

draft FTC Strategic Plan
FY 2014 – FY 2018

Draft FTC FY 2014 – FY 2018 Strategic Plan; comments may be sent to gpra@ftc.gov by August 16, 2013

Federal Trade Commission Strategic Plan

Table of Contents

- Overview4
- The Planning Process.....5
- Strategic Goal 1.....6
- Strategic Goal 2.....11
- Strategic Goal 3.....16
- Stakeholders.....20
- Appendix of Performance Goals.....23
- Acknowledgements.....25

OVERVIEW

Mission

Working to protect consumers by preventing anticompetitive, deceptive, and unfair business practices, enhancing informed consumer choice and public understanding of the competitive process, and accomplishing this without unduly burdening legitimate business activity.

Vision

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

Strategic Goal 1

Protect Consumers

Strategic Goal 2

Maintain Competition

Strategic Goal 3

Advance Organizational Performance

Organization

The FTC has a long tradition of maintaining a competitive marketplace for both consumers and businesses. When the FTC was created in 1914, its purpose was to prevent unfair methods of competition in commerce as part of the battle to “bust the trusts.” Over the years, the Congress passed additional laws giving the agency greater authority over anticompetitive practices. Recognizing that unfair and deceptive practices can distort a competitive marketplace as much as unfair methods of competition, in 1938 the Congress passed a broad prohibition against “unfair or deceptive acts or practices in or affecting commerce.” Since then, the FTC also has been directed to enforce a wide variety of other consumer protection laws and regulations.

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

The FTC’s mission is carried out by the bureaus of Consumer Protection, Competition, and Economics as well as the Office of the General Counsel, the Office of International Affairs, the Office of Policy and 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 the Office of Inspector General.

Scope of Responsibilities

The FTC is an independent law enforcement agency with both consumer protection and competition jurisdiction in broad sectors of the economy. The agency administers a wide variety of laws and regulations such as the Federal Trade Commission Act, Telemarketing Sales Rule, Identity Theft Act, Fair Credit Reporting Act, and Clayton Act. In total, the Commission has enforcement or administrative responsibilities under more than 70 laws (see <http://www.ftc.gov/ogc/stats.shtm> for a listing).

The FTC regularly reports to Congress on actions such as pursuing vigorous and effective law enforcement, advancing consumers’ interests by sharing expertise with domestic and international government agencies, developing policy, and educating consumers and businesses. The agency is headquartered in Washington, DC and has seven regional offices to assist consumers.

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

THE PLANNING PROCESS

The Office of the Executive Director, spearheaded the strategic plan update process by forming two governing bodies, a Working Group comprised of bureau deputy directors, office directors and senior analysts, and an Executive Committee comprised of executive leadership to evaluate the plan and provide input on the Chairwoman's goals and policy initiatives.

During a series of working sessions, the Working Group evaluated the current plan, conferred with colleagues, and formulated comprehensive recommendations for revising content. After Executive Committee and Commissioners' review, the result was released to external stakeholders, staff, and the Office of Management and Budget for comment. The Working Group and Executive Committee then considered and incorporated appropriate feedback, and the Commissioners reviewed and approved the final version.

STRATEGIC GOAL 1 – PROTECT CONSUMERS

The FTC has jurisdiction over a wide range of consumer protection issues. 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.

External Factors

A number of external factors could significantly impact the achievement of this strategic goal. Complaints are an integral component when determining the areas of greatest concern and injury to consumers. The FTC continually works to increase public awareness of the complaint process to encourage consumers to report fraud, identity theft, Do Not Call Registry violations, and other complaints. Identifying unlawful practices can be impacted by the number of complaints the agency receives. The FTC's effectiveness in taking action to protect consumers may be affected by Congressional legislation.

The increasing costs of litigation, including the rising costs associated with processing and storing increasingly large amounts of electronic data in investigations and cases, may also affect the number of enforcement actions brought.

When matters involve international targets, evidence, or assets, the FTC has limited control over a number of factors, including the extent to which foreign governments will

provide information or cooperate with us on law enforcement matters. In addition, foreign legal rules often prohibit or limit foreign courts from recognizing or enforcing FTC judgments and orders, including asset preservation or collection orders. The FTC uses its U.S. SAFEWEB Act authority to expand its international enforcement efforts and continues its outreach efforts to foreign governments to increase cooperation.

Evaluations and Research

The FTC continuously evaluates the effectiveness of its efforts to protect consumers. The agency's research and analysis of important and emerging consumer protection issues enhances agency decision making and enables the agency to better protect consumers. These efforts include:

- Assessing the extent to which the consumer complaint and other information made available by the agency is used by its staff and law enforcement partners.
- Evaluating whether enforcement activities are tracking the areas of greatest concern and whether there are new practices or technologies that require additional law enforcement.
- Evaluating the effectiveness of the FTC's enforcement efforts in those areas in which a baseline measure can be determined.
- Measuring the number of education messages disseminated each year and assessing the number and range of public

and private sector organizations that partner with the FTC on outreach.

- Reviewing the focus of FTC education efforts, determining whether the agency needs to reach new audiences in light of changes in demographics, advertising, and marketing practices, and identifying strategies or partnerships that will allow the FTC to reach those audiences.
- Evaluating whether the advice and comments the FTC provides to local, state, and federal agencies on consumer protection policies have been considered and adopted.

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

To fulfill its goal of protecting consumers, the FTC must identify consumer protection problems and trends in the fast-changing, increasingly global marketplace. The agency strives to understand the issues affecting consumers, including any newly emerging methods of fraud or deceit, so that it can target its enforcement, education, and advocacy on those areas where consumers suffer the most harm or where there will be the greatest impact. 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.

The FTC is using new technologies creatively and building on its broad base of private and public sector partners. The agency continues to collect consumer complaint information directly through four principal sources:

1. a toll-free helpline (1-877-FTC-HELP)

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

In addition, the FTC continues to gather consumer complaint information from other sources, including national surveys, state and federal law enforcement agencies, Better Business Bureaus, and private entities. Further, the FTC maintains an electronic mailbox (spam@uce.gov) to which Internet users are encouraged to forward spam.

The agency makes consumer complaint data and other information available to other law enforcers through the secure website of the Consumer Sentinel Network. The agency augments identification of targets from its databases with other strategies for generating 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.

The FTC protects consumers by enforcing Section 5 of the FTC Act, which prohibits unfair or deceptive acts or practices in or affecting commerce, as well as by enforcing a number of statutes and rules proscribing specific unlawful practices. The agency initiates civil cases, primarily by filing actions in federal court, which allege that defendants have violated these laws and rules, and seeks injunctions and other relief.

The FTC also brings enforcement actions via administrative proceedings.

Strategies

- Target law enforcement efforts on violations that create the greatest amount of consumer harm by reviewing complaints, monitoring practices in the marketplace, and evaluating industry and other information.
- Stop injury through aggressive law enforcement that focuses on preventing fraud and harmful financial practices, protecting consumer privacy, policing national advertising and new technologies, and prosecuting entities that violate federal court and administrative orders obtained by the FTC.

Performance Goals

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

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

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

1.1.4 Amount of money the FTC returned to consumers and forwarded to the U.S. Treasury.

Objective 1.2 Provide the public with knowledge and tools to prevent harm to consumers.

Consumer and business education serves as the first line of defense against fraud, deception, and unfair practices. 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 agency creatively uses new technologies and private and public partnerships to reach new and underserved audiences, particularly those who may not seek information directly from the FTC. The FTC will continue to publicize its consumer complaint and identity theft websites and toll-free numbers in an ongoing effort to increase public awareness of its activities and inform the public of ways to contact the FTC to obtain information or file a complaint.

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

Strategies

- Focus consumer and business education efforts on areas where fraud, deception, unfair practices, and information gaps

cause the greatest injury. Target particular demographic groups with messages about marketplace issues that impact their health, safety, and economic well-being, both online and off. Integrate mobile technologies into education and outreach initiatives through multimedia and interactive content.

- Monitor the marketplace and technological developments to identify emerging consumer protection issues, hold workshops or conferences to examine these issues, and, where appropriate, issue reports analyzing the issues to provide the public with knowledge and tools to prevent consumer harm.

Performance Goals

1.2.1 Rate of consumer satisfaction with FTC consumer education websites.

1.2.2 Number of federal, state, local, international, and private partnerships to maximize the reach of consumer and business education campaigns.

1.2.3 Number of workshops and conferences the FTC convened that address consumer protection problems.

1.2.4 Number of consumer protection reports the FTC released.

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

The FTC works with partners in the United States and internationally to address new and emerging consumer protection challenges. The geographic location and other demographics may affect the types of fraud that consumers encounter. It is,

therefore, important for governmental and non-governmental organizations to share information and resources to enhance consumer protection.

The FTC promotes consumer protection domestically through advocacy by filing comments with federal, state, and local government bodies advocating policies that 1) promote the interests of consumers and 2) highlight the roles of consumer and empirical research in their decision-making. The agency also files amicus briefs to aid courts' consideration of consumer protection issues.

Because telemarketing 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. The FTC provides technical assistance to newer consumer protection agencies and privacy authorities in foreign countries to help enhance their ability to achieve sound consumer protection outcomes in enforcement and policy-making. The agency also provides policy advice through substantive consultations and written comments on areas of mutual concern. This multi-faceted approach promotes a global marketplace that provides consumers with more consistent and effective protections.

Strategies

- Leverage resources by working with domestic and international partners in government and the private sector to share information about consumer protection issues.

- Pursue the development of international consumer protection enforcement models or approaches that focus on protecting consumers while maximizing consumer choice and economic benefit.
- Provide technical assistance to countries establishing consumer protection regimes, as well as provide selected foreign officials with an opportunity to work alongside FTC attorneys, investigators, and economists to learn about the FTC’s approach to consumer protection enforcement and to promote further cooperation between the countries.

Performance Goals

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

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

1.3.3 Number of instances of policy advice or technical assistance provided to foreign consumer protection and private agencies, directly and through international organizations, through seminars, substantive consultations, written submissions, or comments, and direct work with foreign agency officials who visit the FTC.

1.3.4 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.

STRATEGIC GOAL 2 – MAINTAIN COMPETITION

The FTC's efforts to maintain competition focus on preventing anticompetitive mergers and other anticompetitive business practices in the marketplace. This work is critical to protect and strengthen free and open markets – the cornerstone of a vibrant economy. Vigorous competition results in lower prices, higher quality goods and services, and innovation leading to beneficial new products and services. By enforcing the antitrust laws, the FTC helps to ensure that markets function well.

As a part of its program to maintain competition, the FTC undertakes competition policy research and development activities to improve agency decision making in areas such as law enforcement and competition advocacy. The FTC also promotes competition through advocacy and education initiatives. These initiatives deter anticompetitive mergers and business practices and reduce business' costs of compliance with antitrust laws. Advocacy encourages governmental actors at the federal, state, and local levels to evaluate the effects of their policies on competition and ensure such policies promote consumer benefit.

External Factors

A number of external factors could impact the achievement of this strategic goal. The continuing transition to a knowledge-based economy from a primarily manufacturing-based economy highlights important questions about the relationship between antitrust and intellectual property laws. Also, the FTC's ability to identify anticompetitive conduct and mergers may be affected by the number of complaints the agency receives, as these complaints help

determine the areas of greatest concern and injury to consumers.

Another external factor is the rising cost of litigation, which includes stenographic reporting and expert witness costs. As the issues litigated are increasingly complex and involve sophisticated economic theories and large amounts of data, antitrust litigation is especially resource-intensive. These increasing costs could affect the number of enforcement actions brought, particularly in this austere environment.

Finally, because antitrust enforcement no longer stops at U.S. borders, the agency must continue its work in the international arena. The development of competition policy involves numerous stakeholders, political considerations, and economic factors. Today, more than 120 governments enforce various sets of competition laws, and these different antitrust enforcement authorities increasingly overlap and intersect. Foreign policy and political considerations that are outside the scope of competition policy may also play a role. These factors can impact U.S. enforcement actions. Furthermore, the ability to conduct technical assistance depends in part on the availability of external resources, support of U.S. embassies abroad, and the willingness of foreign governments to accept U.S. assistance.

Evaluations and Research

The FTC continuously evaluates the effectiveness of its efforts to maintain and promote competition. Research activities allow in-depth studies of industries and ways to better analyze certain problems. The FTC applies the knowledge gained through its research projects, workshops, and

hearings to improve its understanding of significant antitrust issues and emerging trends in business practices, technology, and markets in order to adapt its law enforcement and other initiatives to the continually evolving marketplace. After each major litigation effort, the FTC internally evaluates its litigation performance and captures best practices and training needs for future litigation teams. The FTC continuously assesses the burden imposed by investigations and seeks ways to reduce this burden and make the investigative process more efficient. The FTC's Bureau of Economics conducts retrospective analyses of mergers and other competition issues to determine whether the actions taken resulted in over or under regulation. The agency also evaluates the policy impact of the FTC's advocacy initiatives.

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

The FTC takes action to block or remedy anticompetitive mergers and to stop anticompetitive conduct. Anticompetitive mergers and other coordinated or unilateral conduct can lessen competition and cause harm to consumers through higher prices, inferior service, or diminished innovation. Anticompetitive practices can also harm competition and consumers if they make it more difficult for other companies to enter the market. Enforcement of the antitrust laws provides substantial benefits to consumers by helping to ensure that markets are competitive.

The FTC's Bureau of Competition, together with the Bureau of Economics, investigates proposed and consummated mergers, as well

as conduct and agreements that may be anticompetitive, and takes enforcement action when it has reason to believe that mergers or conduct will likely harm consumers. The FTC's enforcement actions result in litigation, consent orders, abandoned or restructured transactions or agreements, or the cessation of anticompetitive conduct. The FTC strives to maintain strong litigation capabilities and works to ensure that the remedies imposed by its consent orders are effective in maintaining competition in the marketplace without undue burden on businesses.

The Hart-Scott-Rodino (HSR) Premerger Notification Act provides the FTC an effective starting point for identifying anticompetitive mergers and taking action to block or remedy them before they are consummated. The FTC administers the HSR program both for itself and for the Antitrust Division of the Department of Justice (DOJ), which shares authority to challenge anticompetitive mergers. The FTC also uses trade press articles, consumer and competitor complaints, and other means to identify potentially anticompetitive mergers that do not meet HSR notification requirements, or that were not reported in violation of HSR.

In addition the FTC employs a variety of methods to identify potentially anticompetitive practices and conduct outside the merger context (for example, consumer and competitor complaints, referrals from other government agencies, and trade press).

Strategies

- Increase the efficiency of investigatory processes to conduct rigorous, economically sound, and fact-based

analysis of mergers and other potentially anticompetitive business practices, and enhance enforcement outcomes while minimizing burdens on business.

- Improve the timeliness of investigations and merger review under the HSR program. Ensure that administrative litigations and adjudications reach timely resolutions.
- Improve negotiation and litigation skills and refine investigative and decisional tools through continuous learning.
- Negotiate merger and nonmerger consent orders and win litigated orders that have significant remedial, precedential, and deterrent effects. Increase compliance with consent decrees and orders and with HSR reporting obligations.
- Increase the transparency of the decision-making process, including assessing whether revisions to enforcement guidelines are required.

Performance Goals

2.1.1 Percentage of actions taken to maintain competition in substantial merger and nonmerger investigations.

2.1.2 Consumer savings through merger actions taken to maintain competition.

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

2.1.4 Consumer savings through nonmerger actions taken to maintain competition.

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

Objective 2.2 Engage in effective research and stakeholder outreach to promote competition, advance its understanding, and create awareness of its benefits to consumers.

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

The FTC also promotes competition through advocacy, information, and education. In its advocacy work, the FTC files comments with federal, state, and local government bodies advocating policies that promote the interests of consumers and highlights the role of consumer and empirical research in their decision making. The FTC also files amicus (“friend of the court”) briefs to aid courts’ consideration of competition issues.

Educating consumers and businesses about competition law and policy also promotes competition. Informing businesses and their legal advisers about potential antitrust violations deters anticompetitive mergers and anticompetitive business practices and reduces businesses' cost of compliance. Educating consumers about their rights and their ability to bring violations to the FTC's attention reduces the cost of identifying anticompetitive conduct. Providing consumers and businesses with information about how antitrust enforcement benefits the common good can also encourage cooperation with FTC investigations and strengthen enforcement actions.

Strategies

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

confidentiality requirements. Expand the use of other public statements to improve the public's understanding of the FTC's enforcement policies.

Performance Goals

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

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

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

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

The FTC continues to build cooperative relationships with domestic and foreign antitrust agencies to ensure close collaboration on cases and convergence toward sound competition policies.

On the domestic front, the FTC seeks to collaborate with other agencies and the state attorneys general to obtain the best results and maximize the use of limited resources in the enforcement of the U.S. antitrust laws.

With its foreign partners, the FTC seeks more effective, coordinated reviews of multijurisdictional mergers, and works towards achieving consistent outcomes in cross-border cases of potential anticompetitive conduct. Participation in multilateral competition organizations provides valuable opportunities to promote international cooperation and convergence

and for competition officials to share insights on law enforcement and policy initiatives.

Cooperation with competition agencies of other jurisdictions is a key component to an effective FTC competition enforcement program. With over 120 antitrust enforcers worldwide, it is critical that everyone work together to ensure that the international competition law system functions coherently and effectively. To accomplish this, the FTC builds strong bilateral relations with foreign counterparts and takes a lead role in multilateral fora to promote case enforcement cooperation and convergence toward sound competition policies.

The FTC provides technical assistance to newer competition agencies in foreign countries to help enhance their ability to achieve sound competition outcomes in enforcement and policy-making. This technical assistance helps protect U.S. interests by encouraging systems that apply standards to transactions and conduct affecting the global marketplace that are consistent with U.S. and worldwide best practices. The agency also provides policy advice through substantive consultations and written comments on areas of mutual concern.

Strategies

- Work more extensively within the U.S. government inter-agency process and with other domestic government entities to support the FTC's efforts to promote market-based competition and policy convergence.
- Cooperate with a broader range of foreign competition agencies on antitrust

matters under concurrent review to improve the effectiveness of investigations and promote consistent outcomes on a larger scale.

- Promote policy convergence toward sound and effective antitrust enforcement internationally by working bilaterally with a greater number of foreign competition agencies, including through more frequent substantive consultations, written comments, broader provision of technical advice, and taking an expanded leading role in multilateral and regional organizations.
- Provide technical assistance to countries establishing competition regimes, as well as 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.

Performance Goals

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

2.3.2 Number of instances in which the FTC provided policy advice or technical assistance to foreign competition agencies or governments, directly and through international organizations, through seminars, long-term advisors and staff exchanges, substantive consultations, written submissions, or comments, and with foreign officials when they visited the FTC.

STRATEGIC GOAL 3 – ADVANCE ORGANIZATIONAL PERFORMANCE

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

Goal 3 is inherently collaborative, and primarily encompasses key management areas in the FTC: human capital, infrastructure and security, information technology resources, finance and acquisition, and equality of opportunity in employment. These efforts foster leadership and accountability across the agency and establish a culture of customer service, constituent responsiveness, and effective planning, administration, and management. Employees at all levels are expected to show leadership in their areas of responsibility by exhibiting a willingness to develop and coach others, a commitment to teamwork, and a drive to find innovative solutions.

External factors

Various external factors could impact the achievement of Goal 3 objectives. For example, changes in requirements for human capital, security, information and records management, Freedom of Information Act (FOIA), or government-wide financial management may cause a shift in priorities or change how the FTC approaches the work.

Evaluations

The agency rigorously reviews its management functions.

- The FTC's financial statements are audited annually, which encompasses a thorough overview of the agency's financial position and various transactions throughout the fiscal year.
- The FTC conducts risk assessment reviews of the agency's programs. These reviews assist management in identifying high-risk areas and implementing appropriate risk management strategies where necessary. In addition, the agency performs targeted reviews of internal controls. The areas targeted for review are determined by several factors, including risk assessment, management input, prior audits and reviews results and external (regulatory) environment. Management evaluates the results from the internal control reviews to determine what processes should be modified to strengthen controls and/or improve efficiency.
- In the information technology arena, annual FISMA reviews are conducted, and the agency reviews and acts on any areas that need improvement.
- In the area of human capital, FTC regularly reviews and acts on the results of the Office of Personnel Management's Annual Federal Employee Viewpoint Survey. Several areas that OPM periodically examines include a Human Capital Management Evaluation, a Delegated Examining Unit Examination, and Performance Assessments of General Schedule and Senior Executive Service Performance Management Systems. The Equal Employment Opportunity Commission

may also perform technical assistance visits or program reviews.

In addition, the FTC looks to outside groups, such as the Office of the Inspector General, for independent reviews of its activities.

Objective 3.1 Optimize resource management and infrastructure.

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

These efforts span several FTC offices and functions. For example, the agency's Continuity of Operations Plan (COOP) ensures that the agency can respond to, and recover from, an emergency situation effectively. The FTC is also committed to effective and efficient management of information resources, and is transitioning to managing most information resources electronically, for example, by developing and implementing a web-based system for public filings in all FTC administrative litigation proceedings. This transition will enable staff to perform their work more efficiently, facilitate public access, and protect sensitive information from inappropriate access.

Ensuring that the FTC has effective information technology (IT) infrastructure is vital to meeting the Commission's strategic goals. The Office of the Chief Information Officer delivers value by identifying and providing a host of critical high quality, low-risk IT services that are agile enough to meet Commission business needs.

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

This transparency is also evident in the FTC's work to improve internet access to public agency documents. With respect to public documents newly approved or authorized by the Commission, the FTC will continue to post text-searchable electronic versions on the public FTC website in conjunction with applicable news releases. As resource levels permit, the Commission will also continue to post public documents generated prior to the establishment of the FTC's website in 1996.

Strategies

- Improvement of the effectiveness and efficiency of financial management operations. Over the next five years, the FTC plans to fully integrate procurement and core financial systems. This complete financial management system will strengthen the agency's internal controls, improve efficiency of the procurement process, and provide agency staff with timely information regarding budget execution and the availability of funds.
- Improvement of agency IT services by building redundancy into the FTC's IT infrastructure to support vital services, creating virtual computing environments to consolidate the management and

utilization of IT resources, and investing in new technologies to further support the FTC's mission.

- Transition to electronic information resource management by: 1) Developing an agency-wide information governance policy. The policy will cover file structures for organizing information, mandatory and optional metadata (searchable information about the document), document naming conventions, access restrictions, and retention rules and triggers. 2) Implementing an Electronic Content Management (ECM) system which staff will use to draft, collaborate on, and finalize work, including consumer protection and competition case filings. The ECM system will enable us to maintain agency records in a secure electronic format for the required retention period and to transfer permanent agency records to NARA.
- Reduction of the agency's energy consumption and promotion of recycling of materials and equipment. Improvements that yield the greatest benefit relative to cost will be incorporated into the development of a new performance indicator.

Performance Goals

3.1.1 A favorable Continuity of Operations (COOP) rating.

3.1.2 Availability of information technology systems.

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

3.1.4 Average number of days for the FTC to release information in response to a

simple FOIA request.

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

This objective encompasses leadership and knowledge management, a results-oriented performance culture, talent management, and job satisfaction. The FTC uses an integrated approach to link human capital programs and policies to agency mission, goals, and strategies and to provide continuous improvement in efficiency and effectiveness. The objective captures the FTC's work and ensures the presence of the right talent in the right positions at the right time to meet the challenges of the 21st century. It also captures efforts to tap into the rich resources of the global community and ensure fairness in the workplace. By attracting, developing, motivating, and retaining a high performing, diverse, inclusive, and engaged workforce, the FTC advances organizational performance. By having a workforce that looks like and draws from the consumers it protects, the FTC strengthens its ability to meet its mission.

The FTC uses the Federal Employee Viewpoint Survey administered by OPM to measure success in this objective. The survey focuses on employees' perceptions of critical areas of their work life and workforce management, and measures factors that influence whether employees want to join, stay, and help their agency meet its mission.

In addition, the FTC uses Management Directive 715 (MD-715), which is submitted by the agency to the U.S. Equal Employment Opportunity Commission on an annual basis. MD-715 is a tool for

agencies to use to ensure that all workers are competing on a fair and level playing field and have the opportunity to achieve their fullest potential.

Strategies

- One of the key strategies to achieving this objective entails using integrated workforce planning to identify and fulfill current and future human capital needs to carry out the agency’s mission and implementing programs and processes to enable us to recruit, develop, and retain a highly qualified and diverse workforce.
- The FTC strives to create an agency-wide performance culture that focuses on individual and organizational

accountability toward achieving the FTC’s programmatic goals and priorities. The agency also seeks to achieve this objective by providing quality training and outreach to staff.

Performance Goals

3.2.1 FTC achieves a high ranking in the Best Places to Work in the Federal Government.

3.2.2 The extent employees believe the FTC has the talent necessary to achieve organizational goals.

3.2.3 The extent employees believe the FTC encourages an environment that is open, diverse, and inclusive.

Draft FTC FY 2014 – FY 2018 Strategic Plan; comments may be sent to gpra@ftc.gov by August 16, 2013

APPENDIX OF PERFORMANCE GOALS

** Key Performance Goal*

Goal 1 – Protect Consumers

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

- 1.1.1 Percentage of the FTC’s consumer protection law enforcement actions that targeted the subject of consumer complaints to the FTC.
- 1.1.2 Rate of customer satisfaction with the FTC’s Consumer Response Center.
- *1.1.3 Total consumer savings compared to the amount of FTC resources allocated to consumer protection law enforcement. *(New)*
- *1.1.4 Amount of money the FTC returned to consumers and forwarded to the U.S. Treasury. *(New)*

Objective 1.2 Provide the public with knowledge and tools to prevent harm to consumers.

- 1.2.1 Rate of consumer satisfaction with FTC consumer education websites.
- *1.2.2 Number of federal, state, local, international, and private partnerships to maximize the reach of consumer and business education campaigns. *(New)*
- 1.2.3 Number of workshops and conferences the FTC convened that address consumer protection problems. *(New)*
- 1.2.4 Number of consumer protection reports the FTC released. *(New)*

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

- 1.3.1 Number of investigations or cases in which the FTC and other U.S. federal, state and local government agencies shared evidence or information that contributed to FTC law enforcement actions or enhance consumer protection. *(New)*
- *1.3.2 Number of investigations or cases in which the FTC obtained foreign-based evidence or information or engages in other mutual assistance that contributed to FTC law enforcement actions, or in which the FTC cooperated with foreign agencies and/or multilateral organizations on enforcement matters.
- 1.3.3 Number of instances of policy advice or technical assistance provided to foreign consumer protection and private agencies, directly and through international organizations, through seminars, substantive consultations, written submissions, or comments, and direct work with foreign agency officials who visit the FTC.
- 1.3.4 Percentage of consumer protection advocacy matters filed with entities including federal and state legislatures, agencies, or courts that are successful in whole or in part. *(New)*

Goal 2 – Maintain Competition

Objective 2.1 Identify and take actions to address anticompetitive mergers and practices that cause harm to consumers.

- *2.1.1 Percentage of actions to maintain competition in substantial merger and nonmerger investigations.
- 2.1.2 Consumer savings through merger actions taken to maintain competition.

- *2.1.3 Total consumer savings compared to the amount of FTC resources allocated to the merger program.
- 2.1.4 Consumer savings through nonmerger actions taken to maintain competition.
- *2.1.5 Total consumer savings compared to the amount of FTC resources allocated to the nonmerger program.

Objective 2.2 Engage in effective research and stakeholder outreach to promote competition, advance its understanding, and create awareness of its benefits to consumers.

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

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

- *2.3.1 Percentage of FTC cases involving at least one substantive contact with a foreign antitrust authority in which the agencies followed consistent analytical approaches and reached compatible outcomes.
- 2.3.2 Number of instances in which the FTC provides policy advice or technical assistance to foreign competition agencies or government, directly and through international organizations, through seminars, long-term advisors and staff exchanges, substantive consultations, written submissions, or comments, and with foreign officials when they visit the FTC. *(New)*

Goal 3 – Advance Organizational Performance

Objective 3.1 Optimize resource management and infrastructure.

- 3.1.1 A favorable Continuity of Operations (COOP) rating.
- 3.1.2 Availability of information technology systems.
- 3.1.3 Achieving a favorable (unqualified) audit opinion from the agency's independent financial statement auditors.
- 3.1.4 Average number of days for the FTC to release information in response to a simple FOIA request. *(New)*

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

- 3.2.1 FTC achieves a high ranking in the Best Places to Work in the Federal Government. *(New)*
- *3.2.2 The extent employees believe the FTC has the talent necessary to achieve organizational goals.
- 3.2.3 The extent employees believe the FTC encourages an environment that is open, diverse, and inclusive. *(New)*

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