

of other consumer protection laws and regulations. In total, the Commission has enforcement or administrative responsibilities [under more than 70 laws](#). In addition, the agency maintains a website at www.ftc.gov that provides information for consumers and businesses, as well as online forms to file complaints.

Organizational Structure

The FTC is headed by a Commission, consisting of five members; each is nominated by the President, confirmed by the Senate, and serves 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 accomplishes its mission through three bureaus: the Bureau of Consumer Protection (BCP), the Bureau of Competition (BC), and the Bureau of Economics (BE). Their work is aided by the Office of the General Counsel (OGC), the Office of International Affairs (OIA), the Office of Policy Planning (OPP), the Office of the Secretary (OS), the Office of the Executive Director (OED), the Office of Congressional Relations (OCR), the Office of Public Affairs (OPA), the Office of Administrative Law Judges (ALJ), the Office of Equal Employment Opportunity and Workplace Inclusion (EEOWI), the Office of the Chief Privacy Officer (OCPO), and the Office of the Inspector General (OIG). For more information about the agency's components, visit its [organizational structure webpage](#).

The agency's headquarters are located in Washington, D.C. with eight regional offices across the United States. The agency had 1160 staff on board at the end of FY 2020. The total new budget authority for FY 2020 was \$331.0 million.

Performance Measurement Reporting Process

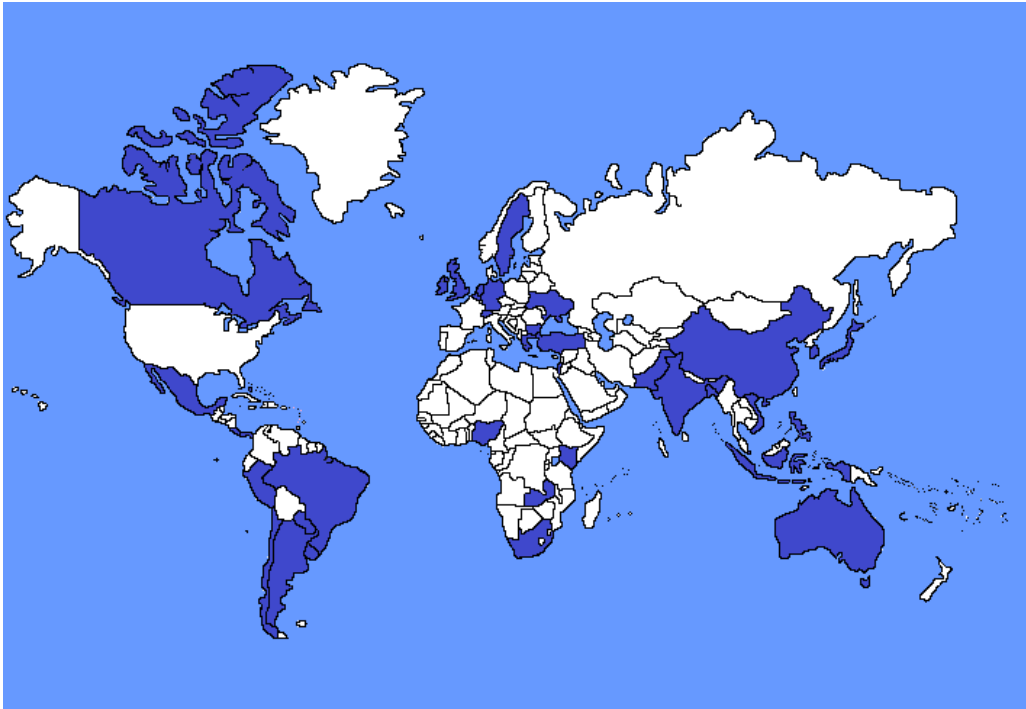
Bureau and Office representatives serve as the Performance Measure Reporting Officials (PMRO), who act as data stewards for each of the agency's publicly-reported performance goals. The PMROs report performance data to the Performance Improvement Officer on a quarterly or annual basis via an internal data reporting tool. The Financial Management Office (FMO) also leads periodic performance goal 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 measures 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.

International Consumer Protection Agency Engagement



In addition to the jurisdictions indicated on this map, the FTC provided consumer protection and privacy policy input to multinational organizations such as the OECD, UNCTAD, APEC, and Association of Southeast Asian Nations (ASEAN), as well as technical guidance on enforcement and policy issues to global and regional agency networks such as ICPEN, GPEN, UCENET, FIAGC, RIPD, APPA, and the African Consumer Protection Dialogue.

During FY 2020, the FTC conducted several technical assistance missions and capacity-building training sessions for developing consumer protection and privacy agencies, supported by a mix of funding sources, including in-kind donations from the recipient agencies. The FTC's technical assistance programming included in-person training sessions in Argentina, Chile, India, Paraguay, and Uruguay. Due to COVID-19 travel restrictions, the FTC also organized or participated in virtual capacity-building programs with agencies in Bahrain, Bermuda, Peru, and Singapore. 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.

As part of the FTC's International Fellows program, which provides foreign officials with a first-hand appreciation of FTC practices and approaches, the FTC hosted International Fellows from Canada and Zambia during the first half of the year, before the COVID-19 pandemic limited travel. The Fellows worked directly with agency staff on consumer protection matters.

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. Political turmoil in certain regions can also make cooperation on particular issues more difficult. The global COVID-19 pandemic presented numerous challenges, but the FTC was able to overcome many of those challenges by using technology creatively to work with its counterparts around the world.

Advocacy. In a combined consumer protection and competition advocacy letter, FTC staff commented to the Department of Health and Human Services Concerning the 21st Century Cures Act, specifically on the Interoperability, Information Blocking, and ONC Health IT Certification Program Rule. DHS issued a final rule that was consistent with FTC’s comment. The FTC’s Bureau of Consumer Protection staff also commented on the NIST proposal of a voluntary tool aimed at helping organizations start a dialogue about managing privacy risks within their organizations. The comment suggested five changes to the proposed framework.

FY 2021-2022 Next Steps and Future Actions to Meet Strategic Objective

[section to be released later with Annual Performance Plan]

Performance Measures

Performance Goal 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
387	359	369	453	551	375	Exceeded		

FY 2020 Highlights: BCP continues to place an emphasis on leveraging resources with domestic partners and encourages staff to work with other U.S. federal, state, and local government agencies to further the goal of protecting consumers from fraud. In FY 2020, BCP shared information with other U.S. federal, state, and local government agencies in 337 investigations or cases. In FY 2020, BCP received information from other U.S. federal, state, and local government agencies in 214 investigations or cases.



Key Performance Goal 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
53	50	43	48	42	40	Exceeded		

FY 2020 Highlights: In FY 2020, the FTC cooperated in 42 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 through various mechanisms 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 on enforcement matters with international enforcement organizations such as the ICPEN, the GPEN, the UCENet, and the IMMFWG.

Performance Goal 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
66	66	64	71	60	60	Met		

FY 2020 Highlights: In FY 2020, the FTC provided policy input to foreign consumer protection and privacy agencies in 60 instances. This included policy advice and technical input on a wide range of consumer and privacy policy issues delivered through in-person and virtual seminars, substantive consultations, oral presentations, and written comments. Of the inputs, ten represent either in-person or virtual technical assistance missions to new and developing consumer protection and privacy agencies, and two represent International Fellows from Canada and Zambia who worked alongside FTC staff in support of the consumer protection mission before the COVID-19 pandemic restricted travel to and from the United States.

Performance Goal 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. Advocacy comments or amicus briefs 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. While most advocacy comments contain either consumer protection recommendations or competition recommendations, a few may have both, and thus, are counted in this performance goal as well as Performance Goal 2.2.3.

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

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
85.7%	85.7%	*	*	*	60.0%	N/A		

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 Goal 1.3.4 measures the success of our 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 advocacy comments and amicus briefs contain either consumer protection recommendations or competition recommendations, a few 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
7	4	3	2

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 2020 Performance Report.

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

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

Strategies, External Factors, and Risks

[section to be released later with Annual Performance Plan]

FY 2020 Progress Update

In FY 2020, the agency concluded 27 matters in which it took action to maintain competition, including 11 consent orders and 11 abandoned transactions, focusing 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 11 active litigations from the current or prior years.

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

In the first matter, the Commission issued an administrative complaint alleging that Illumina sought to maintain its monopoly unlawfully in the U.S. market for next-generation DNA sequencing (NGS) systems by acquiring Pacific Biosciences of California (PacBio), thus eliminating a nascent competitor. According to the complaint, Illumina, the leading provider of NGS products using short-read sequencing technology, sought to acquire PacBio, which sells long-read sequencing-based NGS products that pose a current and future competitive threat to Illumina's dominant position. The Commission also authorized staff to seek a preliminary injunction in federal court to enjoin the transaction pending an administrative proceeding. In the face of the Commission's challenge, the parties abandoned their proposed transaction in January 2020.

In the second matter, the Commission filed an administrative complaint challenging Post Holdings' proposed acquisition of TreeHouse Foods's private label ready-to-eat cereal business. According to the complaint, the deal would have given Post more than a 60 percent share of an already concentrated U.S. market for these products, removing the competitive pressures that lead to higher quality and lower priced cereals for American families. The Commission also authorized staff to seek a temporary restraining order and preliminary injunction to prevent consummation pending the conclusion of an administrative proceeding. In the face of the FTC's challenge, the parties abandoned their proposed acquisition and the Commission dismissed its complaint.

In the third matter, the Commission authorized staff to seek a preliminary injunction to enjoin Edgewell Personal Care Company's proposed acquisition of competitor Harry's. According to the complaint, the deal would have eliminated a disruptive and innovative rival that has driven down prices and spurred innovation in the otherwise duopolistic U.S. market for the manufacture and sale of men's and women's wet shave razors. Harry's launched as an internet-only, direct-to-consumer wet shave brand, and in 2016, entered into brick-and-mortar retail stores. Edgewell is the owner of the Schick brand of razors. The parties abandoned their acquisition in the face of the FTC's challenge, and the Commission subsequently dismissed its complaint.

The Commission remains vigilant in its ongoing commitment to maintaining competition in markets for essential health care services. This year, the FTC issued an administrative complaint challenging a

proposed merger between Jefferson Health and Albert Einstein Healthcare Network, two leading providers of inpatient general acute care hospital and rehabilitation services in the Philadelphia, PA area. According to the complaint, the merger would have eliminated the head-to-head competition that drives improvements in quality and service, upgraded facilities, and investment in technology and innovation in Philadelphia and Montgomery counties. Post-merger, the parties would control 60 percent of the general acute care services in Philadelphia County and at least 45 percent in Montgomery County. The Commission also authorized staff to seek a preliminary injunction to enjoin the transaction pending a full administrative hearing. As of the end of FY 2020, the case was pending in federal and administrative litigation.

The Commission continues to enforce the antitrust laws in important energy markets. In February 2020, the Commission issued an administrative complaint to block a proposed joint venture between Peabody Energy Corporation and Arch Coal. According to the complaint, the venture would combine the firms' coal mining operations in the Southern Powder River Basin (SPRB) region of northeastern Wyoming, eliminating competition between two major competitors in the market for thermal coal in the area. SPRB coal is attractive to electric power producers in the central United States and upper Midwest because the coal deposits are relatively inexpensive to extract and contain lesser amounts of sulfur and sodium. According to the complaint, these power generation firms, with facilities designed to burn SPRB coal, have high fixed costs, making it untenable to replace SPRB coal with alternative energy sources such as natural gas, wind, solar, or nuclear fuels. The Commission authorized staff to seek a temporary restraining order to enjoin the transaction pending a full administrative hearing on the merits. Following a two-week hearing on the preliminary injunction action, the federal district court granted the Commission's request to enjoin the transaction in September 2020, and the parties subsequently abandoned their transaction.

In other pending litigation, the FTC issued an administrative complaint challenging Axon Enterprise's consummated acquisition of its body-worn camera systems competitor VieVu. Before the acquisition, the two companies competed to provide body-worn camera systems to large, metropolitan police departments across the United States. According to the complaint, Axon's May 2018 acquisition reduced competition in an already concentrated market. In April 2020, the Commission entered a consent agreement with VieVu's parent company, Safariland, which was finalized in June 2020. With respect to Axon, this matter is currently pending in administrative adjudication.

In April 2020, the Commission filed an administrative complaint alleging that Altria Group and JUUL Labs entered into a series of agreements, including Altria's acquisition of a 35 percent stake in JUUL, that eliminated competition in violation of federal antitrust laws. According to the complaint, this series of agreements involved Altria ceasing to compete in the U.S. market for closed-system electronic cigarettes in return for a substantial ownership interest in JUUL, by far the dominant player in that market. This matter is currently pending in administrative adjudication.

The Commission also continues to enforce against increasingly complex monopolization schemes in pharmaceutical markets. This year, the Commission authorized staff to seek a permanent injunction and equitable monetary relief to halt an elaborate anticompetitive scheme to preserve a monopoly for a life-saving drug. According to the complaint, the FTC alleges that after acquiring the rights to Daraprim, the gold standard treatment for toxoplasmosis, Vyera Pharmaceuticals immediately raised the price 4,100 percent and engaged in a series of unlawful tactics, including distributional restraints and interference with U.S. Food and Drug Administration (FDA)-mandated bioequivalence testing to prevent generic entry into the market. The complaint further charges that Vyera signed data blocking agreements to deny generic pharmaceutical firms access to the data needed to assess whether development of an alternative treatment is worth pursuing. This matter is currently pending in federal court.

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, some of which were deferred due to COVID-19, 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 the Bureau by leveraging digital platforms and other distance learning tools.

Resource constraints remain a significant challenge. The rising costs of critical expert witness resources and the ongoing challenge of how to manage efficiently document productions of increasing size are two of the foremost concerns. Development and support of the technological tools necessary to improve processes and streamline operations require significant financial and staff resources. Likewise, if more mergers are filed and cause competitive concern then staff resources will be stretched to cover the increased caseload.

The FTC also faces a challenging landscape in attempting to maintain competition in increasingly complex and pervasive technology markets that raise unique antitrust considerations. These challenges require the FTC to utilize the full range of policy and advocacy tools at its disposal to promote competition.

FY 2021-2022 Next Steps and Future Actions to Meet Strategic Objective

[section to be released later with Annual Performance Plan]

Performance Measures



Key Performance Goal 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
54.6%	49.1%	67.9%	62.9%	77.1%	Between 40.0% and 70.0%	Not Met		

FY 2020 Highlights: The agency took action to maintain competition in 27 of 35 full merger and nonmerger investigations that concluded during FY 2020. The FTC’s 27 actions included 11 consent orders, two litigated victories (Benco, Peabody/ Arch Coal), one stipulated injunction (Indivior), one settlement with a party to an ongoing administrative adjudication (Safariland), three matters in which the parties abandoned their transactions after the Commission authorized staff to challenge the proposed acquisition in federal or administrative proceedings (Illumina/PacBio, Edgewell/Harry’s, Post/TreeHouse), and nine other abandoned transactions. This year’s results exceeded the target range for this performance goal, primarily because more matters than anticipated led to enforcement actions.

The agency’s 27 actions included 24 merger actions and 3 nonmerger actions in second request or compulsory process investigations in a broad array of industries such as healthcare, pharmaceuticals, consumer goods and services, energy, and manufacturing.

The agency concluded eight merger matters in which it did not take an enforcement action during FY 2020.

Performance Goal 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
\$2.59 billion	\$2.59 billion	\$2.66 billion	\$3.09 billion	\$1.78 billion	\$2.1 billion	Not Met		

FY 2020 Highlights: The FTC saved consumers on average an estimated \$1.78 billion per year through its merger actions to maintain competition in the past five years. This year, despite considerable consumer savings from merger actions in the healthcare, pharmaceuticals, consumer goods and services, and manufacturing industries, the agency fell short of meeting its target for this performance goal. In large part, this is because unusually large consumer savings from merger actions in FY 2015, including \$4.9 billion from the Lorillard/Reynolds American merger, are no longer included in the five-year timeframe for the goal. Targets have been adjusted for FY 2021. While this metric includes only cases that concluded, the agency initiated more merger challenges this year than in any year since FY 2001.



Key Performance Goal 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
\$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	\$42.00 in consumer savings per \$1 spent	Not Met		

FY 2020 Highlights: In FY 2020, the FTC saved consumers approximately \$25.74 for every dollar devoted to its merger program. As mentioned in Performance Goal 2.1.2, merger actions in the healthcare, pharmaceuticals, consumer goods and services, and manufacturing industries resulted in considerable consumer savings in the period. These results fell short of the target level for the period, due in large part to unusually large consumer savings from merger actions in FY 2015, including \$4.9 billion from the Lorillard/Reynolds American merger, that are no longer included in the five-year timeframe for the goal. Targets have been adjusted for FY 2021. Significant increases in case-related expert spending during the period, primarily attributable to a growing antitrust litigation docket, also resulted in a reduction in the ratio of estimated consumer savings to program costs during the period.

Performance Goal 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
\$1.02 billion	\$1.12 billion	\$1.10 billion	\$1.77 billion	\$901 million	\$900 million	Met		

FY 2020 Highlights: From FY 2016 – FY 2020, the FTC saved consumers on average an estimated \$901 million per year through nonmerger actions taken to maintain competition. This year, nonmerger actions in the healthcare, pharmaceutical, and consumer services industries contributed to that total, allowing the agency to continue to meet the target for this performance goal.



Key Performance Goal 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
\$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	\$40 in consumer savings per \$1 spent	Exceeded		

FY 2020 Highlights: In FY 2020, the FTC saved consumers approximately \$46 per dollar devoted to its nonmerger enforcement program. As mentioned under 2.1.4, nonmerger actions in the healthcare, pharmaceutical, and consumer services industries contributed to that total, and when coupled with modest reductions in program spending allowed the agency to again meet the target for this performance goal.

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
\$88.3 billion	\$103.4 billion	\$112.7 billion	\$69.4 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
\$77.10 billion	\$75.5 billion	\$80.48 billion	\$11.9 billion

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

Goal Leaders: Director, BC; General Counsel, Office of the General Counsel; Director, Office of Policy Planning; Director, BE

Strategies, External Factors, and Risks

[section to be released later with Annual Performance Plan]

FY 2020 Progress Update

The FTC continued to organize 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 FY 2020, the Bureau of Economics hosted its Twelfth Annual Microeconomics Conference. This two-day workshop brought together scholars working in areas related to the FTC's antitrust and consumer protection missions. The agency also hosted a workshop on non-compete agreements in the workplace, which examined antitrust and consumer protection issues. The FTC held a joint workshop with the FDA on the competitive marketplace for biosimilars. The FTC also held the first of a two-part series hosted with the Department of Justice to discuss proposed Vertical Merger Guidelines. The second session was cancelled due to the pandemic, but the FTC accepted written comments. In June 2020, both agencies adopted the Vertical Merger Guidelines. Finally, in FY 2020, BC and BCP hosted a workshop to examine the potential benefits and challenges to consumers and competition raised by data portability.

In addition, as the COVID-19 pandemic affected individuals and businesses, the FTC and the DOJ issued a joint statement in March detailing an expedited antitrust procedure and providing guidance for collaborations of businesses working to protect the health and safety of Americans during the pandemic. The agencies followed that with another joint statement in June announcing that the FTC and DOJ are on alert for employers, staffing companies, and recruiters, among others, who might engage in collusion or other anticompetitive conduct in labor markets, such as agreements to lower wages or to reduce salaries or hours worked.

The FTC continued to respond to requests for comment from local, state, and federal entities to provide policymakers with a framework to analyze the potential competitive implications of pending governmental actions that may have a major impact on consumers. In FY 2020, the FTC filed one amicus brief in federal court, ten competition advocacy comments, and two advocacy comments that addressed both competition and consumer protection issues. Two of the ten competition advocacy comments were submitted to federal government agencies, and eight were sent to state legislators and regulators. These advocacy comments address a variety of industries and competition issues, including restrictions on telehealth, electronic health information, scope of practice limitations for health professionals, enforceability of reasonable and non-discriminatory (RAND) licensing commitments, certificates of public advantage, and beer distribution. The FTC ensures that its advocacy activities are conducted with sensitivity to state policy and law-making authority.

In FY 2020, the FTC issued Special Orders, under Section 6(b) of the FTC Act, to five large technology firms, requiring them to provide information about prior acquisitions not reported to the antitrust agencies under the Hart-Scott-Rodino (HSR) Act. The Commission plans to use the information obtained in this study to examine trends in acquisitions and the structure of deals, including whether acquisitions not subject to HSR notification might have raised competitive concerns, and the nature and extent of other agreements that may restrict competition. The FTC also issued 6(b) orders to five health insurance companies and two health

systems to provide information that will allow the agency to study the effects of certificates of public advantage (COPAs) on prices, quality, accessibility, and innovativeness of healthcare services. The COPA study will collect information over the next several years that will help FTC staff to conduct retrospective analyses of existing COPAs.

The agency also furthered its efforts to advance public understanding of its competition decisions through the publication of analyses to aid public comment, speaking engagements, and the “Competition Matters” blog, which covers an array of competition policy and practice issues. In addition, the agency issued several reports dealing with competition issues, including an annual report analyzing branded drug firms’ patent settlements with generic competitors. The report summarized data on patent settlements filed with the FTC and the Department of Justice during FY 2016 under the Medicare Modernization Act of 2003. This was the Commission’s third annual snapshot of such deals since *FTC v. Actavis*, in which the U.S. Supreme Court held that a branded drug manufacturer’s reverse payment to a generic competitor to settle patent litigation can violate the antitrust laws. The FTC also prepared a Congressionally-mandated report on its standalone authority under Section 5 of the FTC Act to address high pharmaceutical prices.

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.

FY 2021-2022 Next Steps and Future Actions to Meet Strategic Objective

[section to be released later with Annual Performance Plan]

Performance Measures

Performance Goal 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
3	3	7	11	4	3	Exceeded		

Performance Goal 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
9	11	9	4	7	8	Not Met		

FY 2020 Highlights: On June 30, 2020, the FTC and the U.S. Department of Justice (DOJ) Antitrust Division, issued new Vertical Merger Guidelines that outline how the federal antitrust agencies evaluate the likely competitive impact of vertical mergers and whether those mergers comply with U.S. antitrust law. These new Vertical Merger Guidelines mark the first time the FTC and the DOJ have issued joint guidelines on vertical mergers.

Performance Goal 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 goal as well as Performance Goal 1.3.4.

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

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
64.7%	58.6%	*	*	*	60.0%	N/A		

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 Goal 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
16	16	6	12

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

Goal Leaders: Director, OIA; Director, BC; Director, BE

Strategies, External Factors and Risks

[section to be released later with Annual Performance Plan]

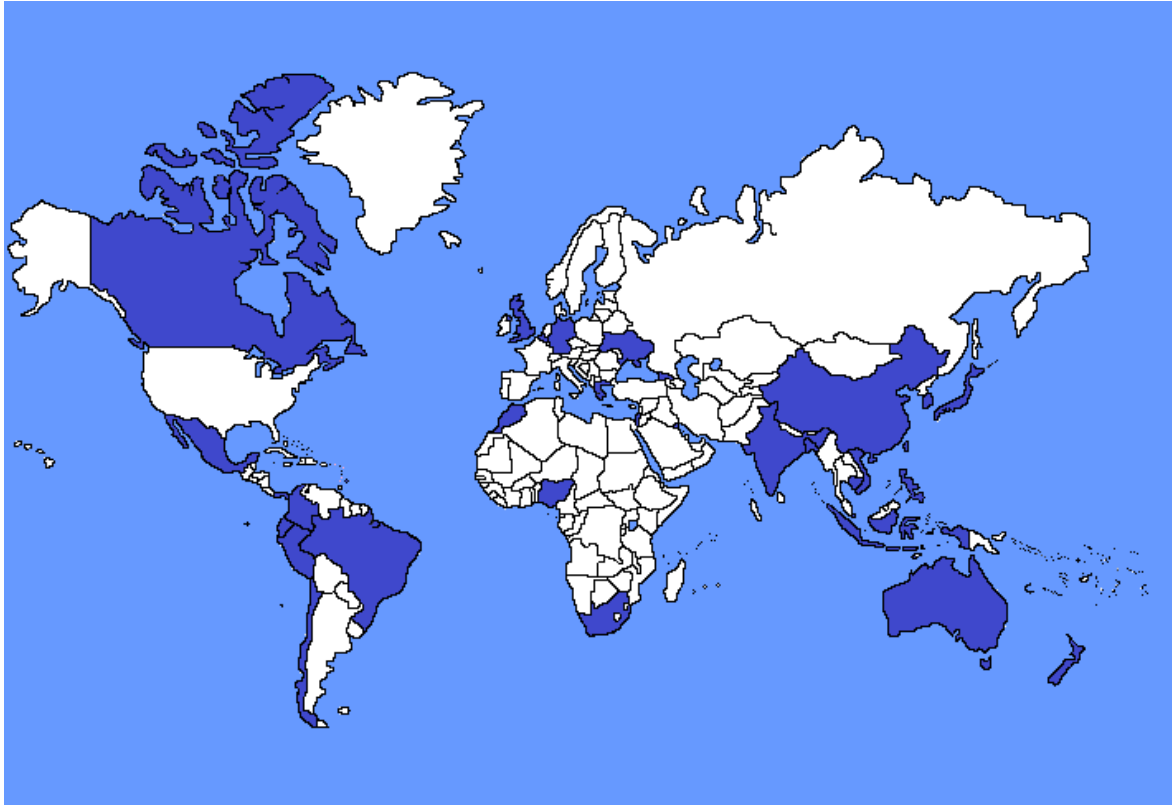
FY 2020 Progress Update

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 2020 included:

- **Promoting Convergence and Furthering Case Cooperation:** The FTC engaged on policy issues of common interest and shared enforcement techniques and experience with staff from 32 competition agencies. The agency held high-level meetings with colleagues from several competition authorities, including Australia, Brazil, Canada, the European Union, India, Japan, South Korea, Mexico, New Zealand, and the United Kingdom. The FTC continued to facilitate and engage more deeply in cooperation and coordination on individual matters with foreign counterparts. Notably, the FTC, with the DOJ, entered into the Multilateral Assistance and Cooperation Framework among the U.S. antitrust agencies and the competition agencies of Australia, Canada, New Zealand, and the United Kingdom, representing a new benchmark in cross-border enforcement cooperation. In FY 2020, the FTC cooperated on 29 investigations of mutual concern with counterpart agencies from 13 jurisdictions. This included 21 merger matters and 8 conduct investigations; this is the highest number of conduct investigations on which we have engaged in substantial cooperation in any fiscal year since we started maintaining these statistics. A number of these matters involved cooperation with several agencies to achieve effective, sound, and consistent outcomes. For example, during its review of the AbbVie/Allergan merger, Commission staff cooperated with antitrust agencies in Canada, the European Union, Mexico, and South Africa, working closely with the staff of the European Commission to analyze proposed remedies. The FTC also hosts International Fellows from foreign competition agencies who work directly with FTC staff to gain first-hand understanding of and experience with the practices and approaches that the FTC uses in its enforcement, which they then bring back to their agencies. The FTC has hosted 93 competition officials from 32 jurisdictions since the program's inception in 2007 through the end of FY 2020.
- **International Competition Network (ICN):** The FTC is a leader in the ICN, a preeminent venue for the coordination of international antitrust policy. In FY 2020, the FTC continued to serve on its Steering Group, as well as co-chairing the implementation group, which promotes use by member agencies of ICN best practice recommendations and work product, and the ICN's team of working group leaders who coordinate the network's substantive work. The FTC also oversees the ICN's online training program to promote sound analytical and procedural practices across all aspects of antitrust enforcement. During the past year, the FTC was a significant contributor to new ICN work on mergers and dominance in digital markets and on the competition assessment of laws and regulations. The FTC also led the drafting of the ICN's advice to competition agencies on dealing with the challenges of the COVID-19 pandemic and its economic consequences. This ICN Statement reaffirms the relevance of competition to economies in crises and the importance of

vigilant enforcement. In light of emerging digital economy issues faced by competition agencies, the FTC proposed and helped initiate important new ICN work to explore the interface between competition, consumer protection, and data privacy enforcement and policies. The Commission also hosted an innovative virtual annual ICN conference once an in-person event became infeasible. The conference attracted over 2,500 viewers from around the world.

International Competition Agency Engagement



In addition to the jurisdictions indicated on this map, the FTC provided competition policy advice and training to numerous members of regional and other multilateral bodies such as the ICN, OECD, ACF, APEC, ASEAN, and CARICOM.

- **Other Multilateral Fora:** The agency continued its active participation and leadership in the OECD, APEC, UNCTAD, and the Inter-American Competition Alliance to promote cooperation and convergence. For example, 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. For the latter project, the FTC is serving on a special project group tasked with developing a joint OECD/ICN report focused on assessing members’ experience with international enforcement cooperation. In FY 2020, the FTC also served as a lead contributor to the preparation of OECD recommendations on procedural fairness in competition investigations and enforcement, and on competitive neutrality.
- **Relations with Newer Agencies:** The FTC continued engagement through meetings and exchanges with counterparts around the world. FY 2020 also marked the 10-year anniversary of the InterAmerican Competition Alliance, which the FTC helped found to foster enforcement cooperation in the Americas. With the rapid growth in the number of jurisdictions with competition laws over the past decades, the FTC has expanded its program of technical assistance to help other agencies apply

their laws in ways that support competitive markets and compatible analysis and outcomes in cross-border matters. In FY 2020, the FTC continued its technical assistance program in Ukraine by placing experienced FTC lawyers in its competition agency, as resident advisors, to share approaches to enforcement and investigation and to assist in drafting amendments to the law. The FTC also assisted the Philippine Competition Commission's efforts to introduce competition concepts to the judiciary, regulatory bodies, law schools, and the private sector. Until international travel was restricted, the FTC conducted 13 competition technical assistance programs on site in 12 jurisdictions, including participating in two regional programs for ASEAN member states. The FTC continued its technical assistance program throughout the pandemic by conducting virtual training for the staff of competition agencies in Mexico, Peru, the Philippines, Ukraine, and regional programs for agencies in Africa (through the African Competition Forum), the Caribbean (for CARICOM and its member agencies), and Eastern Europe.

- **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 issues include the protection of intellectual property, non-discriminatory treatment of U.S. companies, and due process in antitrust investigations and proceedings. We also played an active role in the U.S. delegation negotiating the competition chapter of the U.S.-UK Trade Agreement.
- **State Government Partners:** BC routinely works with state AGs in its enforcement efforts. State AGs also routinely join as co-plaintiffs in the FTC's federal court litigations.

FY 2021-2022 Next Steps and Future Actions to Meet Strategic Objective

[section to be released later with Annual Performance Plan]

Performance Measures



Key Performance Goal 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
100%	96%	98%	100%	100%	95%	Exceeded		

FY 2020 Highlights: In FY 2020, the FTC cooperated on 29 enforcement matters. FTC staff engaged in substantive case cooperation with 13 agencies, including those of Australia, Brazil, Canada, China, the European Union, Germany, Israel, Japan, Mexico, New Zealand, Singapore, 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 percent success, the target reflects the possibility of inconsistent outcomes, particularly as additional antitrust agencies assert their jurisdiction and as more agencies prosecute cases based on unilateral conduct theories.

Performance Goal 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 assist newer foreign competition authorities to enhance their enforcement capacity, build sound regulatory frameworks, improve agency effectiveness, and promote competition policies in their economy. These efforts include providing policy advice and direct 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
171	160	151	165	155	130	Exceeded		

FY 2020 Highlights: In FY 2020, the FTC provided policy advice through consultations, written submissions, and comments on proposed laws and guidelines to foreign competition agencies in 118 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 29 technical assistance missions, which included a number of regional programs that engaged staff from multiple agencies, and hosted eight officials from foreign agencies as part of our International Fellows Program in support of the competition mission.

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
N/A	52.6%	31.8%	22.2%

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 2020 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)

Strategies, External Factors, and Risks

[section to be released later with Annual Performance Plan]

FY 2020 Progress Update

As part of its security and emergency preparedness efforts, the FTC completed a review of the Continuity of Operations (COOP) plan, finalized a new annex to address the current COVID-19 pandemic, and hired a dedicated Emergency Specialist. In addition, the FTC has developed new guidance for FTC staff to ensure their safety while using its facilities as the FTC implements its COVID-19 Pandemic Return to Work Plan. In order to ensure the safety of FTC staff during the COVID-19 pandemic, the FTC moved quickly to make many work processes completely virtual, including onboarding, off boarding, filing documents with the FTC, and serving FTC subpoenas and requests. The FTC completed installation of new surveillance cameras at FTC headquarters as part of the electronic security system update.

The agency also continued to manage its facilities in FY 2020. The FTC worked with the General Services Administration (GSA) to identify federal workspace that meets FTC needs for the Atlanta and San Francisco Regional Offices. The FTC also is in the planning stages of the leasing process for Constitution Center, the HQ Satellite building, which will provide a new workspace for FTC staff due to the current lease expiration. Finally, the FTC, in consultation with GSA, replaced the cafeteria in the HQ building with a micro-market. This service change offers a variety of food options in a more amenity-rich and accessible space for staff.

The Commission continued to successfully manage and improve its fiscal operations. The FTC completed the transition of the agency's financial management, procurement, and travel systems from the Interior Business Center to the Department of the Treasury's Shared Service Provider, Administrative Resource Center, in October 2019. FMO developed and issued comprehensive standard procedures for litigation support services for remote BC and BCP litigation teams. FMO also identified critical responsibilities and controls to ensure timely and comprehensive support for BC and BCP litigation teams, coordinating FMO, Office of the Chief Information Officer (OCIO), and Office of the Chief Administrative Services Officer (OCASO) support.

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.

As a result of the COVID-19 pandemic, the FMO Acquisitions Branch followed new federal guidance to extend the Sentinel Network Services (SNS) contract and ensure there are no SNS service interruptions. Acquisitions negotiated with the company for the continued support given COVID-related logistical difficulties at call centers that needed to be disbanded while call handlers worked remotely. Acquisitions also completed a difficult and complex re-solicitation process to put a new contract into place to remedy issues in the old SNS contract that has just ended. The new, long-term award was made and superseded the old one without any service interruption.

The agency made significant progress towards paperless procurement and automated reporting of acquisition activities through more comprehensive use of our financial reporting tool, Oracle Business Intelligence.

FY 2021-2022 Next Steps and Future Actions to Meet Strategic Objective

[section to be released later with Annual Performance Plan]

Performance Measures

Performance Goal 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
(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) 80% (b) 42	(a) N/A (b) Exceeded		

FY 2020 Highlights: The Federal Emergency Management Agency (FEMA) cancelled the annual Eagle Horizon exercise due to the COVID-19 pandemic. As a result, the FTC did not evaluate and score its COOP plan.

The FTC published numerous products related to employee safety throughout the year due to the pandemic. The agency ensured key information was distributed to the workforce and focused on emergency preparedness, insider threat awareness, and COVID-19 pandemic safety practices.

Performance Goal 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 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
N/A	81%	82%	87%	78%	75%	Exceeded		

FY 2020 Highlights: Agency staff are satisfied with the timeliness of response to a wide variety of administrative service requests provided by OCASO. Services included in the survey include transportation, space, facilities, physical security, and records management, among others.

Performance Goal 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
Unmodified Opinion	Unmodified opinion	Unmodified Opinion	Met		

FY 2020 Highlights: The agency’s FY 2020 independent financial audit yielded our 24th 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 Goal 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
N/A	N/A	N/A	98.3%	95.1%	95%	Met		

Performance Goal 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
78%	65%	57%	67%	90%	70%	Exceeded		

FY 2020 Highlights: With the agency’s transition to a new financial and procurement system, the agency is now able to generate its PALT percentage automatically from a system report. Previously, PALT was calculated manually off a spreadsheet of all contract actions kept by Acquisitions staff. This should lead to more accurate reporting. Data from FY 2016 to FY 2019 still reflects manual calculation.

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

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

Strategies, External Factors, and Risks

[section to be released later with Annual Performance Plan]

FY 2020 Progress Update

Leveraging Technology to create human capital efficiencies:

In FY 2020, the FTC's Human Capital Management Office (HCMO) implemented two 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 Electronic Telework Agreement 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 will become the cornerstone of the FTC's transformation of the onboarding and offboarding system.
- **Electronic Telework Agreement System:** Leveraging the SharePoint platform, HCMO rolled out a new electronic Telework Agreement System to allow all FTC employees to submit new and updated telework agreements electronically. This system replaces the manual paper process, which required the agency to store hard copies of signed telework agreements. The new electronic system builds a telework forms workflow in SharePoint to route employee-submitted agreements, first to their supervisors for approval and then to HCMO's Telework Coordinator. The system allows employees to submit all intermittent, regular, and full-time telework requests. Additionally, the system allows HCMO to track and report employees' telework status, which was previously not available in the paper-based system.

Strengthening Senior Executive's Performance Plans: The agency migrated all SES FY 2020 performance plans into the USA Performance (USAP) software system, and expects to migrate SL/ST performance plan templates into this system in FY 2021, after OPM upgrades USAP.

Process Modernization: The agency is modernizing its human capital (HC) systems by, among other things, migrating from paper-based to electronic systems. 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 affecting the FTC's ability to recruit is the limited availability of qualified, experienced HC professionals with federal HC experience.

FY 2021-2022 Next Steps and Future Actions to Meet Strategic Objective

[section to be released later with Annual Performance Plan]

Performance Measures

Performance Goal 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
81%	83%	85%	84%	N/A FEVS delayed	Exceed the government-wide average by 10 points	N/A FEVS delayed		

Performance Goal 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
75%	78%	78%	78%	N/A FEVS delayed	Exceed the government-wide average by 10 points	N/A FEVS delayed		



Key Performance Goal 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
82%	83%	83%	84%	N/A FEVS delayed	Exceed the government-wide average by 10 points	N/A FEVS delayed		

Performance Goal 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
70%	73%	74%	75%	N/A FEVS delayed	Exceed the government-wide average by 10 points	N/A FEVS delayed		

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 mandated staff 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
N/A	85%	88%	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
N/A	46	84	32

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 staff 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
N/A	13.5 days	19 days	15.3 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
N/A	29 days	32 days	31.6 days

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

Goal Leader: Executive Director, OED

Strategies, External Factors, and Risks

[section to be released later with Annual Performance Plan]

FY 2020 Progress Update

During FY 2020, the FTC completed projects to implement several new technologies, applications, and systems designed to improve performance and user experience, while simultaneously enhancing the agency's information security profile. These include: migrating agency email to a secure cloud-based email and office productivity platform; deploying an application whitelisting tool to prevent unauthorized changes to agency endpoints and a user behavior analytics tool to monitor anomalies; implementing a cloud-access security broker to provide secure access to cloud-based systems and trusted external sites; and adopting a cloud-based identity and access management tool to enhance user authentication and establish a foundation for future improvements to user account management.

The FTC continues to upgrade, reengineer, and replace 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 2020, the FTC completed projects to upgrade local area network switches and desktop and server operating systems.

The FTC continues to make progress in dispositioning its paper records, in compliance with federal records management regulations and requirements. In FY 2020, the FTC destroyed over 2,700 boxes of temporary records stored at the National Archives and Records Administration (NARA) and Washington National Records Center (WNRC). As part of its review, NARA has asked the FTC to update its retention schedules for all mission and policy-related records. The FTC will resume transferring permanent records and destroying temporary records after NARA approves new records schedules.

The FTC designated Records and Information Liaisons as points of contact across the agency to assist in the implementation of records management policies and procedures. The agency has established quarterly training and developed a critical element that can be used in employee performance evaluations. In September 2019, NARA assessed email records management within 14 small agencies, including FTC. The FTC is exploring technological solutions to address NARA's recommendations.

The FTC has continued to make updates on the information technology systems that support the FTC mission. The FTC implemented a new integrated library catalog, replacing a 20-year-old system that reduces the FTC's reliance on in-house technology in favor of a modern cloud solution to support agency staff better. The FTC also developed a SharePoint-based site that permits staff to search agency records easily. Additionally, the FTC has begun to update the FTC's electronic information system inventory with key characteristics related to records management.

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. Additionally, 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. Finally, 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.

FY 2021-2022 Next Steps and Future Actions to Meet Strategic Objective

[section to be released later with Annual Performance Plan]

Performance Measures

Performance Goal 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
99.75%	99.70%	99.71%	99.98%	99.97%	99.60%	Exceeded		

FY 2020 Highlights: Major FTC systems, such as email, litigation support systems, and public websites, maintained high availability in line with cloud provider service level agreements and continuous improvements and upgrades in platform technologies.

Performance Goal 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 2020 Target	FY 2020 Status	FY 2021 Target	FY 2022 Target
N/A	N/A	36.6%	37.0%	40.0%	40.0%	Met		

FY 2020 Highlights: FTC continued its efforts to migrate from legacy on-premise infrastructure to provisioned services, meeting targets for spending on provisioned services. Projects directly contributing to provisioned service spending include legacy custom application migration to cloud-based platforms and deployment of a cloud-based identity and access management system.

