring decisions increases the likelihood that hiring managers will be able to recruit qualified, top candidates.

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual
N/A	29 days	32 days	31.6 days	33.6 days

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

### Goal Leader: Executive Director, Office of the Executive Director

#### FY 2021 Progress Update

- During FY 2021, the FTC began an initiative advancing the agency toward a next-generation Zero Trust network architecture. This modernized architecture includes the migration to a new managed communications service, software-defined wide-area network (SD-WAN), and cloud-based secure gateway for remote employee access. These new technologies are designed to improve performance and user experience, while simultaneously enhancing the agency's information security profile and reducing overall IT costs and complexity.
- The FTC migrated and reengineered legacy applications and manual processes, such as those for IT service management, litigation support, and employee onboarding, to cloud hosted platforms and shared services, further reducing FTC's dependency on our data center, aging infrastructure, and ensuring the agency exceeds 99.5% availability of information technology systems.
- The FTC continues to upgrade, replace, and decommission aging, end-of-support infrastructure components and applications to increase user functionality and decrease the risk of downtime, system failures, and security vulnerabilities. In FY 2021, FTC replaced end-of-support hardware for the agency's wireless local-area-network, upgraded FTC's enterprise database management system, Oracle DBMS, and is replacing its aging fleet laptops, all of which allow us to continue to consistently meet or exceed our cybersecurity targets.
- As the FTC modernizes IT systems and increases the use of shared and cloud-based services, agency policies and procedures regarding records management, privacy, information security, and risk management may not align with technology and best practices for modernized digital services, causing delays in deployment, increased level of effort, and customer dissatisfaction if expected functionality is not available.
- Any constraint on resources, including funding and personnel, needed for IT investments could hinder modernization efforts and the FTC's ability to refresh and replace aging infrastructure components.
- Traditional methods of contracting for IT services may hinder the FTC's ability to leverage agile development methods and promote creativity and innovation amongst contractors.

#### Performance Metrics

##### Performance Metric 3.3.1: Availability of information technology systems.

Information technology systems must be available and accessible to support the FTC mission. Lack of availability and accessibility severely constrains employees' and managers' ability to serve the public and stakeholders. This measure tracks service outages and monitors the uptime of 11 critical information technology services, as well as the agency's infrastructure backbone, including:

- Email
- FTC-specific applications and systems
- Wireless services
- Internet
- Intranet
- Phone and Voicemail
- Wide Area Network

- The agency’s primary public website (www.ftc.gov)
- Litigation support applications and systems
- Economic support systems
- Remote employee access

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
99.75%	99.70%	99.71%	99.98%	99.97%	99.94%	99.60%	Exceeded

**FY 2021 Highlights:** Major FTC systems, such as email, litigation support systems, and public websites, are hosted in cloud-based environments. These systems maintained high availability in line with cloud provider service level agreements, allowing FTC to maintain high availability and exceed its targets despite outages in on-premise systems in FY 2021.

**Performance Metric 3.3.2:** Percentage of IT spend on Provisioned IT Services.

This measure tracks the agency’s progress in moving IT services to the cloud. Transitioning to cloud-based services is a key component of FTC’s Information Resource Management Strategic Plan and will benefit the FTC through increased flexibility, dependability, and, ultimately, cost savings.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
N/A	N/A	36.6%	37.0%	40.0%	42.7%	40.0%	Exceeded

**FY 2021 Highlights:** The FTC continued its efforts to migrate from legacy on-premises infrastructure to provisioned services, exceeding targets for spending on provisioned services. Specific projects contributing to FTC’s success in this performance metric include deployment of the ServiceNow Change Management application and reengineering of the FTC’s Change Management process; automation of the litigation support service request process for the Bureau of Consumer Protection; and automation of the HCMO Personnel Security intake and tracking process.



**Performance Metric 3.3.3:** Achieve a favorable rating in the FTC Cybersecurity Index.

This measure monitors the agency’s progress in achieving multiple critical cybersecurity metrics, each of which measures the agency’s cybersecurity posture and strength in protecting the confidentiality, integrity, and availability of information systems. The cybersecurity metrics that populate this Index are the percentage of:

- Major systems with a valid Authority to Operate (ATO). Measures the number of major IT systems with a valid ATO, documenting review of system security controls and review and acceptance of system risks.
- Government Furnished Equipment (GFE) workstations that meet the “acceptable” vulnerabilities threshold. Measures the number of GFE workstations with critical and potentially exploitable vulnerabilities, indicating the agency’s risk level for cyberattacks. This is a measurement of the most frequently compromised assets.
- GFE workstations scanned quarterly. Measures the number of GFE workstations scanned to ensure vulnerabilities are addressed in a timely manner based on risk and impact. Leading indicator on the repeatability and effectiveness of the vulnerability assessment and remediation processes.
- GFE workstations patched within 30 days. Workstations are scanned monthly to make sure they have the most recent patches. GFE workstations that have been patched within the 30 days prior to the monthly scans have a reduced opportunity to exploit vulnerabilities.
- Assets with valid baseline configuration. Measures the number of assets with a documented and validated baseline configuration. This is an indication of how well the IT environment is known and secured. Undocumented assets cannot be effectively secured.
- GFE workstations that meet the baseline configuration. Measures the number of GFE workstations that deviate from that baseline without a documented risk acceptance. This is an indicator of the effectiveness of the configuration management process.
- Unprivileged users using multi-factor authentication. Measures the number of unprivileged users (i.e., general FTC staff) using multi-factor authentication to access the FTC network, decreasing the risk of unauthorized access to agency systems.
- Privileged users using multi-factor authentication. Measures the number of privileged users (i.e., system administrators with elevated system rights) using multi-factor authentication to access the FTC network, decreasing the risk of insider threat and unauthorized access to highly sensitive data.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
N/A	N/A	3 of 8	6 of 8	7 of 8	6 of 8	6 of 8	Met

**FY 2021 Highlights:** The FTC met its target for its cybersecurity index. FY 2021 presented significant challenges with managing government-furnished equipment remotely (GFE) while FTC remained in a maximum telework scenario. Despite these challenges, the FTC was still able to meet targets for scanning, patching applications, servers, network equipment and GFE workstations, ensuring systems and services are secured through multifactor authentication, and ensuring compliance with Executive Orders, Binding Operational Directives.

**Performance Metric 3.3.4:** Percentage of the FTC’s paper records held at the Washington National Records Center (WNRC) that are processed and appropriately either (a) destroyed or (b) transferred to the National Archives and Records Administration.

This measure tracks the agency’s progress in dispositioning its paper records, in compliance with federal records management regulations and requirements. The agency maintains approximately 18,000 boxes of temporary and permanent records at WNRC that are eligible for disposition. The agency will destroy temporary records and transfer permanent records to the NARA in accordance with our records disposition schedule. Disposing of the agency’s WNRC holdings will ensure the agency is compliant with NARA and OMB directives and will reduce spending for offsite storage. Timely transfer of permanent records helps the FTC to avoid incurring digitization costs before NARA’s stated deadline to stop accepting transfers of paper records after 2022.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
N/A	N/A	N/A	16.9%	31.3%	N/A; NARA has stopped the process	[on hold]	N/A

**FY 2021 Highlights:** This project was halted in mid-2020 at NARA’s request pending the FTC’s development of new records’ schedules for mission and policy-related work; this is standard practice when new schedules are needed. The agency is collaborating closely with NARA to develop new schedules and has already begun to submit them to NARA for approval.

**Performance Metric 3.3.5:** Successfully transfer permanent electronic records dated between 2004 and 2016 to NARA in a timely manner.

This measure will track the agency’s progress in processing and transferring its electronic records in order to comply with federal records management regulations and requirements. The agency began maintaining its permanent records in an electronic format in 2004. Pursuant to the agency’s records schedule and the “Managing Government Records Directive,” OMB M-12-18, the FTC is obligated to identify and transfer Permanent Electronic Records to the custody of NARA.

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2021 Target	FY 2021 Status
N/A	N/A	N/A	2004-2006 records transferred	No records transferred	N/A; NARA has stopped transfers	[on hold]	N/A

**FY 2021 Highlights:** This project was halted in mid-2020 at NARA’s request pending the FTC’s development of new records’ schedules for mission and policy-related work; this is standard practice when new schedules are needed. The agency is collaborating closely with NARA to develop new schedules and has already begun to submit them to NARA for approval.

## Comparing the FY 2018-2022 FTC Strategic Plan to the FY 2022-2026 FTC Strategic Plan

The following tables are meant to show how the FTC’s Mission, Vision, Strategic Goals, Objectives, and Performance Metrics, have been updated in our recently released FTC Strategic Plan for FY 2022-2026. To see changes to the narrative and strategies within the plan, you will need to look at the plans themselves.

FY 2018 – 2022 Strategic Plan	FY 2022 – 2026 Strategic Plan
<p><b>Mission:</b> Protecting consumers and competition by preventing anticompetitive, deceptive, and unfair business practices through law enforcement, advocacy, and education without unduly burdening legitimate business activity.</p>	<p><b>Mission:</b> Protecting the public from deceptive or unfair business practices and from unfair methods of competition through law enforcement, advocacy, research, and education.</p>
<p><b>Vision:</b> A vibrant economy characterized by vigorous competition and consumer access to accurate information.</p>	<p><b>Vision:</b> A vibrant economy fueled by fair competition and an empowered, informed public.</p>
<p><b>Strategic Goals:</b> Goal 1 - Protect consumers from unfair and deceptive practices in the marketplace. Goal 2 - Maintain competition to promote a marketplace free from anticompetitive mergers, business practices, or public policy outcomes. Goal 3 - Advance the FTC’s performance through excellence in managing resources, human capital, and information technology.</p>	<p><b>Strategic Goals:</b> Goal 1 – Protect the public from unfair or deceptive acts or practices in the marketplace. Goal 2 – Protect the public from unfair methods of competition in the marketplace and promote fair competition. Goal 3 – Advance the FTC’s effectiveness and performance.</p>
<p><b>Goal 1: Protect the public from unfair or deceptive acts or practices in the marketplace.</b></p> <p><b>OBJECTIVES</b></p>	
<p>1.1 Identify and take actions to address deceptive or unfair practices that harm consumers.</p>	<p>1.1 Identify, investigate, and take actions against, and deter unfair or deceptive acts or practices that harm the public.</p>
<p>1.2 Provide consumers and businesses with knowledge and tools that provide guidance and prevent harm.</p>	<p>1.2 Connect with individuals, communities, and businesses to provide practical knowledge, guidance, and tools, and to learn about key challenges and opportunities for future FTC engagement.</p>
<p>1.3 Collaborate with domestic and international partners to enhance consumer protection.</p>	<p>1.3 Collaborate with domestic and international partners to enhance consumer protection.</p>
	<p>1.4 Support equity for historically underserved communities through the FTC’s consumer protection mission. <i>(new objective)</i></p>

FY 2018 – 2022 Strategic Plan	FY 2022 – 2026 Strategic Plan
<b>Goal 2: Protect the public from unfair methods of competition in the marketplace and promote fair competition.</b> <b>OBJECTIVES</b>	
2.1 Identify and take actions to address anticompetitive mergers and practices.	2.1 Identify, investigate, and take actions against anticompetitive mergers and business practices.
2.2 Engage in effective research, advocacy, and stakeholder outreach to promote competition and advance its understanding.	2.2 Engage in research, advocacy, and outreach to promote public awareness and understanding of fair competition and its benefits.
2.3 Collaborate with domestic and international partners to preserve and promote competition.	2.3 Collaborate with domestic and international partners to check unfair methods of competition.
	2.4 Support equity for historically underserved communities through the FTC’s competition mission. <i>(new objective)</i>
<b>Goal 3: Advance the FTC’s effectiveness and performance.</b> <b>OBJECTIVES</b>	
3.1 Optimize resource management and infrastructure.	3.1 Optimize resource management, space, and administrative programs.
3.2 Cultivate a high-performing, diverse, and engaged workforce.	3.2 Cultivate a high-performing, diverse, inclusive, and engaged workforce.
3.3 Optimize technology and information management that supports the FTC mission.	3.3 Optimize information management.

FY 2018 – 2022 Strategic Plan	FY 2022 – 2026 Strategic Plan
<b>Goal 1: Protect the public from unfair or deceptive acts or practices in the marketplace.</b>	
<b>METRICS</b>	
1.1.1 Percentage of the FTC’s consumer protection law enforcement actions that targeted the subject of consumer complaints to the FTC. <i>[reworded and renumbered to 1.1.6]</i>	1.1.1 Amount of money returned to the public or forwarded to the U.S. Treasury resulting from FTC enforcement actions. <i>[reworded and renumbered from 1.1.4]</i>
1.1.2 Rate of customer satisfaction with the FTC’s Consumer Response Center. (A) Website. (B) Call Center. <i>[reworded and renumbered to 1.1.7 and 1.1.8]</i>	1.1.2 Total consumer savings compared to the amount of FTC resources allocated to consumer protection law enforcement. <i>[renumbered from 1.1.3]</i>
1.1.3 Total consumer savings compared to the amount of FTC resources allocated to consumer protection law enforcement. <i>[renumbered to 1.1.2]</i>	1.1.3 Percentage of matters following up on Commission market-wide policy initiatives, e.g., Notices of Penalty Offenses, Policy Statement on Negative Option Marketing, workshops, and reports. <i>[new metric]</i>
1.1.4 The amount of money the FTC returned to consumers or forwarded to the U.S. Treasury resulting from FTC enforcement action. <i>[reworded and renumbered to 1.1.1]</i>	1.1.4 Percentage of matters seeking significant remedial, precedential, or deterrent effects across the marketplace. <i>[new metric]</i>
	1.1.5 Percentage of cases involving collaboration across organizational units, e.g., regional offices and divisions, BC and BCP, Bureaus and OPP. <i>[new metric]</i>
	1.1.6 Percentage of the FTC’s consumer protection law enforcement actions that targeted the subject of consumer reports in the FTC’s Consumer Sentinel Network. <i>[reworded and renumbered from 1.1.1]</i>
	1.1.7 User satisfaction with the FTC’s Consumer Response Call Center. <i>[reworded and renumbered from 1.1.2 (B)]</i>
	1.1.8 User satisfaction with the FTC’s Consumer Response Center website. <i>[reworded and renumbered from 1.1.2 (A)]</i>
1.2.1 Rate of consumer satisfaction with FTC consumer education websites. <i>[reworded]</i>	1.2.1 Rate of customer satisfaction with FTC consumer education websites. <i>[reworded]</i>
1.2.2 Number of workshops and conferences the FTC convened that address consumer protection issues. <i>[removed]</i>	1.2.2 Rate of customer satisfaction with the ftc.gov website. <i>[new metric]</i>
1.2.3 Number of consumer protection reports the FTC released. <i>[removed]</i>	1.2.3 Number of outreach events. <i>[new metric]</i>
	1.2.4 Number of unique page views for consumer and business education digital articles and blog posts. <i>[new metric]</i>

FY 2018 – 2022 Strategic Plan	FY 2022 – 2026 Strategic Plan
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. <i>[no change]</i>	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. <i>[no change]</i>
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. <i>[no change]</i>	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. <i>[no change]</i>
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. <i>[removed]</i>	
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. <i>[removed]</i>	
	1.4.1 Percentage of actions taken to stop unfair or deceptive practices that we have identified as 1) targeting historically underserved communities; 2) disproportionately impacting historically underserved communities; 3) involving schemes or practices that research has shown to disproportionately impact historically underserved communities; or 4) involving conduct in languages other than English, including Native American languages. <i>[new metric]</i>
	1.4.2 Percentage of redress payments made to people who live in communities that have a high proportion of members of historically underserved communities. <i>[new metric]</i>
	1.4.3 Number of outreach events targeting diverse audiences. <i>[new metric]</i>

FY 2018 – 2022 Strategic Plan	FY 2022 – 2026 Strategic Plan
<b>Goal 2: Protect the public from unfair methods of competition in the marketplace and promote fair competition.</b> <b>METRICS</b>	
2.1.1 Percentage of full merger and nonmerger investigation in which the FTC takes action to maintain competition. <i>[removed]</i>	2.1.1 Total consumer savings and other measurable benefits generated by antitrust enforcement. <i>[combined and reworded from 2.1.2 and 2.1.4]</i>
2.1.2 Consumer savings through merger actions taken to maintain competition. <i>[combined and reworded into 2.1.1]</i>	2.1.2 Total consumer savings and other measurable benefits generated by antitrust enforcement compared to resources spent. <i>[combined and reworded from 2.1.3 and 2.1.5]</i>
2.1.3 Total consumer savings compared to the amount of FTC resources allocated to the merger program. <i>[combined and reworded into 2.1.2]</i>	2.1.3 Percentage of cases and investigations involving collaboration with BCP. <i>[new metric]</i>
2.1.4 Consumer savings through nonmerger actions taken to maintain competition. <i>[combined and reworded into 2.1.1]</i>	2.1.4 Percentage of antitrust matters seeking significant remedial, precedential, or deterrent effects across the marketplace. <i>[new metric]</i>
2.1.5 Total consumer savings compared to the amount of FTC resources allocated to the nonmerger program. <i>[combined and reworded into 2.1.2]</i>	2.1.5 Percentage of full phase antitrust investigations that (1) proceeded to litigation that ultimately halted or deterred lawbreaking or resulted in greater clarification of the law, or (2) ended when a merger was abandoned in anticipation of an FTC challenge. <i>[new metric]</i>
2.2.1 Number of workshops, seminars, conferences, and hearings convened or co-sponsored that involve significant competition-related issues. <i>[removed]</i>	2.2.1 Number of reports and studies issued on competition related topics. <i>[reworded and renumbered from 2.2.2]</i>
2.2.2 Number of reports and studies the FTC issued on key competition-related topics. <i>[reworded and renumbered to 2.2.1]</i>	2.2.2 Number of cases for which BE economists prepared to testify as expert witnesses in FTC antitrust enforcement actions. <i>[new metric]</i>
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. <i>[reworded]</i>	2.2.3 Percentage of competition advocacy matters filed with entities including federal and state legislatures, agencies, or courts that were successful. <i>[reworded]</i>
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. <i>[no change]</i>	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. <i>[no change]</i>

FY 2018 – 2022 Strategic Plan	FY 2022 – 2026 Strategic Plan
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. <i>[removed]</i>	
	2.4.1 Dollar value of harm from potentially anticompetitive conduct and transactions having an adverse economic impact on consumers, workers, and small businesses in historically underserved communities. <i>[new metric]</i>
	2.4.2 Percentage of populations impacted by actions taken to maintain competition who belong to historically underserved communities. <i>[new metric]</i>
	2.4.3 Percentage of actions taken to maintain competition where the merger or conduct was identified as adversely impacting historically underserved communities. <i>[new metric]</i>
<b>Goal 3: Advance the FTC’s effectiveness and performance.</b>	
<b>METRICS</b>	
3.1.1 The extent to which the FTC is prepared to protect people and property and to continue mission essential operations during emergencies. <i>[removed]</i>	3.1.1 Audit opinion from the agency’s independent financial statement auditors. <i>[reworded and renumbered from 3.1.3]</i>
3.1.2 Percentage of survey respondents who are satisfied or very satisfied with the timeliness of administrative operations. <i>[removed]</i>	3.1.2 Percentage of contract actions awarded within FTC’s established procurement action lead time. <i>[renumbered from 3.1.5]</i>
3.1.3 Achieve a favorable (unmodified) audit opinion from the agency’s independent financial statement auditors. <i>[reworded and renumbered to 3.1.1]</i>	3.1.3 Percentage of contract dollars awarded to small disadvantaged businesses. <i>[new metric]</i>
3.1.4 Percentage of new entrant, annual, and termination Public Financial Disclosure Reports that are filed within the required timeframe. <i>[removed]</i>	3.1.4 Number of training and information offerings to staff on climate literacy and resilience topics. <i>[new metric]</i>
3.1.5 Percentage of contract actions awarded within FTC’s established procurement action lead time. <i>[renumbered to 3.1.2]</i>	
3.2.1 The extent to which FTC employees consider their agency to be a best place to work. <i>[reworded and renumbered to 3.2.2]</i>	3.2.1 Annual score on the FEVS Employee Engagement Index. <i>[reworded and renumbered from 3.2.3]</i>
3.2.2 The extent to which employees believe the FTC encourages a culture that is open, diverse, and inclusive. <i>[reworded and renumbered to 3.2.3]</i>	3.2.2 Annual score on the FEVS Global Satisfaction Index. <i>[reworded and renumbered from 3.2.1]</i>
3.2.3 The extent to which employees believe the FTC cultivates engagement throughout the agency. <i>[reworded and renumbered to 3.2.1]</i>	3.2.3 Annual score on the FTC Diversity and Inclusion Index. <i>[new metric]</i>



FY 2018 – 2022 Strategic Plan	FY 2022 – 2026 Strategic Plan
3.2.4 The extent to which employees believe FTC management promotes a results-oriented performance culture. <i>[removed]</i>	3.2.4 Percentage of people with disabilities in the FTC workforce. <i>[new metric]</i>
	3.2.5 Percentage of people with targeted disabilities in the FTC workforce. <i>[new metric]</i>
3.3.1 Availability of information technology systems. <i>[renumbered to 3.3.2]</i>	3.3.1 Percentage of FTC IT systems hosted outside of the FTC’s data center. <i>[new metric]</i>
3.3.2 Percentage of IT spend on provisioned IT services. <i>[removed]</i>	3.3.2 Availability of information technology systems. <i>[renumbered from 3.3.1]</i>
3.3.3. Achieve a favorable FTC Cybersecurity Index score. <i>[reworded]</i>	3.3.3 Annual score on the FTC Cybersecurity Index. <i>[reworded]</i>
3.3.4 Percentage of the FTC’s paper records held at the Washington National Records Center (WNRC) that are processed and appropriately either (a) destroyed or (B) transferred to the National Archives and Records Administration (NARA). <i>[removed]</i>	3.3.4 Meet project milestones for developing an agency email records schedule and associated email capture and management process. <i>[new metric]</i>
3.3.5 Successfully transfer permanent electronic records dated between 2004 and 2016 to NARA in a timely manner. <i>[removed]</i>	3.3.5 Meet project milestones for developing and implementing an agency wide approach for managing Controlled Unclassified Information (CUI). <i>[new metric]</i>





## Annual Performance Metrics: Fiscal Years 2019 to 2023

	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Target	FY 2023 Target
1.1.1 Amount of money returned to the public or forwarded to the U.S. Treasury resulting from FTC enforcement actions.	\$3.52 billion	\$2.79 billion	\$2.39 billion	\$65 million	
1.1.2 Total consumer savings compared to the amount of FTC resources allocated to consumer protection law enforcement.	\$38.60 in consumer savings per \$1 spent	\$14.40 in consumer savings per \$1 spent	\$13.00 in consumer savings per \$1 spent	\$7.00 in consumer savings per \$1 spent	
1.1.3 Percentage of matters following up on Commission market-wide policy initiatives, e.g., Notices of Penalty Offenses, Policy Statement on Negative Option Marketing, workshops, and reports.	N/A	N/A	N/A	Baseline	TBD
1.1.4 Percentage of matters seeking significant remedial, precedential, or deterrent effects across the marketplace.	N/A	N/A	N/A	Baseline	TBD
1.1.5 Percentage of cases involving collaboration across organizational units, e.g., regional offices and divisions, BC and BCP, Bureaus and OPP.	N/A	N/A	N/A	Baseline	TBD
1.1.6 Percentage of the FTC's consumer protection law enforcement actions that targeted the subject of consumer reports in the FTC's Consumer Sentinel Network.	87.8%	90.5%	85%	80.0%	80.0%
1.1.7 User satisfaction with the FTC's Consumer Response Center call center.	84	84	84	Average satisfaction rate for call centers	
1.1.8 User satisfaction with the FTC's Consumer Response Center website.	81.2	82.5	83.3	Average satisfaction rate for websites	
1.2.1 Rate of customer satisfaction with FTC consumer education websites.	77.7	76.2	72.9	Average satisfaction rate from ACSI's E-Government Satisfaction Index	
1.2.2 Rate of customer satisfaction with the ftc.gov website. (a) Mobile (b) Desktop	(a)N/A (b)76.7	(a)74.6 (b)74.7	(a)73.5 (b)70.9	(a)73.5 (b)70.9	(a)75 (b)72.3
1.2.3 Number of outreach events.	N/A	N/A	N/A	Baseline	TBD
1.2.4 Number of unique page views for consumer and business education digital article and blog posts.	N/A	N/A	N/A	Baseline	TBD
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.	453	551	505	375	
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.	48	42	39	20	30
1.4.1 Percentage of actions taken to stop unfair or deceptive practices that we have identified as 1) targeting historically underserved communities; 2) disproportionately impacting historically underserved communities; 3) involving schemes or practices that research has shown to disproportionately impact historically underserved communities; or 4) involving conduct in languages other than English, including Native American languages.	N/A	N/A	N/A	Baseline	TBD

	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Target	FY 2023 Target
1.4.2 Percentage of redress payments made to people who live in communities that have a high proportion of members of historically underserved communities.	N/A	N/A	N/A	Baseline	TBD
1.4.3 Number of outreach events targeting diverse audiences.	N/A	N/A	N/A	Baseline	TBD
2.1.1 Total consumer savings and other measurable benefits generated by antitrust enforcement.	\$4.86 billion	\$1.87 billion	\$2.77 billion	\$2.4 billion	
2.1.2 Total consumer savings and other measurable benefits generated by antitrust enforcement compared to resources spent.	\$66.00 in consumer savings per \$1 spent	\$34.40 in consumer savings per \$1 spent	\$34.70 in consumer savings per \$1 spent	\$35.00 in consumer savings per \$1 spent	
2.1.3 Percentage of cases and investigations involving collaboration with BCP.	N/A	N/A	N/A	Baseline	TBD
2.1.4 Percentage of antitrust matters seeking significant remedial, precedential, or deterrent effects across the marketplace.	N/A	N/A	N/A	Baseline	TBD
2.1.5 Percentage of full-phase investigations that (1) proceeded to litigation that ultimately halted or deterred lawbreaking or resulted in greater clarification of the law, or (2) ended when a merger was abandoned in anticipation of an FTC challenge.	N/A	N/A	N/A	Baseline	TBD
2.2.1 Number of reports and studies issued on competition related topics.	4	7	8	8	
2.2.2 Number of cases for which BE economists prepared to testify as expert witnesses in FTC antitrust enforcement actions.	N/A	N/A	N/A	Baseline	TBD
2.2.3 Percentage of competition advocacy matters filed with entities including federal and state legislatures, agencies, or courts that were successful.	N/A	N/A	N/A	Baseline	TBD
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.	100.0%	100.0%	100%	90.0%	
2.4.1 Dollar value of harm from potentially anticompetitive conduct and transactions having an adverse economic impact on consumers, workers, and small businesses in historically underserved communities.	N/A	N/A	N/A	Baseline	TBD
2.4.2 Percentage of populations impacted by actions taken to maintain competition who belong to historically underserved communities.	N/A	N/A	N/A	Baseline	TBD
2.4.3 Percentage of actions taken to maintain competition where the merger or conduct was identified as adversely impacting historically underserved communities.	N/A	N/A	N/A	Baseline	TBD
3.1.1 Audit opinion from the agency's independent financial statement auditors.	Unmodified opinion	Unmodified opinion	Unmodified opinion	Unmodified audit opinion on the financial statements	
3.1.2 Percentage of contract actions awarded within FTC's established procurement action lead time (PALT).	67%	89%	95%	90%	
3.1.3 Percentage of contract dollars awarded to small disadvantaged businesses.	11.7%	15.4%	18.1%	15%	

	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Target	FY 2023 Target
3.1.4 Number of training and information offerings to staff on climate literacy and resilience topics.	N/A	N/A	N/A	Baseline	TBD
3.2.1 Annual score on the FEVS Employee Engagement Index.	84%	87%	74%	77%	80%
3.2.2 Annual score on the FEVS Global Satisfaction Index.	84%	89%	60%	65%	70%
3.2.3 Annual score on the FTC Diversity and Inclusion Index.	N/A	N/A	N/A	Baseline	TBD
3.2.4 Percentage of people with disabilities in the FTC workforce.	8.1%	8.0%	7.4%	7.5%	
3.2.5 Percentage of people with targeted disabilities in the FTC workforce.	1.4%	1.3%	1.4%	1.5%	
3.3.1 Percentage of FTC IT systems hosted outside of the FTC's data center.	N/A	N/A	N/A	90.00%	
3.3.2 Availability of information technology systems.	99.98%	99.97%	99.94%	99.50%	
3.3.3 Annual score on the FTC Cybersecurity Index.	6 of 8	7 of 8	6 of 8	6 of 8	
3.3.4 Meet project milestones for developing an agency email records schedule and associated email capture and management process.	N/A	N/A	N/A	Draft agency-wide policy regarding email and implement agency-wide training on email management.	Submit email records schedule to NARA for approval.
3.3.5 Meet project milestones for developing and implementing an agency wide approach for managing Controlled Unclassified Information (CUI).	N/A	N/A	N/A	Implement agency-wide physical safeguarding, decontrolling and destruction process for CUI.	Implement marking of information agency-wide and launch agency-wide training.

## Strategic Goal 1: Protect the Public From Unfair or Deceptive Acts or Practices in the Marketplace

The FTC uses an interdisciplinary approach to protect the public from unfair and deceptive practices in the marketplace. The FTC conducts investigations, sues companies and people that violate the law, develops rules to protect the public, and educates consumers and businesses about their rights and responsibilities. The agency also collects reports about a host of consumer issues, including fraud, identity theft, financial matters, and Do Not Call violations. The FTC makes these reports 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 conduct that causes or is likely to cause substantial injury to the public. This includes not only monetary injury, but also, for example, unwarranted health, safety, and privacy risks.

Through its Every Community Initiative, the FTC supports consumers in historically underserved communities, which may be disproportionately affected by fraud and other consumer issues. These efforts include developing specific resources, conducting outreach and events, initiating law enforcement actions, and conducting research to better identify and understand the equity issues.

Four objectives guide work in this area:

- **Objective 1.1:** Identify, investigate, take actions against, and deter unfair or deceptive acts or practices that harm the public.
- **Objective 1.2:** Connect with individuals, communities, and businesses to provide practical knowledge, guidance, and tools, and to learn about key challenges and opportunities for future FTC engagement.
- **Objective 1.3:** Collaborate with domestic and international partners to enhance consumer protection.
- **Objective 1.4:** Support equity for historically underserved communities through the FTC's consumer protection mission.

## **Objective 1.1: Identify, investigate, take actions against, and deter unfair or deceptive acts or practices that harm the public.**

### **Goal Leaders: Director, Bureau of Consumer Protection; Director, Bureau of Economics**

The FTC protects the public 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 the public, the FTC must identify consumer protection issues and trends in the fast-changing, increasingly global marketplace. The agency strives to understand the issues affecting the public, including any newly emerging methods of fraud, so that it can target its enforcement, education, and advocacy on those areas where the public suffers 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 report information directly through the following sources:

- ReportFraud.ftc.gov for reporting fraud, scams, and bad business practices, or through a toll-free helpline (1-877-FTC- HELP)
- IdentityTheft.gov for reporting identity theft, or through an identity theft hotline (1-877-ID-THEFT)
- Donotcall.gov for reporting unwanted calls, or through the National Do Not Call Registry helpline (1-888-382-1222)

In addition, the FTC continues to gather consumer report information from other sources, including state, federal, and international law enforcement agencies, Better Business Bureaus, postal mail, and private entities.

The Consumer Sentinel Network (CSN) is the FTC's secure website that provides more than 2,800 law enforcement users worldwide with access to more than 50 million consumer fraud, identity theft, financial, and Do Not Call Registry reports collected during the past five years. On a quarterly basis, the FTC includes information on the top consumer reports received on its data analysis site at [ftc.gov/exploredata](https://ftc.gov/exploredata). Data about the FTC's refund program is also available at [ftc.gov/exploredata](https://ftc.gov/exploredata), including state-by-state and case-by-case breakdowns of the amount refunded to consumers.

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**

- **Identify consumer protection violations:** Identify deceptive and unfair business practices that cause harm to the public, including practices that target or impact specific segments of the population, by monitoring practices in the marketplace and evaluating information from numerous sources, including reports submitted to the Consumer Sentinel Network (CSN) database by consumers and others. 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.

- **Enforce consumer protection laws:** Enforce the law to protect all segments of the population from fraud, deception, and unfair business practices by safeguarding consumer privacy, monitoring national advertising and new technologies, and suing entities that violate federal court and administrative orders obtained by the FTC. Negotiate consent orders and pursue litigated orders that have significant remedial, precedential, and deterrent effects.
- **Improve litigation skills:** Improve negotiation and litigation skills and refine investigative and decisional tools through continuous learning.

### FY 2022 Next Steps and Future Actions to Meet Strategic Objective

- Evaluate whether enforcement activities are tracking the areas of greatest concern and whether new practices or technologies require additional law enforcement focus.
- Evaluate the effectiveness of the FTC’s enforcement efforts in those areas in which a baseline measure can be determined.
- Continue to evaluate the efficacy of promulgated rules and regulations and other policy documents.
- Evaluate and implement options for continuing to secure relief for consumers post-AMG Capital Mgmt., LLC v. FTC.

### Performance Metrics

Metric	FY19 Result	FY20 Result	FY21 Result	FY22 Target	FY23 Target
1.1.1 Amount of money returned to the public or forwarded to the U.S. Treasury resulting from FTC enforcement actions.	\$3.52 billion	\$2.79 billion	\$2.39 billion	\$65 million	
1.1.2 Total consumer savings compared to the amount of FTC resources allocated to consumer protection law enforcement.	\$38.60 in consumer savings per \$1 spent	\$14.40 in consumer savings per \$1 spent	\$13.00 in consumer savings per \$1 spent	\$7.00 in consumer savings per \$1 spent	
1.1.3 Percentage of matters following up on Commission market-wide policy initiatives, e.g., Notices of Penalty Offenses, Policy Statement on Negative Option Marketing, workshops, and reports.	N/A	N/A	N/A	Baseline	TBD
1.1.4 Percentage of matters seeking significant remedial, precedential, or deterrent effects across the marketplace.	N/A	N/A	N/A	Baseline	TBD
1.1.5 Percentage of cases involving collaboration across organizational units, e.g., regional offices and divisions, BC and BCP, Bureaus and OPP.	N/A	N/A	N/A	Baseline	TBD
1.1.6 Percentage of the FTC’s consumer protection law enforcement actions that targeted the subject of consumer reports in the FTC’s Consumer Sentinel Network.	87.8%	90.5%	85%	80.0%	80.0%
1.1.7 User satisfaction with the FTC’s Consumer Response Center call center.	84	84	84	Average satisfaction rate for call centers	
1.1.8 User satisfaction with the FTC’s Consumer Response Center website.	81.2	82.5	83.3	Average satisfaction rate for websites	

## Secondary Metrics [targets are not set for secondary metrics]

Metric	FY19 Result	FY20 Result	FY21 Result
1.1.9 Number of reports collected and entered into the Consumer Sentinel Network database.	8.5 million	8.3 million	10.9 million
1.1.10 Percentage of redress cases in which money designated for distribution is issued to consumers within 6 months.	91.7%	93.1%	100%

### Objective 1.2: Connect with individuals, communities, and businesses to provide practical knowledge, guidance, and tools, and to learn about key challenges and opportunities for future FTC engagement.

#### Goal Leaders: Director, Bureau of Consumer Protection; Director, Office of Public Affairs

Consumer and business education serves as an important and vital resource in fighting against deception and unfair practices. Well-informed consumers are better able to recognize, avoid, and report fraud, and well-informed business owners know where the FTC draws the line.

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 emerging consumer protection issues and discuss ways to address those issues. The FTC recognizes that stakeholders outside the government have also been tasked with addressing certain consumer protection issues. The agency, therefore, carefully monitors self-regulatory efforts and partners with the private sector to disseminate consumer education content developed by the agency.

#### Strategies:

- **Improve efficacy of public-facing materials:** Adopt and employ usability testing, user research, and other human-centered strategies to ensure that FTC staff understands user needs and can help appropriately.
- **Use consumer insights to share critical information with internal FTC members including leadership, case, and legal teams:** Through engaging with consumers and communities and employing different consumer feedback mechanisms, including soliciting public comments at open Commission meetings, analyze and aggregate critical findings to disseminate information learned directly from consumers to FTC employees.
- **Engage with local community and grassroots organizations:** Build a strategy to engage with and make connections with consumers. Maintain strong relationships with community-based organizations and advocacy organizations nationwide, while continuously seeking new ways to build relationships with trusted community leaders (e.g., church leaders, teachers, community organizers, non-profit leaders, etc.). Follow up with all organizations to understand what materials were helpful or not and why and build relationships to maximize the agency's public consumer outreach.
- **Improve education and engagement efforts:** Focus consumer and business education efforts on areas where deception, unfair practices, and information gaps cause the greatest injury. Determine this by understanding with qualitative and quantitative approaches what harms are most impacting consumers. Target groups with messages about marketplace issues that impact their health, safety, and economic well-being in channels, formats, and methods people are most engaged in depending on the topic.

- **Help victims of identity theft:** Educate the public about identity theft and provide user-friendly, actionable information to those who have become victims of identity theft.
- **Promote reporting, online resources, and avenues to better engage directly with the public and gather public feedback:** Publicize the FTC’s “Report Fraud” and identity theft websites and toll-free numbers in an ongoing effort to increase public awareness and inform the public of ways to contact the FTC to obtain information or file a fraud report.
- **Engage with and educate small businesses:** Understand and listen to small business needs by employing user feedback and engagement opportunities. Provide small businesses with practical, user-friendly educational resources to help them understand the law so they can comply with it and identify when they are victims of unlawful conduct.
- **Reach out to workers:** Provide workers and those looking for work, including those in historically underserved communities, with practical, user-friendly educational resources and information to help them identify and report consumer protection violations in the marketplace.
- **Study emerging consumer protection issues:** Identify emerging consumer protection issues relating to the marketplace and technological developments, hold workshops or conferences to examine and solve/improve those issues, and, whenever possible, publish findings or create ways to link the learnings to action to help prevent consumer harm.
- **Work with the media:** Engage the media as part of a strategic communications program to disseminate usable, helpful, clear, and compelling content to the public at large with the goal of ensuring consumers understand what companies did wrong and what the FTC is doing to stop them. Identify and make maximum use of upcoming media opportunities to increase public outreach, awareness, and engagement. Maintain strong relationships with Washington-based, regional and trade reporters, while continuously seeking new outlets and reporters to maximize the agency’s media outreach. Ensure that regional and local outlets and reporters are aware of developments that impact their audiences and communities. Send all FTC press releases and other information to targeted lists of reporters, follow up individually with key reporters as needed and work to make staff available for interviews with print, digital, and broadcast outlets as well as nontraditional outlets such as podcasters and bloggers.
- **Use different communication channels that consumers frequent including trusted leader distribution, digital communications, social media or physical forms of information dissemination:** Continuously assess where users most digest information from trusted sources to determine their messaging reach and effectiveness, and then add them to the OPA communications toolbox if appropriate. For example, make use of a diverse set of social media platforms to drive web traffic to content on FTC websites where relevant, and to grow awareness of the agency’s consumer and business education resources. Use these platforms to reach members of the media and those marginalized members of the public who may not receive FTC press releases, blog posts, and other information through traditional sources such as email. Continuously monitor the user experience and performance of FTC information distribution and success including FTC.gov and make improvements to enable visitors to complete their tasks.

#### **FY 2022 Next Steps and Future Actions to Meet Strategic Objective**

- Measure the number of education messages disseminated each year and assess the number and range of public and private sector organizations that partner with the FTC on outreach.
- Review the focus and performance of FTC education efforts; determine whether the agency needs to reach new audiences on new topics, in light of changes in demographics, emerging digital advertising issues and deceptive marketing practices, and emerging technologies; identify strategies or partnerships

that will allow the FTC to reach those audiences; engage in user testing and human-centered testing, as appropriate, and apply learnings from analytics to improve education efforts and products.

- Launch new FTC.gov and consumer and business education websites that make it easier for the public to accomplish their tasks, such as reporting fraud and getting a free credit report, and to find the information they seek to prevent harm and comply with the law.

**Performance Metrics**

Metric	FY19 Result	FY20 Result	FY21 Result	FY22 Target	FY23 Target
1.2.1 Rate of customer satisfaction with FTC consumer education websites.	77.7	76.2	72.9	Average satisfaction rate from ACSI's E-Government Satisfaction Index	Average satisfaction rate from ACSI's E-Government Satisfaction Index
1.2.2 Rate of customer satisfaction with the ftc.gov website. (a) Mobile (b) Desktop	(a) N/A (b) 76.7	(a) 74.6 (b) 74.7	(a) 73.5 (b) 70.9	(a) 73.5 (b) 70.9	(a) 75 (b) 72.3
1.2.3 Number of outreach events.	N/A	N/A	N/A	Baseline	TBD
1.2.4 Number of unique page views for consumer and business education digital articles and blog posts.	N/A	N/A	N/A	Baseline	TBD

**Secondary Metric [targets are not set for secondary metrics]**

Metric	FY19 Result	FY20 Result	FY21 Result
1.2.5 Number of consumer protection reports the FTC released.	11	23	13

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

#### Goal Leaders: Director, Bureau of Consumer Protection; Director, Office of International Affairs

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

- **Collaborate on law enforcement at home and abroad:** Build strong bilateral relations with foreign and domestic counterparts, share information, engage in investigative assistance, and otherwise develop and strengthen enforcement cooperation on investigations, cases, and enforcement-related projects. Cooperate and collaborate with our foreign counterparts on cross-border law enforcement initiatives and policy development consistent with U.S. and global best practices.
- **Provide international technical assistance:** Provide technical assistance to countries that are establishing consumer protection 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 consumer protection policy and enforcement.

#### FY 2022 Next Steps and Future Actions to Meet Strategic Objective

- Continue to collaborate with federal, state, and local partners on investigations.

#### Performance Metrics

Metric	FY19 Result	FY20 Result	FY21 Result	FY22 Target	FY23 Target
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.	453	551	505	375	375
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.	48	42	39	20	30

## **Objective 1.4: Support equity for historically underserved communities through the FTC’s consumer protection mission.**

### **Goal Leaders: Director, Bureau of Consumer Protection; Director, Bureau of Economics**

The FTC is committed to protecting the public, including meaningfully addressing barriers that historically underserved communities face in participating in and benefiting from a fair and thriving marketplace. Research shows that certain practices may harm some consumers more than others, and companies employing emerging technologies may engage in deceptive or unfair practices that are especially harmful to historically underserved communities.

The FTC’s Every Community Initiative uses research and collaboration to ensure that the FTC is responsive to the needs of historically underserved communities. Historically underserved communities include Black Americans, Latinos, Indigenous/Native American peoples, Asian American/Pacific Islanders or other persons of color, members of religious minorities, lesbian, gay, bisexual, transgender, and/or queer persons, persons with disabilities, persons who live in rural areas, and persons adversely affected by persistent poverty or inequality. The Every Community Initiative also works to address consumer protection issues facing older adults as well as servicemembers, veterans, and their families, including during the transition to civilian life.

### **Strategies**

- **Evaluate and bring action against conduct that harms historically underserved communities:** Evaluate the impact of deceptive or unfair practices in the use of emerging technologies, such as algorithmic bias, on historically underserved communities. Ensure that enforcement addresses deceptive or unfair practices conducted in languages other than English, including Native American languages. Bring enforcement actions to stop identified conduct.
- **Engage with and reach out to historically underserved communities:** Provide historically underserved communities with practical, language-appropriate, and user-friendly educational resources and information to help them understand how the FTC is protecting them and to identify and report market power abuses and consumer protection violations in the marketplace. Reach new audiences, including those who have not traditionally sought information directly from the FTC, through established outreach strategies, new technologies, and private and public partnerships.

### **FY 2022 Next Steps and Future Actions to Meet Strategic Objective**

- Continue to refine data collection and analysis for new metrics.
- Assist with the drafting and completion of the agency’s Equity Action Plan to further formalize plans for achieving equity in consumer protection enforcement.
- Completion of a strategy to ensure that enforcement actions address deceptive or unfair practices conducted in languages other than English, including Native American languages.

## Performance Metrics

Metric	FY19 Result	FY20 Result	FY21 Result	FY22 Target	FY23 Target
1.4.1 Percentage of actions taken to stop unfair or deceptive practices that we have identified as 1) targeting historically underserved communities; 2) disproportionately impacting historically underserved communities; 3) involving schemes or practices that research has shown to disproportionately impact historically underserved communities; or 4) involving conduct in languages other than English, including Native American languages.	N/A	N/A	N/A	Baseline	TBD
1.4.2 Percentage of redress payments made to people who live in communities that have a high proportion of members of historically underserved communities.	N/A	N/A	N/A	Baseline	TBD
1.4.3 Number of outreach events targeting diverse audiences.	N/A	N/A	N/A	Baseline	TBD

## Secondary Metric [targets are not set for secondary metrics]

Metric	FY19 Result	FY20 Result	FY21 Result
1.4.4 Number of new organizations that partner with the FTC through the Community Advocate Center Initiative.	N/A	N/A	N/A

## Strategic Goal 2: Protect the Public from Unfair Methods of Competition in the Marketplace and Promote Fair Competition

The FTC's efforts to prevent and police unfair methods of competition focus on preventing anticompetitive mergers and business practices through enforcement. The FTC also engages in policy research and development, advocacy, and education to deter anticompetitive practices and encourage federal, state, and local governments to evaluate the effects of their policies on fair competition. The FTC advances these goals internationally by fostering enforcement and policy convergence and through case cooperation with counterpart foreign enforcement authorities. This work is critical to protect and strengthen free and open markets – the cornerstone of a vibrant economy.

Four objectives guide work in this area:

- **Objective 2.1:** Identify, investigate, and take actions against anticompetitive mergers and business practices.
- **Objective 2.2:** Engage in research, advocacy, and outreach to promote public awareness and understanding of fair competition and its benefits.
- **Objective 2.3:** Collaborate with domestic and international partners to check unfair methods of competition.
- **Objective 2.4:** Support equity for historically underserved communities through the FTC's competition mission.



## Objective 2.1: Identify, investigate, and take actions against anticompetitive mergers and business practices.

### Goal Leaders: Director, Bureau of Competition; Director, Bureau of Economics

Anticompetitive mergers and business practices harm Americans through higher prices, lower wages, or reduced quality, choice, and innovation. Enforcement of antitrust laws provides substantial benefits to the public by helping to ensure that markets are open and competitive.

The FTC's Bureaus of Competition and Economics investigate proposed and consummated mergers, as well as business conduct that may be anticompetitive. The FTC takes enforcement action when it believes that mergers or conduct are unlawful, using its enforcement tools (including federal court and administrative litigation and consent orders) to prevent or remedy harm. In each case, the FTC strives to efficiently address the competitive concerns raised by a 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 is the FTC's primary tool in identifying anticompetitive mergers. The FTC administers the HSR program for itself and the Antitrust Division of the Department of Justice (DOJ), which shares authority to challenge anticompetitive mergers. Premerger notification gives the agencies the opportunity to block or remedy proposed mergers before they are consummated. Both for mergers not subject to HSR notification requirements and for anticompetitive conduct matters, the FTC relies on other tools such as referrals, the trade press, consumer and competitor complaints, and other means to identify potential or ongoing harm to competition.

### Strategies

- **Investigate:** Investigate potentially anticompetitive mergers and business conduct efficiently using rigorous, economically sound, and fact-based analyses that enhance enforcement outcomes for the benefit of consumers, workers, and honest businesses.
- **Enforce the antitrust laws:** Enforce the law to protect all segments of the population from anticompetitive mergers and business practices, including by enforcing federal court and administrative orders obtained by the FTC.
- **Improve compliance:** Improve oversight to ensure compliance with Commission orders and with HSR reporting obligations. Increase the use of structural remedies in consent orders and seek increased use in litigated matters. Likewise, decrease the use of behavioral remedies in consent orders and seek them less often in litigated matters. Encourage parties to propose standalone, operating businesses as settlements. Increase use of provisions to improve worker mobility including restricting the use of non-compete provisions. Seek higher penalties for order violations and HSR violations. Increase use of prior approval provisions to prevent illegal transactions in the same markets as those already under order. Provide transparency in the decision-making process through comment periods, press releases, blog posts, updated policy guidance, and analyses to aid public comment.
- **Improve litigation skills:** Improve negotiation and litigation skills and refine investigative and decisional tools through continuous learning. Negotiate merger and nonmerger consent orders and pursue litigated orders that have significant remedial, precedential, and deterrent effects.

### FY 2022 Next Steps and Future Actions to Meet Strategic Objective

- Work to secure the resources necessary to effectively enforce the antitrust laws to ensure that the public benefits from the lower prices, higher quality, increased innovation, and expanded choices that competition brings.
- Expand employee development programs to increase the antitrust expertise and investigative, negotiation, and litigation skills of legal staff through continuous learning and retrospective analysis.

- Utilize BC’s Training Council to identify legal staff development opportunities and provide targeted training programs to meet those needs. Focus on enhancing the investigative process using improved technological tools and the identification of “best practices” to streamline and standardize management of investigations and litigation.
- Review and update, where necessary, premerger notification filing requirements and screening methods to maximize efficiency and effectiveness.

### Performance Metrics

Metric	FY19 Result	FY20 Result	FY21 Result	FY22 Target	FY23 Target
2.1.1 Total consumer savings and other measurable benefits generated by antitrust enforcement.	\$4.86 billion	\$1.87 billion	\$2.77 billion	\$2.4 billion	
2.1.2 Total consumer savings and other measurable benefits generated by antitrust enforcement compared to resources spent.	\$66.00 in consumer savings per \$1 spent	\$34.40 in consumer savings per \$1 spent	\$34.70 in consumer savings per \$1 spent.	\$35.00 in consumer savings per \$1 spent	
2.1.3 Percentage of cases and investigations involving collaboration with BCP.	N/A	N/A	N/A	Baseline	TBD
2.1.4 Percentage of antitrust matters seeking significant remedial, precedential, or deterrent effects across the marketplace.	N/A	N/A	N/A	Baseline	TBD
2.1.5 Percentage of full-phase antitrust investigations that (1) proceeded to litigation that ultimately halted or deterred lawbreaking or resulted in greater clarification of the law, or (2) ended when a merger was abandoned in anticipation of an FTC challenge.	N/A	N/A	N/A	Baseline	TBD

### Secondary Metric [targets are not set for secondary metrics]

Metric	FY19 Result	FY20 Result	FY21 Result
2.1.6 Total sales in the affected markets in which the Commission took antitrust enforcement actions.	\$193.18 billion	\$81.3 billion	\$79.2 billion

## Objective 2.2: Engage in research, advocacy, and outreach to promote public awareness and understanding of fair competition and its benefits.

### Goal Leaders: Director, Bureau of Competition; Director, Bureau of Economics; Director, Office of Policy Planning

Through research, advocacy, and rulemaking, the FTC seeks both to understand the marketplace as it evolves over time and to provide guidance to the business community, policymakers, and the public. Whether through analyzing industry data, holding public hearings and workshops, or conducting economic studies, the FTC gathers information for its staff of economists, technologists, and other researchers to analyze. Our research work directly informs our law enforcement work and is often released to the public through staff reports and studies.

As the economy continues to evolve the FTC must ensure we are fully grasping market realities, especially as the economy becomes increasingly digitized. The agency plans to be especially attentive to next-generation technologies, innovations, and nascent industries across sectors. By staying apprised of new developments, the agency can learn from new evidence and course correct as needed. An interdisciplinary team of researchers and analysts will best position the FTC mitigate information asymmetries and narrow the gap between theory and practice.

The FTC also promotes competition through advocacy and education. In its advocacy work, the FTC files comments with federal, state, and local government bodies and encourages them to consider the effect their proposed actions will have on competition. In another form of advocacy, the FTC files amicus briefs with federal courts to develop antitrust law in the public interest. The FTC also endeavors to educate consumers and businesses about competition law and policy. Rules and guidance inform businesses and their legal advisers about antitrust risks and can deter anticompetitive mergers and business practices and reduce businesses' cost of compliance.

### Strategies

- **Research new developments in the marketplace:** Improve the agency's understanding of various practices and developments in the marketplace by conducting economic research on these issues and holding public hearings, conferences, and workshops that bring together interested parties that represent the diversity of the American public. Use the information gathered to inform the agency's enforcement agenda. Improve the dissemination of material gathered through hearings, conferences, and workshops.
- **Research effectiveness of remedies:** Conduct market research, including evaluating the effectiveness of merger and conduct remedies, to inform future enforcement efforts.
- **Educate small businesses:** Provide small businesses with practical, user-friendly educational resources to help them understand the law so they can comply with it and identify when they are victims of unlawful conduct.
- **Focus on workers:** Study and investigate the impact on worker wages and benefits from merger and nonmerger conduct, as well as non-compete and other potentially unfair contractual terms resulting from power asymmetries between workers and employers.
- **Work with the media:** Engage the media to disseminate clear and compelling content to the public at large with the goal of ensuring consumers understand what companies did wrong and what the FTC is doing to stop them. Ensure that regional and local outlets and reporters are aware of developments that impact their audiences and communities.

**FY 2022 Next Steps and Future Actions to Meet Strategic Objective:**

- OPP will seek to hire more attorneys, technologists, data analysts, financial analysts, and experts from outside disciplines. This will provide the FTC with the necessary resources to research new, developing practices in various marketplaces.
- To expand our staff’s skillsets, the FTC will invest in more training and educational resources for existing and incoming talent.
- The FTC will invest more time to develop its relationships with small businesses as well as state and federal government policymakers. This will inform the FTC about changing issues that are relevant to small businesses and will provide a resource to state and federal government policymakers.

**Performance Metrics:**

Metric	FY19 Result	FY20 Result	FY21 Result	FY22 Target	FY23 Target
2.2.1 Number of reports and studies issued on competition related topics.	4	7	8	8	
2.2.2 Number of cases for which BE economists prepared to testify as expert witnesses in FTC antitrust enforcement actions.	N/A	N/A	N/A	Baseline	TBD
2.2.3 Percentage of competition advocacy matters filed with entities including federal and state legislatures, agencies, or courts that were successful.	N/A	N/A	N/A	Baseline	TBD

## Objective 2.3: Collaborate with domestic and international partners to check unfair methods of competition.

### Goal Leaders: Director, Bureau of Competition; Director, Office of International Affairs

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 foreign competition agencies of other jurisdictions is a key component of an effective FTC competition enforcement program. With over 130 antitrust enforcers worldwide, it is critical that agencies 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, including new and emerging agencies, and takes a lead role in multilateral fora to promote case enforcement cooperation and convergence toward best practice. The FTC also works with relevant U.S. government agencies to develop and promote sound competition policies. This work helps protect U.S. interests by encouraging policies that are applied to transactions and conduct affecting the global marketplace that are consistent with U.S. and worldwide best practices.

### Strategies

- **Collaborate domestically:** 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.
- **Collaborate internationally:** Work with international government and non-government partners to promote international cooperation and policy convergence toward sound and effective antitrust enforcement. Cooperation with foreign competition agencies on antitrust matters that are subject to concurrent review improves the effectiveness of investigations and promotes consistent outcomes. The FTC's promotion of policy convergence encourages the development of international best practice standards and their application to transactions and conduct affecting the global marketplace.
- **Provide international technical assistance:** 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.

### FY 2022 Next Steps and Future Actions to Meet Strategic Objective

- Support BC's enforcement by assisting with the international aspects of its investigations and litigation.
- Pursue opportunities for improving international cooperation tools bilaterally and through the ICN, OECD, and UNCTAD, including the development of additional agreements to promote enhanced cooperation, *e.g.*, pursuant to the Multilateral Mutual Assistance and Cooperation Framework.
- Enhance opportunities for the promotion of policy convergence, including as concerns the application of competition law to the digital economy.
- Continue the FTC's leadership role in the ICN by: guiding the ICN's strategic direction through Steering Group participation; leading the network's promotion and implementation work and online training project; co-leading the project on the intersection of competition, data privacy, and consumer protection law and policy; helping advance work on unilateral conduct, agency effectiveness, digital markets, cooperation, mergers, and competition advocacy;; and setting its long-term agenda by leading the ICN's "Third Decade" project to self-assess plan the network's priorities and strategies for the next decade. Strengthen relations with key partner competition agencies through dialogue on policy initiatives, case cooperation, and the provision of technical assistance.

- Facilitate dialogue and convergence toward sound competition policy and enforcement through engagement in additional multilateral fora including the OECD [Competition Committee](#), UNCTAD, and regional organizations such as APEC.
- Restart the International Fellows and staff exchange programs.
- Work with other U.S. agencies bilaterally and in interagency and intergovernmental fora such as the G7 and the EU-US Technology and Trade Council to address appropriate competition-related issues.

**Performance Metrics**

Metric	FY19 Result	FY20 Result	FY21 Result	FY22 Target	FY23 Target
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.	100%	100%	100%	90%	

**Secondary Metric [targets are not set for secondary metrics]**

Metric	FY19 Result	FY20 Result	FY21 Result
2.3.2 Percentage of full investigations in which the FTC and other federal, state, and local government agencies shared evidence or information that contributed to FTC law enforcement.	31.8%	22.2%	52%

**Objective 2.4: Support equity for historically underserved communities through the FTC’s competition mission.**

**Goal Leaders: Director, Bureau of Competition; Director, Bureau of Economics**

The FTC strives to ensure that all members of the public benefit from competition in the marketplace, including members of historically underserved communities that are already at a disadvantage in the American economy. These communities, often low-income, rural, veterans, and/or communities of color, may be more susceptible to the harms caused by anticompetitive conduct and mergers. Some conduct may even seek to deliberately exploit or prey upon the disadvantages inherent to these communities.

The FTC enforces the antitrust laws after analyzing the harms and potential remedies based on the information available. Continuing efforts to improve the agency’s information requests and case evaluation process will ensure harms to less visible groups are not going unnoticed and will enable the Commission to ensure it is focusing its resources on cases that promote a fair and equitable marketplace for all.

**Strategies**

- **Improve information gathering that precedes the case selection and evaluation process:** Develop and refine information requests in merger and anticompetitive conducts cases to solicit information about the impact of transactions and conduct on historically underserved communities. This may include identifying communities within specific geographic areas that are affected and ensuring that merger analysis includes effects on workers and restrictive covenants.
- **Further research:** Conduct research to study the economic impact of anticompetitive conduct and transactions on consumers, workers, and small businesses in historically underserved communities.

**FY 2022 Next Steps and Future Actions to Meet Strategic Objective**

- Continue to refine data collection and analysis for new metrics.
- Assist with the drafting and completion of the agency’s Equity Action Plan to further formalize plans for achieving equity in antitrust enforcement.

**Performance Metrics**

Metric	FY19 Result	FY20 Result	FY21 Result	FY 22 Target	FY 23 Target
2.4.1 Dollar value of harm from potentially anticompetitive conduct and transactions having an adverse economic impact on consumers, workers, and small businesses in historically underserved communities.	N/A	N/A	N/A	Baseline	TBD
2.4.2 Percentage of populations impacted by actions taken to maintain competition who belong to historically underserved communities.	N/A	N/A	N/A	Baseline	TBD
2.4.3 Percentage of actions taken to maintain competition where the merger or conduct was identified as adversely impacting historically underserved communities.	N/A	N/A	N/A	Baseline	TBD

## Strategic Goal 3: Advance the FTC's Effectiveness and Performance

The FTC believes that advancing organizational effectiveness and performance at all levels creates a strong foundation for overall mission success. The agency's work in Strategic Goal 3 highlights ongoing efforts to improve the management of agency staffing, finances, information, and physical assets, in order to create a more efficient and more agile agency.

Three objectives guide work in this area:

- **Objective 3.1:** Optimize resource management, space, and administrative programs.
- **Objective 3.2:** Cultivate a high performing, diverse, inclusive, and engaged workforce.
- **Objective 3.3:** Optimize information management.



### Objective 3.1: Optimize resource management, space, and administrative programs.

#### Goal Leader: Executive Director, Office of the Executive Director

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 achieve its mission and respond to and anticipate future needs. These efforts span several offices and functions.

The safety and security of the workforce is of paramount importance, and the FTC must ensure that mission essential work can be completed in normal and adverse conditions. The work in this area covers emergency preparedness, space and administrative operations and climate action planning and mitigation that will limit the agency's climate impact wherever possible.

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

#### Strategies

- **Increase emergency and climate readiness:** Enhance emergency and climate readiness and resilience, including the ability to anticipate, prepare for, and adapt to changing conditions and withstand, respond to, and recover rapidly from climate related disruptions, by updating our facility emergency plans and reviewing our Continuity of Operations plan annually. Update all emergency plans to reflect climate impacts of the particular geographic location over the next four years.
- **Improve agency climate literacy:** Develop an internal communications plan focused on 1) enhancing FTC employees' understanding of how climate change impacts the FTC, and 2) promoting educational resources and opportunities for those employees where an understanding of climate resilience or climate change is integral to their work, particularly those responsible for managing the FTC's infrastructure.
- **Improve availability of agency financial data:** Leverage Oracle Business Intelligence (OBI) reporting functions to create and deploy tools such as interactive dashboards, alerts and visual analytics to advance more informed and timely management decisions, especially those related to budget execution and the availability of funds. Format and align financial data with users' needs to support sound decisions related to accomplishing the agency's consumer protection and competition missions.
- **Enhance overall agency financial management:** Develop capabilities obtained through the integration of the FTC financial system and OBI. Maximize our ability to perform more targeted analytics that assess the effectiveness and efficiency of our financial management operations. Conduct a systematic review of all financial processes to ensure we are being both efficient and effective. Collaborate with the Department of the Treasury to implement G-invoicing, a long-term sustainable solution to improve the quality of the agency's Intragovernmental Transactions.
- **Enhance agency procurement:** Improve the effectiveness and efficiency of procurement-related work. Strive to maintain the proper level of staff and resources to complete procurements on time. Develop the necessary policies and procedures and adherence to those processes that ensure proper oversight and management of contracts. Provide additional training to agency Contracting Officers and Acquisition support staff on the agency's contract writing system.

#### FY 2022 Next Steps and Future Actions to Meet Strategic Objective

- FTC will complete its ongoing review of Occupant Emergency Plans and establish a schedule to incorporate climate impacts into these plans over the coming four years.

- FTC will convene a working group to establish an agency-wide plan to analyze climate impacts on the agency and the agency’s current climate impact to identify climate adaptation and impact reduction strategies.
- FTC will reintroduce a streamlined shuttle service for the Washington, DC offices, taking in to account a hybrid work environment and the modern day needs of staff.
- FTC will enhance collection development procedures to ensure ongoing evaluation of electronic subscriptions as the agency explores a hybrid work environment.
- FTC will expand the Automatic External Defibrillator program to its regional offices.
- FTC will deliver targeted messaging and informational training to increase staff awareness on climate resiliency and adaptation.

**Performance Metrics**

Metric	FY19 Result	FY20 Result	FY21 Result	FY22 Target	FY23 Target
3.1.1 Audit opinion from the agency’s independent financial statement auditors.	Unmodified opinion	Unmodified opinion	Unmodified opinion	Unmodified opinion	
3.1.2 Percentage of contract actions awarded within FTC’s established procurement action lead time (PALT).	67%	89%	95%	90%	
3.1.3 Percentage of contract dollars awarded to small disadvantaged businesses.	11.7%	15.4%	18.1%	15%	
3.1.4 Number of training and information offerings to staff on climate literacy and resilience topics.	N/A	N/A	N/A	Baseline	TBD

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

**Goal Leaders: Executive Director, Office of the Executive Director; Director, Bureau of Consumer Protection; Director, Bureau of Competition; Director, Bureau of Economics; General Counsel, Office of the General Counsel; Director, Office of EOWI**

The FTC's workforce is its greatest asset. The FTC will focus on recruiting, developing, motivating, and retaining a high-performing, diverse, inclusive, and engaged workforce, the FTC advances organizational performance. Having a workforce that looks like and draws from the public it protects strengthens the FTC's ability to meet its mission.

Continuous learning is a foundation of our training efforts. FTC staff needs to be aware of new developments in the marketplace and be agile enough to adjust to changing developments. A focus on training, including cross-training staff on both consumer protection and competition issues, will ensure the FTC is ready to accomplish its dual mission.

This objective also captures efforts to ensure that all workers are competing on a fair and level playing field and have the opportunity to achieve their utmost potential.

### Strategies

- **Improve recruitment:** Explore use of expanded workplace flexibilities to improve recruitment. Expand hiring at regional offices. Place a stronger emphasis on targeted recruitment efforts across the diversity spectrum to expand our applicant pools. Increase the FTC's presence at job fairs and other events designed for specific job seekers (e.g., racial minorities, veterans, persons with disabilities, members of the LGBTQIA+ community, and women attorneys and law students, etc.).
- **Expand staff skillsets:** In addition to attorneys and economists, the FTC seeks to hire technologists, data analysts, financial analysts, business analysts, psychologists, youth development experts, bilingual and multilingual staff, and experts from other outside disciplines. This will allow the agency to build on existing talent and position the FTC to analyze conduct, assess harms and remedies, and pursue market studies with an interdisciplinary approach.
- **Cross-train staff to develop a more flexible workforce:** Increase agency agility and flexibility by training staff in both of our mission areas (consumer protection and competition). Provide education and training opportunities that support our workforce's varied demographic backgrounds, experiences, and perspectives at all levels and occupations.
- **Support performance management and accountability:** Support an agency-wide performance culture that focuses on individual and organizational accountability while meeting established agency goals. Reinforce the FTC's programmatic priorities and objectives using a robust system governing performance management. Provide opportunities for employee recognition that reinforce FTC values and culture while improving engagement and productivity.
- **Develop leaders:** Recruit and develop strategic and forward-thinking leaders who are agile, motivated, and knowledgeable and who can position the FTC for success. Strengthen leadership in a way that embraces an agency-wide approach to supporting a diverse, inclusive, and equitable workforce. Support leaders and future leaders who provide effective direction, inspiration, and guidance in nurturing the strengths and talents of the workforce through building teams committed to achieving FTC goals.

### FY 2022 Next Steps and Future Actions to Meet Strategic Objective

- In FY 2022, the FTC's Taskforce on Equity will finalize its recommendations to address workplace issues regarding equity. The recommendations will be presented to the FTC Chair, and will cover various areas in which the FTC can augment its ongoing efforts to address workplace diversity, equity, and inclusion.

- The Office of EEO/OFI will continue its engagement with FTC bureaus and offices on diversity, equity, inclusion, and accessibility. This will include workshops addressing specific topics under the broad umbrella of workplace diversity, equity, inclusion, and accessibility (e.g., unconscious bias, etc.).
- Continue to work with the FTC’s Office of the Chair, HCOM, the FTC Diversity Council, the FTC Women’s Employee Resource Group, and the FTC Pride Employee Resource Group to assess how the FTC can improve all areas of the FTC employee lifecycle, including employee recruitment, employee growth and development, and employee retention.
- Explore the creation of a new office to assist the agency in protecting civil rights across its enforcement and rulemaking activities (including, e.g., Objectives 1.4 and 2.4), and promoting diversity, equity, and inclusion within the agency.

### Performance Metrics

Metric	FY19 Result	FY20 Result	FY21 Result	FY22 Target	FY23 Target
3.2.1 Annual score on the FEVS Employee Engagement Index.	84%	87%	74%	77%	80%
3.2.2 Annual score on the FEVS Global Satisfaction Index.	84%	89%	60%	65%	70%
3.2.3 Annual score on the FTC Diversity and Inclusion Index.	N/A	N/A	N/A	Baseline	TBD
3.2.4 Percentage of people with disabilities in the FTC workforce.	8.1%	8.0%	7.4%	7.5%	
3.2.5 Percentage of people with targeted disabilities in the FTC workforce.	1.4%	1.3%	1.4%	1.5%	

### Secondary Metric [targets are not set for secondary metrics]

Metric	FY19 Result	FY20 Result	FY21 Result
3.2.6 Average number of days from job vacancy closing to making a tentative offer for new hires.	60 days	47.8 days	51.1 days

### Objective 3.3: Optimize information management.

#### Goal Leader: Executive Director, Office of the Executive Director

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.

The FTC's Information Resource Management (IRM) Strategic Plan establishes a multi-year plan for modernizing FTC's IT capabilities, eliminating outdated systems and using cloud-based solutions when practical. By properly assessing the future IT landscape, FTC can take advantage of emerging IT services while ensuring a clear focus on mission objectives.

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

The FTC must continue to address the challenges of a constantly evolving cyber security landscape. Information and information systems must be protected from unauthorized access, use, disclosure, disruption, modification, or destruction in order to ensure data integrity, confidentiality, and availability in the face of increasing cyber threats.

#### Strategies

- **Modernize technology:** Transform and modernize information technology resources, using innovative approaches and best practices, to increase functionality, improve performance, and achieve mission success. Support transformation and modernization that includes architecting applications and services on cloud-based technology platforms, upgrading and replacing end of support infrastructure and endpoints, and increasing the use of automation in business processes and IT management.
- **Protect FTC data:** Secure and protect information and technology resources from attack and loss of data, accessibility, or integrity, whether from external malicious actors or insider threats. Ensure data and information of all kinds are secure through use of secure authentication practices, implementation of a zero-trust security architecture, and monitoring of systems, services, and user behavior.
- **Bring FTC in compliance with federal records requirements:** Comply with federal records requirements by developing an agency email records schedule and an associated email capture and management process, which will allow identification and retention of email records and to associate emails with specific cases or matters. Additionally, implement an agency-wide program, for managing controlled unclassified information (CUI), starting with a standard method for marking documents and emails containing CUI, and reinforcing the importance of information management through training, electronic and physical safeguarding, and other procedures.
- **Multi-disciplinary collaboration:** Using modern technology with effective controls for the protection and control of data and information, remove organizational barriers to collaboration so agency leaders can assign skilled resources to areas of most need in a way that imbues multi-disciplinary critical thinking into all aspects of agency law enforcement.

#### FY 2022 Next Steps and Future Actions to Meet Strategic Objective

- Continue the move toward a Zero Trust Network Architecture, in accordance with the Executive Order on Improving the Nation's Cybersecurity, including the replacement of the FTC's remote access solution with a secure gateway that provides more secure and reliable remote access to FTC IT resources and supports greater levels of remote work and telework.

- Complete the migration from the legacy Networx telecommunications services for data, voice and internet to a modernized network based on dedicated internet circuits and a software-defined wide-area-network (SD-WAN). This new network architecture provides lower costs for internet and WAN connectivity, while providing greater flexibility and performance for increasing bandwidth as FTC moves more services to cloud and externally hosted environments.
- Implementation of an electronic filing system for the Hart-Scott-Rodino (HSR) Premerger Filing process. The HSR electronic filing system will streamline the process for both FTC staff and public stakeholders. The system will automate and digitize the current manual process for submitting complex and voluminous filings for external parties preparing to merge or acquire.
- Optimization of the FTC identity management platform, Okta, starting with the configuration of the desktop agentless single sign on, which provides a secure authentication mechanism for desktop devices independent of on-premises resources.
- Begin the deployment of a centralized security operations center (SOC) through the award of a SOC as a Service contract vehicle. The SOC will provide security monitoring tools and specialized skills needed to analyze log data across FTC IT resources, using advanced AI and machine learning, to proactively detect and mitigate security incidents.
- Rollout of an automated onboarding/offboarding application, known as OCHO, to process personnel onboarding, moves, changes, and offboarding across multiple FTC organizations.
- Expanding the use of office productivity and collaboration tools included in the Office 365 suite of products, including Microsoft Intune, Teams, OneDrive, and SharePoint Online, to increase collaboration opportunities for FTC users while removing FTC data and communication dependencies from the data center.
- Deployment of a managed operations monitoring solution to provide proactive monitoring of infrastructure resources, including compute, application, and network resources to mitigate the impact of latency and performance challenges before users are impacted and provide better data on infrastructure performance.
- Migration of FTC production file storage to a cloud-based infrastructure environment to remove dependencies for mission-critical case data and file storage on the FTC data center and improve resiliency.

## Performance Metrics

Metric	FY19 Result	FY20 Result	FY21 Result	FY22 Target	FY23 Target
3.3.1 Percentage of FTC IT systems hosted outside of the FTC's data center.	N/A	N/A	N/A	90.00%	
3.3.2 Availability of information technology systems.	99.98%	99.97%	99.94%	99.50%	
3.3.3 Annual score on the FTC Cybersecurity Index.	6 of 8	7 of 8	6 of 8	6 of 8	
3.3.4 Meet project milestones for developing an agency email records schedule and associated email capture and management process.	N/A	N/A	N/A	Draft agency-wide policy regarding email and implement agency-wide training on email management.	Submit email records schedule to NARA for approval.
3.3.5 Meet project milestones for developing and implementing an agency wide approach for managing Controlled Unclassified Information (CUI).	N/A	N/A	N/A	Implement agency-wide physical safeguarding, decontrolling and destruction process for CUI.	Implement marking of information agency-wide and launch agency-wide training.