

**Federal Trade Commission E-Government Report to OMB
December 15, 2003**

Attachment A – General Compliance. The following table identifies activities and products assigned to all agencies. Each agency must provide a brief answer for each question. Agencies should only report on their agency specific E-government initiatives, not on the 24 E-Government Quicksilver Initiatives.

<p>1. Describe how agency maintains an ongoing dialogue with interested parties to find innovative ways to use IT (include state, local, and tribal governments, private and non-profit sectors, and the general public). Sec. 101, 3602</p>	<p>The FTC contacts appropriate stakeholders as part of every IT project we pursue. As technology changes and the agency’s missions evolve, this dialogue with our stakeholders continues so that we may better ensure that the services we deliver today will continue to be effectively delivered in the future. These communications take the form of public comments, workshops, pilots, and individual communications, among other methods.</p> <p>For example, during the development of the FTC’s electronic filing system which supports required business notification regarding proposed mergers, the agency invited several law firms to participate in the FTC’s pilot program to test and provide feedback on the system. The pilot program provided the participating law firms with an opportunity to learn how the FTC addressed their concerns, and other issues of concern to the antitrust bar and the business community, and to recommend changes and additions before the system is implemented.</p>
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<p>2. Briefly describe agency E-government initiatives, addressing the following for each initiative:</p> <p>a. Identify performance measures that demonstrate how electronic government enables progress toward agency objectives, strategic goals, and statutory mandates.</p> <p>b. Identify other agency partners who collaborate on the initiative.</p> <p>c. If agency can quantify the cost savings created by implementing the initiative, identify savings and describe methodology used.</p> <p>Sec. 202</p>	eGov Initiative	Performance Measures	Agency Partners	Cost Savings
	Consumer Protection Mission: National Do Not Call Registry	N/A	Federal Communications Commission, State Agencies	N/A
	Consumer Protection Mission: Identify fraud, deception, and unfair practices that cause the greatest consumer injury.	(1) Annual number of consumer complaints and inquiries entered into database. (2) Annual number of consumer complaints and inquiries related to identity theft entered into database.	Multiple Federal, State, Local, and International Law Enforcement and Consumer Protection Agencies	N/A
	Consumer Protection Mission: Stop fraud, deception, and unfair practices through law enforcement.	(1) Number of data searches conducted by FTC and other law enforcement personnel of the FTC's Consumer Sentinel. (2) Number of data searches conducted by law enforcement personnel reviewing the FTC's Identity Theft complaints.	Multiple Federal, State, Local, and International Law Enforcement and Consumer Protection Agencies	N/A
	Consumer Protection Mission: Prevent consumer injury through education.	(1) Number of education publications distributed or accessed electronically by consumers. (2) Annual number of education publications related to Identity Theft distributed or accessed electronically. (3) Annual number of Spanish-language education publications distributed or accessed electronically.	Multiple Federal, State, Local, and International Law Enforcement and Consumer Protection Agencies	N/A
	Maintaining Competition Mission: Prevent consumer injury through education.	(1) Quantify number of hits on antitrust information on FTC Web site. (2) Measure and establish appropriate targets for the number of hits on the FTC antitrust Web site relevant to business and legal communities. (3) Measure and establish appropriate targets for the number of hits on the FTC antitrust Web site relevant to policy makers and the general public.	N/A	N/A
	Maintaining Competition Mission: Electronic filing of required information about proposed mergers.	N/A	Department of Justice	N/A

For additional detail see the attached narrative "2003-12-12 FTC eGov Act Report Q2 Narrative.doc"

<p>3. How does your agency ensure availability of Government information and services is not diminished for those without access to the Internet? Sec. 202(c)</p>	<p>The FTC routinely responds to requests for services (in multiple languages) via phone, fax, TTY/TTD, and mail in addition to Internet-based methods. The agency's Consumer Response Center is accessible to citizens via these methods and regularly dispenses educational material and receives consumer complaints. All agency offices are equipped to respond to our diverse constituents via phone, fax, and mail, as appropriate.</p>
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<p>4. Please describe any other areas of progress by your agency to implement provisions of the E-Government Act.</p>	<p>In FY-2004, the FTC is putting its new document management system in production. This enables the agency to significantly improve its internal efficiency and effectiveness regarding our management of documents and web content, and our efforts to automate and streamline existing agency business processes.</p>
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5. PRIVACY. Sec. 208. Answer questions I, II, III, and IV below

(I) Answer questions a, b, and c. for each system identified below: • List system and unique identifier for IT systems or information collections, for which a Privacy Impact Assessment (PIA) was conducted.	System and Unique Identifier	a. How will the PIA be made publicly available after the President's budget is finalized (i.e. website, Federal Register, other).	b. Was the PIA made publicly available in full, summary form or not at all (explain if summary or not at all).	c. Provide the publication date if made available with a System of Records (SOR) or Information Collection Request (ICR).
	<p>1. Do Not Call System</p> <p>Unique ID Number: 370-00-01-02-01-1000-04-105-011</p> <p>PRA Number: 3084-0097</p>	<p>1. See response to (c).</p>	<p>1. Development of this application began prior to the enactment of the E-Government Act. Before OMB issued its final guidance on Section 208, the agency conducted two PIAs in connection with the Do Not Call system. The PIAs were made publicly available in full form. The agency will review the PIAs against OMB's final guidance and revise them as necessary.</p>	<p>1. The PIAs were included in the Privacy Act System Notices published in the Federal Register on June 24, 2003, at 68 FR 37491 and 68 FR 37494. They are also available on the FTC Web site at www.ftc.gov/foia/listofpasystems.htm.</p>

	<p>2. PreMerger Notification</p> <p>Unique ID Number: 370-00-01-03-01-2000-04-105-011</p> <p>PRA Number: 3084-0005</p>	<p>2. The PIA will be made available in the Federal Register and on the FTC Web site.</p> <p>Development of this application, which will permit companies to electronically file required notifications regarding proposed mergers, began prior to the enactment of the E-Government Act. A version of the PIA was prepared and is currently being revised following the issuance of OMB's final guidance regarding Section 208.</p>	<p>2. See response to (a).</p>	<p>2. N/A</p>
	3.	3.	3.	3.
	4.	4.	4.	4.
<p>(II) Persistent Tracking Technology. Is persistent tracking technology used? <u>No.</u> (yes/no) If yes, please describe, answering a., b., c., and d..</p>	<p>a. What need compels the use of such technology?</p>	<p>b. What safeguards protect the information collected</p>	<p>c. What agency official (provide contact info) approves tracking technology?</p>	<p>d. Provide the actual privacy policy notification of such use.</p>
	a.	b.	c.	d.
<p>(III) Agency goals for machine readability. Answer a, b, c and d:</p>	<p>a. Identify agency goals for machine readability of privacy policy.</p>	<p>a. The privacy policy for the FTC Web site, www.ftc.gov, is machine readable.</p>	<p>b. Describe technology or standard to be adopted.</p>	<p>b. The standard used is the Platform for Privacy Preferences (P3P).</p>

<p>c. Identify timetable and milestones for progress toward achieving compatibility of privacy policies with machine readable privacy protection methodology.</p>	<p>c. We will ensure that the privacy policies for other Web sites the FTC operates are machine readable by the end of this fiscal year (September 2004).</p>	<p>d. What process or standard has the agency identified to enable machine readable privacy protection?</p>	<p>d. The agency has identified the Platform for Privacy Preferences (P3P). The FTC will continue to closely monitor developments in standards and technologies that enable machine readable privacy protection.</p>
<p>(IV) Contact Information. Provide contact information of individual(s) appointed by the head of the Executive Department or agency to serve as the agency's principal contact(s) for information technology/web matters and the individual (name and title) primarily responsible for privacy policies</p>		<p>1. Principal contact for information technology/web matters: Stephen Warren, Chief Information Officer, (202) 326-2898, swarren@ftc.gov.</p> <p>2. Principal contact for privacy policies: Privacy Steering Committee, Chair: Judith Bailey, Deputy Executive Director, (202) 326-3609, jbailey@ftc.gov.</p>	

6. Human Capital. Sec. 209. Answer questions a, b, c, d, and e.

<p>a. OPM outlines workforce planning by the following five steps (see http://www.opm.gov/workforceplanning/wfpmodel.htm). Please use these steps to describe your agency's IT workforce planning efforts to date. Indicate which steps you've completed and where you are currently focused.</p>	
<p>Step 1: Set strategic direction</p>	<p>The FTC Human Capital Strategic Plan incorporates the concepts outlined in the model set forth in the OMB workforce planning guidance. The FTC Human Capital Strategic Plan's objectives form the foundation for the development of the agency's IT workforce requirements, to ensure staff members have the core competencies necessary to meet current and future IT program and project task requirements.</p>
<p>Step 2: Analyze workforce, identify skills gaps and conduct workforce analysis</p>	<p>IT management, with guidance from HRMO, continuously evaluate the IT workforce, including any skill gaps, for purposes of analyzing and determining what workforce actions such as re-organization might be undertaken to best service the operational and program needs of the agency and its internal and external customers. See 6.b. & c. below.</p>
<p>Step 3: Develop action plan</p>	<p>An action plan has been developed, evaluated, and revised over the past year to reflect current IT program and task obligations, as well as future years' systems enhancements, innovations and developmental goals and objectives. This process continues throughout the FTC Human Capital Strategic Plan's lifecycle, so that the action plan appropriately adapts to shifting needs or resources.</p>
<p>Step 4: Implement action plan</p>	<p>Implementation of a re-organizational phase began on Dec. 2, 2003, with a proposed phase completion date scheduled for Dec 28, 2003. IT Vision, Mission and Value statements continue to be refined, with input encouraged from the IT staff.</p>
<p>Step 5: Monitor, evaluate and revise</p>	<p>On-going.</p>
<p>b. From the lists available under "What's New" at http://www.cio.gov, identify the job categories and specialty areas, skills, and competencies that are most critical to your agency's Strategic Plan, Enterprise Architecture, and IT Investment Portfolio (Exhibits 53 and 300s).</p>	<p>GS-2210-11/15 Core competencies are: Systems Administration, Systems Analysis, IT Security (INFOSEC), Policy and Planning, Operating Systems, Network Services, Internet, Data Management, Customer Support, Applications Software.</p>

<p>c. Based on coordination with your Agency's Human Capital Planning Officials, what job categories and specialty areas, skills, and competency gaps has your Agency identified in the IT Workforce area that require a plan of action to close? (Consult the following sources: CCA IT Workforce Assessment results, CIO Council Project Management Survey Results, HR Department, FEDSCOPE (http://www.opm.gov/feddata/), etc)</p>	<p>Ongoing assessments of new skills and training requirements are made in the context of identified work requirements. As a small agency, the FTC has not been included in the human capital meetings with the larger departments; however the FTC's plan requires systematic review of job categories, skills and competency gaps. The FTC Human Capital Strategic Plan builds on existing training analyses.</p>
<p>d. What strategies have you identified to help close the competency gaps? Such strategies may include:</p> <ul style="list-style-type: none"> • Learning/development activities (GOLEARN (http://www.golearn.gov), STAR and formal training such as CIO University (http://www.gsa.gov); Scholarship for Service (www.sfs.opm.gov) Project Management Institute and/or equivalency, developmental assignments to industry or other government agencies; • Recruitment Plans; such as use of USAJOBS and virtual job hiring; • Retention strategies; such as, financial and non financial (time off) awards, etc. • Competitive Sourcing Strategies 	<p>Learning: FTC enrolls staff in individual technical courses and offers e-learning courses to all staff from the Softskill and NETg curricula. All supervisors are required to attend a suite of leadership courses.</p> <p>Project management: As part of the current reorganization, plans have been put in place and the staff and management briefed on allowing IT to participate in career broadening activities such as details of up to one year in various branches to develop new IT skills or build on current competencies.</p> <p>Recruitment: FTC uses USAJOBS, and also considers all hiring authorities, including student appointments, scholarship for service, and a full range of competitive and non-competitive hiring authorities. The agency recently formalized its pay flexibility policy to establish criteria for above-the-minimum salaries, as well as recruitment, relocation and retention pay.</p> <p>Retention strategies include incentive awards, performance awards, time-off awards, and honorary awards. Awardees are publicly recognized at division- and agency-wide ceremonies. Telework program and alternate work schedules support retention.</p> <p>Annual plans for IT training of current staff are developed, funded and executed by HR and ITM management.</p> <p>Competitive Sourcing Strategies: Help desk function is contracted; IT positions are reviewed annually for reporting in the agency's IT workforce inventory.</p>

<p>e. What measures of success are critical to your IT Workforce Planning effort?</p>	<p>Identification of critical elements, core competencies, and performance standards make meaningful distinctions.</p> <p>Development and periodic evaluation of core competency curricula.</p> <p>Ensuring effective meaningful probationary periods through measures of training, mentoring, and thoughtful decisions concerning the completion of the probationary period.</p> <p>Proper targeting for recruitment leads to timely hires of well-qualified candidates.</p> <p>Positive employee and labor management relations enhances the agency's ability to informally resolve disputes.</p>
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Attachment B - Agency Specific Compliance. The following table identifies activities and products assigned to specific agencies. Agencies identified below should briefly answer these questions.

<p>7. GSA. Answer a through i. a. Describe progress to establish and timetable for completion of a program to encourage contractor innovations that enhance government-wide electronic services. Sec. 101, 3605</p>	<p>a.</p>
<p>b. Provide agency and contact information of persons participating in this effort. Sec. 101, 3605</p>	<p>b.</p>
<p>c. Describe progress to maintain and timetable for completion of a Federal Internet Portal. Sec. 204</p>	<p>c.</p>
<p>d. Provide agency and contact information of persons participating in this effort. Sec. 204</p>	<p>d.</p>
<p>e. Describe progress and provide timetable for completion of the Digital Divide Study. Sec. 215</p>	<p>e.</p>
<p>f. Provide agency and contact information of persons participating in this effort. Sec. 215</p>	<p>f.</p>
<p>g. Describe progress and provide timetable for completion of electronic signature capability for secure electronic transactions. Sec. 203</p>	<p>g.</p>
<p>h. Describe progress and provide timetable for completion of report to Congress on implementation of share-in-savings. Sec. 210</p>	<p>h.</p>
<p>i. Describe progress and provide timetable for completion for Report to Congress on best practices of Community Technology Centers.</p>	<p>i.</p>

Sec. 213	
<p>8. NARA. Answer a, b, and c.</p> <p>a. Describe progress and timetable for completion to issue policies and procedures for recordkeeping of Federal Government information on the Internet and other electronic records.</p> <p>Sec. 207(e)(2)-(3)</p>	a.
<p>b. What are potential policies to be drafted for issue?</p> <p>Sec. 207(e)(2)-(3)</p>	b.
<p>c. Provide agency and contact information of persons participating in this effort.</p> <p>Sec. 207(e)(2)-(3)</p>	c.
<p>9. OPM. Answer a. through f.</p> <p>a. Describe progress and provide timeline for completion of issuing policies and guidance to meet IT workforce needs of the future.</p> <p>Sec. 209</p>	a.
<p>b. Describe progress and provide timeline for completion of report on existing government-wide IT training programs and recommendations for improvement or establishment of a program if none exist.</p> <p>Sec. 209(f)</p>	b.
<p>c. Describe progress and provide timeline for completion of establishment of an IT Exchange Program.</p> <p>Sec. 209(b)6</p>	c.
<p>d. Describe progress and provide timeline for completion of report on existing personnel exchange programs.</p> <p>Sec. 209(e)</p>	d.
<p>e. Describe progress and provide timeline for completion of a bi-annual report for Congress on agency use of the IT Exchange Program and the number of placements, exchanges and</p>	e.

assignments. Sec. 209	
f. Describe progress to identify agency IT competency gaps, curricula and training programs to narrow gaps, and agency IT training priorities. Sec. 209	f.
10. <u>Institute for Museum and Library Services.</u> a. Describe progress and provide timetable for completion of development of an online tutorial on government information and services. Sec. 213	a.
11. <u>DHS.</u> Answer a and b. a. Describe progress and provide timetable for completion of report to Congress on crisis preparedness, response, and consequence management. Sec. 214(b)1-4	a.
b. Describe progress and provide timetable for completion of pilot projects and further reports on using IT in Disaster Management. Sec. Sec. 214(c)	b.
12. <u>DOI</u> – Describe progress and provide timetable for development of Common Geospatial Protocols. Sec. 216	

Attachment C - Progress Update on the Government Paperwork Elimination Act (GPEA)

This attachment outlines the procedures agencies should follow to provide their 2003 GPEA updates in accordance with OMB Memorandum M-00-10, "OMB Procedures and Guidance on Implementing the Government Paperwork Elimination Act" and describes the information to be reported to OMB. The statutory deadline for compliance with GPEA was October 21, 2003.

What Should Be Provided to OMB?

Since your 2003 GPEA Data Collection Tool was submitted to OMB in early July 2003, the information you submitted to OMB may require updating to show actual agency status. In order for OMB to have an accurate representation of government-wide progress in GPEA implementation on October 21, 2003, OMB is requesting additional information from agencies.

Please revise your 2003 GPEA Data Collection Tool to reflect current status as of October 21, 2003 and submit the following information from your agency's tool:

1. Transformation Status Report

Please supply your revised total **numbers** for each column below. This information is readily available from the 2003 GPEA Data Collection Tool. Choose the Completion Status Report and select view by "Count". Your agency's GPEA Point of Contact will have this information for you. If you have difficulties, please contact OMB.

Agency	Total Transactions (Please provide total numbers only)	Transactions Completed As of Last Data Call (Prior to 10/01)	Transactions Completed Since Last Data Call (11/01-10/02)	Transactions Completed By 10/03 (11/02-10/03)	Transactions to be Completed Post 11/03	Transactions that will not be Completed
Federal Trade Commission	46	6	0	3	2	35

Source: 2003 GPEA Data Collection Tool, Completion Status Report. View by "Count".

2. Non-Completed Transaction Report

Please list any **transactions** that you projected to meet the GPEA deadline in your July submission, but were delayed, and an updated date of completion.

Transaction ID	Name	Agency	Revised: Date of Completion*
1	FTC Hart-Scott-Rodino (Premerger Notification) Rules and Report Form	Federal Trade Commission	2/1/2004
44	Disability Compliance Procedures	Federal Trade Commission	2/1/2004

Source: Non Completed Transaction Report, Your 2003 GPEA Data Collection Tool

*If completion date is unknown, mark as TBD.

**ATTACHMENT: NARRATIVE RESPONSE TO QUESTION 2
FEDERAL TRADE COMMISSION
E-GOV ACT ANNUAL COMPLIANCE REPORT (12/15/03)**

- 2. Briefly describe agency E-government initiatives, addressing the following for each initiative:**
- a. Identify performance measures that demonstrate how electronic government enables progress toward agency objectives, strategic goals, and statutory mandates.
 - b. Identify other agency partners who collaborate on the initiative.
 - c. If agency can quantify the cost savings created by implementing the initiative, identify savings and describe methodology used.

Answer The Commission has characterized its mission as

[t]o prevent business practices that are anticompetitive, deceptive, or unfair to consumers; to enhance informed consumer choice and public understanding of the competitive process; and to accomplish these goals without unduly burdening legitimate business activity.¹

To effectuate this mission, the Commission has enunciated two goals: (1) to protect consumers by preventing “fraud, deception, and unfair business practices in the marketplace;” and (2) to maintain competition by preventing “anticompetitive mergers and other anticompetitive business practices in the marketplace.”² The Commission has determined that it will achieve these two goals by identifying those fraudulent, deceptive, or unfair practices -- and those anticompetitive mergers or practices -- that cause the greatest consumer injury; by stopping such practices through law enforcement; and by preventing consumer injury through education.³

¹ *Federal Trade Commission Strategic Plan for Fiscal Years 2003-2008, Under the Government Performance and Results Act* (September 2003) (*Strategic Plan*), at 1, available at <http://www.ftc.gov/opp/gpra/index.htm>

² *Strategic Plan* at 1.

³ *Strategic Plan* at 1. More specifically, the Commission has specified three objectives for achieving its Protect Consumers goal: (1) “Identify fraud, deception, and unfair practices that cause the greatest consumer injury” (the Violation Identification Objective); (2) “Stop fraud, deception, and unfair practices through law enforcement” (the Violation Prevention Objective); and (3) “Prevent consumer injury through education” (the Consumer and Business Education Objective). The Commission has also specified three objectives for its Maintain Competition goal: (1) “Identify anticompetitive mergers and practices that cause the greatest consumer

The Commission has developed and continues to expand its reliance on electronic government initiatives and systems to achieve the foregoing objectives. Since the mid-1990s, the Commission has constructed a number of interlinked consumer protection Web sites -- in cooperation with numerous other domestic and foreign law enforcement agencies -- which it uses to educate consumers and businesses; to permit consumers and businesses to file complaints on a confidential basis; and to collect and analyze data relevant to a broad range of consumer protection issues, such as high technology fraud and identity theft. Moreover, the Commission has developed extensive capabilities for receiving electronic filings from businesses, consumers, and other members of the public -- including most recently a system for receiving electronic premerger notification filings -- and for placing on the public Web sites it maintains electronic copies of virtually every public document it issues or receives. The electronic filing and retrieval options created by these systems not only permit businesses and consumers to select the document submission methods most effective and efficient for them -- and to readily review the public records of the Commission -- but also permit the Commission and its staff to reduce the costs associated with reviewing and analyzing these documents.⁴

In short, the Commission continues to pursue extensive efforts to promote and facilitate, through the Internet, public access to all public documents generated in its public proceedings -- including administrative and federal court law enforcement proceedings; rulemaking and guide development proceedings; and hearings, workshops, and conferences -- and to promote and facilitate public participation in these proceedings to the full extent contemplated by applicable statutes and regulations. Thus, for example, the Commission has placed on its Web site, at www.ftc.gov, electronic copies of virtually all public documents it has authorized or approved since 1996, including administrative complaints and consent orders issued pursuant to Part 2 and Part 3 of the Commission Rules of Practice, 16 C.F.R. §§ 2.31-2.34, 3.11, 3.25 (2003); federal court filings; Congressional testimony; *Federal Register* notices and other documents issued in proceedings involving rules and guides; Commission and staff reports; competition advocacy filings; and consumer education materials. These documents typically are placed on the Commission Web site at the same time as the news releases describing them. More recently, the Commission has effected the same approach with respect to all public filings by the parties -- and all public opinions and orders issued by the Administrative Law Judges and the Commission -- in administrative adjudicative proceedings conducted pursuant to Part 3 of the Commission Rules of Practice, 16 C.F.R. § 3.1 *et seq.*

1. Performance With Respect to the Violation Identification and Violation Prevention Objectives Under the Protect Consumers Goal

injury” (the Violation Identification Objective); (2) “Stop anticompetitive mergers and practices through law enforcement” (the Violation Prevention Objective); and (3) “Prevent consumer injury through education” (the Consumer and Business Education Objective). *Id.*

⁴ *Strategic Plan* at 10.

The Commission's Consumer Information System contains approximately 1.2 million complaints, and more that 835 law enforcement agencies in the United States, Canada, and Australia can now access both these complaints and the Commission's Identity Theft Clearinghouse through *Consumer Sentinel*. Recent enhancements in the data analysis capabilities of this system include (1) an "alert" function that permits *Consumer Sentinel* users to tag companies and individuals under investigation, and thereby facilitate the coordination of law enforcement efforts; (2) a variety of reports that, for example, identify top violators and provide Internet-related complaint trend data; and (3) information that helps law enforcers to coordinate cross-border investigations, such as lists of contacts in the countries participating in *Consumer Sentinel* and advice as to how to determine the business, domain, and postal box registration of particular individuals and entities in nineteen countries. Moreover, in 2001, the Commission, twelve other ICPEN countries, and the Organization for Economic Cooperation and Development launched *econsumer.gov*, a public Web site where consumers can file cross-boarder e-commerce complaints with agencies around the world, access education materials, and contact consumer protection agencies. Furthermore, in 2002, the Commission and the Department of Defense launched *Military Sentinel*, an online consumer complaint database specifically tailored to the unique needs of the military community.⁵ In addition, in 1997 the Commission led efforts with four other federal agencies -- the Consumer Product Safety Commission, the Food and Drug Administration, the National Highway Transportation and Safety Administration, and the U.S. Office of Consumer Affairs -- to establish a "one-stop" government Web site (*consumer.gov*). The Commission continues to manage this site, which has links to consumer information from more than 180 federal agencies, and serves as the consumer information portal for *firstgov.gov*.⁶

To measure its performance under the Violation Identification objective, the Commission determines the annual number of consumer complaints and inquiries added to the Consumer Information System. For Fiscal Year 2002, the Commission targeted adding 400,000 new consumer complaints and inquiries, and during that year actually added 680,000 to the database.⁷ The Commission targeted adding 450,000 in Fiscal Year 2003, and has targeted adding 500,000 in Fiscal Year 2004.⁸ The Commission has now added a second performance measure under this objective: Determining the annual number of consumer complaints and inquiries relating to identity theft that are added to the database. The Commission targeted adding 155,000 new identity theft consumer complaints and inquiries in Fiscal Year 2003, and has targeted adding

⁵ *Strategic Plan* at 11.

⁶ *Strategic Plan* at 20.

⁷ *Federal Trade Commission Performance Plan: Fiscal Year 2003 Through Fiscal Year 2004 and the President's Management Agenda* (February 2003) (*Performance Plan*), at 3, available at <http://www.ftc.gov/opp/gpra/index.htm>.

⁸ *Performance Plan* at 3.

170,000 in Fiscal Year 2004.⁹

To evaluate its performance under the Violation Prevention objective, the Commission has established two new performance measures derived from electronic systems: Determining the number of data searches conducted by FTC and other law enforcement personnel of the *Consumer Sentinel* and of the *Identity Theft* databases, respectively.¹⁰ The Commission targeted reaching 20,000 *Consumer Sentinel* searches and 1,400 *Identity Theft* searches in Fiscal Year 2003, and has targeted reaching 20,000 and 1,500 such searches of these databases in Fiscal Year 2004.¹¹

2. Performance With Respect to the Consumer and Business Education Objective Under the Protect Consumers Goal

To measure its performance under this objective, the Commission determines the annual number of publications distributed to or accessed electronically by consumers. For Fiscal Year 2002, the Commission targeted distributing 10.5 million such publications, and during that year actually distributed 19.3 million. The Commission has now added two additional performance measures under this objective: Determining the number of education publications related to Identity Theft distributed or accessed electronically, and determining the number of Spanish-language education publications distributed or accessed electronically.¹² With respect to education publications related to identity theft, the Commission targeted distributing 2.5 million such publications in Fiscal Year 2003, and has targeted distributing 2.5 million such publications in Fiscal Year 2004. With respect to Spanish-language education publications, the Commission is using Fiscal Year 2003 data to establish a baseline to which distribution levels for future years can be compared.

3. Performance With Respect to the Consumer and Business Education Objective Under the Maintain Competition Goal

To measure its performance under this objective, the Commission has in the past determined the number of hits on antitrust information on the Commission Web site. Thus, for example, in Fiscal Year 2001, the Commission determined a baseline number, 2.6 million hits; in Fiscal Year 2002, 4.35 million such hits occurred; and the Commission targeted 3.5 million such hits in Fiscal Year 2003.¹³ The Commission has now determined that because this objective has

⁹ *Performance Plan* at 3.

¹⁰ *Strategic Plan* at 12.

¹¹ *Performance Plan* at 3.

¹² *Strategic Plan* at 13.

¹³ *Performance Plan* at 3.

two different components -- (1) educating the legal and business communities about applicable legal standards and enforcement policies that facilitate their compliance with the law, and (2) educating the public in general, as well as policymakers, about the benefits of competition -- in future years, it will separate the Web site hits on the FTC antitrust Web site into (1) the number of hits relevant to the business and legal communities, and (2) the number of hits relevant to policy makers and the general public.¹⁴

4. Compliance With Section 206 Rulemaking Requirements

With respect to rulemaking in particular, Section 206 requires agencies -- to the extent practicable -- to post their rulemaking notices and any other document required to be published in the Federal Register on “a publicly available Web site;” to accept rulemaking comments electronically; and to establish online rulemaking dockets through which the public can access all rulemaking comments and any other materials “that by agency rule or practice” are part of the agency’s rulemaking docket, whether or not such material was originally submitted in electronic form. E-GOV § 206(b)-(d). The Commission fully complied with these requirements in Fiscal Year 2003. First, all Commission rulemaking notices and other *Federal Register* documents published in Fiscal Year 2003 were posted on the Commission’s Web site and linked to the news releases describing them. Second, the Commission accepted public comments in each of its rulemaking proceedings electronically, through the creation and maintenance of a separate email box for each proceeding. Third, the Commission made public comments and other documents from its rulemaking docket -- as defined in the Commission’s public record rule, 16 C.F.R. § 4.9(b) -- routinely available for inspection and downloading on its Web site. In addition, the Commission participated fully in the ongoing initiative to establish a centralized Federal regulatory docket, at www.regulations.gov.

The proceeding through which the Commission amended its Telemarketing Sales Rule to create and implement the National Do Not Call Registry provides an illustration of the foregoing approach. The Commission Web site includes a comprehensive *Index of Rulemaking Record for the Final Amended Rule*,¹⁵ including in particular the *Federal Register* Notices published during the rulemaking proceeding; more than 60,000 electronic (via email) and paper public comments; documents from earlier public forums; additional *Federal Register* Notices published after the date the Final Amended Rule was published in the *Federal Register*; and requests, petitions, and additional public comments filed with the Commission after that date.

¹⁴ *Strategic Plan* at 17, 38.

¹⁵ The complete *Index* is available at <http://www.ftc.gov/bcp/rulemaking/tsr/tsrrulemaking/index.htm>