

Annual Performance Report
for Fiscal Year 2019
and Annual Performance Plan
for Fiscal Years 2020 and 2021



Budgeted Resources by Objective
(\$ in thousands)

Strategic Goal 1: Prevent fraud, deception, and unfair business practices in the marketplace.	FY 2020 FTE	FY 2020 Amount	FY 2021 FTE	FY 2021 Amount
Objective 1.1: Identify and take actions to address deceptive or unfair practices that harm consumers.	512	\$155,438	512	\$155,086
Objective 1.2: Provide the public with knowledge and tools to prevent harm to consumers.	73	22,970	73	22,918
Objective 1.3: Collaborate with domestic and international partners to enhance consumer protection.	27	7,790	27	7,779
Total	612	\$186,198	612	\$185,783

Strategic Goal 2: Prevent anticompetitive mergers and other anticompetitive business practices in the marketplace.	FY 2020 FTE	FY 2020 Amount	FY 2021 FTE	FY 2021 Amount
Objective 2.1: Identify and take actions to address anticompetitive mergers and practices that cause harm to consumers.	453	\$123,756	453	\$123,408
Objective 2.2: Engage in effective research and stakeholder outreach to promote competition, advance its understanding, and create awareness of its benefits to consumers.	53	14,502	53	14,472
Objective 2.3: Collaborate with domestic and international partners to preserve and promote competition.	22	6,544	22	6,536
Total	528	\$144,802	528	\$144,416

FTE by Objective
(\$ in thousands)

Protecting Consumers	Fiscal Year 2020				Fiscal Year 2021			
	Objective Number			Total FTE	Objective Number			Total FTE
	1	2	3		1	2	3	
Privacy and Identity Protection	50	8	3	61	50	8	3	61
Financial Practices	61	6	4	71	61	6	4	71
Marketing Practices	108	5	9	122	108	5	9	122
Advertising Practices	51	5	3	59	51	5	3	59
Enforcement	52	1	1	54	52	1	1	54
Consumer Response and Operations	24	1	---	25	24	1	---	25
Litigation Technology and Analysis	36	1	---	37	36	1	---	37
Consumer and Business Education	---	21	---	21	---	21	---	21
Economic and Consumer Policy Analysis	2	5	1	8	2	5	1	8
Management	9	3	---	12	9	3	---	12
Support	119	17	6	142	119	17	6	142
Total	512	73	27	612	512	73	27	612

Promoting Competition	Fiscal Year 2020				Fiscal Year 2021			
	Objective Number			Total FTE	Objective Number			Total FTE
	1	2	3		1	2	3	
Premerger Notification	15	3	---	18	15	3	---	18
Merger and Joint Venture Enforcement	187	10	5	202	187	10	5	202
Merger and Joint Venture Compliance	9	2	---	11	9	2	---	11
Nonmerger Enforcement	116	6	5	127	116	6	5	127
Nonmerger Compliance	1	---	---	1	1	---	---	1
Antitrust Policy Analysis	3	16	7	26	3	16	7	26
Other Direct	16	4	---	20	16	4	---	20
Support	106	12	5	123	106	12	5	123
Total	453	53	22	528	453	53	22	528

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About This Report and Plan

The following document is the combined Annual Performance Report for FY 2019 and Annual Performance Plan for FY 2020-2021 for the Federal Trade Commission (FTC or Commission). The performance report and performance plan are structured around three strategic goals and their supporting objectives as established in the FTC Strategic Plan for FY 2018-2022. The FTC's strategic goals, objectives, and performance measures articulate what the agency intends to accomplish to meet its mandated mission (Goals 1 and 2), support and improve the management functions vital to core mission success (Goal 3), and demonstrate the highest standards of stewardship.

- **Strategic Goal 1:** Protect consumers from unfair and deceptive practices in the marketplace
- **Strategic Goal 2:** Maintain competition to promote a marketplace free from anticompetitive mergers, business practices, or public policy outcomes
- **Strategic Goal 3:** Advance the FTC's performance through excellence in managing resources, human capital, and information technology

To see more of the FTC's [performance](#) and [budget](#) documents, please visit the agency's website.

AGENCY AND MISSION INFORMATION

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

Our Mission

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

Our Vision

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

Our History and Organization

The FTC is an independent agency that reports to the President and to Congress on its mission to protect consumers and promote competition. This work includes pursuing

vigorous and effective law enforcement; advancing consumers' interests by sharing its expertise with Congress and state legislatures and U.S. and international agencies; developing policy and research tools through hearings, workshops, and conferences; and creating practical and plain-language educational programs and materials for consumers and businesses in a global marketplace with constantly changing technologies.

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

Recognizing that unfair and deceptive practices can also distort a competitive marketplace and cause harm to consumers, in 1938 Congress amended the FTC Act and granted the FTC authority to stop “unfair or deceptive acts or practices in or affecting commerce.” Since then, the FTC also has been directed to enforce a wide variety of other consumer protection laws and regulations. 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 of whom 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, the Office of Public Affairs (OPA), the Office of Administrative Law Judges, the Office of Equal Employment Opportunity and Workplace Inclusion, 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 seven regional offices across the United States. The agency had 1,130 staff on board at the end of FY 2019. The total new budget authority for FY 2019 was \$309.7 million.

VERIFICATION AND VALIDATION OF PERFORMANCE DATA

The performance results described in this report enable the FTC to administer its programs, gauge programmatic success, and make adjustments necessary to improve program quality. The [Data Quality Appendix](#) provides detailed descriptions and information on data sources, quality, and collection for the FTC's performance measures. Additionally, the following steps outline 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. This electronic data tool reduces human error, increases transparency, and facilitates review of the agency's performance information.
- The agency maintains written procedures used to ensure timely reporting of complete, accurate, and reliable results relative to the performance measures.
- The agency strives to set meaningful and realistic targets that also challenge the agency to better leverage its resources. This includes ensuring ongoing monitoring and updating of performance targets. Further, when appropriate, program managers are required to explain how they will improve performance when targets are not met.
- The agency conducts periodic performance measurement reviews throughout the fiscal year with FTC staff. This process includes substantiating that results reported are accurate.
- To ensure that performance results meet standards for reliability, validity, and integrity, the agency conducts semi-annual reviews of the source documentation and performance calculation methodology for performance goals documented in the agency Strategic Plan and the Data Quality Appendix.

Agency program managers also monitor and maintain automated systems and databases that collect, track, and store performance data, with support provided by the Office of the Chief Information Officer (OCIO). In addition to the general controls the FTC has in place, which ensure only authorized staff can access key systems, each system incorporates internal validation edits to ensure the accuracy of data contained therein. These application edits include checks for reasonableness, consistency, and accuracy. Crosschecks between other internal automated systems also provide assurances of data accuracy and consistency. In addition to internal monitoring of each system, experts outside of the primary business units (i.e., BC and BCP) routinely monitor the data collection. For example, senior economists from BE review statistical data used by BC to calculate performance results. The Financial Management Office (FMO) is responsible for providing direction and support on data collection methodology and analysis, ensuring that data quality checks are in place, and accurately reporting performance data.

ENTERPRISE RISK MANAGEMENT (ERM)

The FTC has implemented an ERM program to assess risks systematically across major program areas. ERM assesses the full spectrum of the agency's risks related to achieving its strategic objectives as specified in the agency's Strategic Plan. ERM assessment results provide agency leadership with a portfolio view of risk to help inform decision-making.

The Office of Management and Budget revised Circular A-123 in 2016 to integrate the ERM process with Internal Controls. To support the new requirements, the agency has been systematically identifying risks and highlighting areas for mitigation. For FY 2018, the FTC standardized risk management and monitoring activities throughout the agency, and also added risk registers to important risk areas such as Privacy Office functions and fraud risk identification and mitigation. For FY 2019, the ERM program leveraged existing registers to enhance evidence-building functions of monitoring activities through data collection and analysis. In FY 2020, the ERM program will continue to enhance ERM to promote a higher-performing process and culture.

Annual Performance Goals: Fiscal Years 2015 to 2021
 For additional performance information, please see the reports available at
<http://www.ftc.gov/about-ftc/performance>.

	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2019 Target	FY 2020 Target	FY 2021 Target
Goal 1: Protect consumers from unfair and deceptive practices in the marketplace.								
Objective 1.1: Identify and take actions to address deceptive or unfair practices that harm consumers.								
Performance Goal 1.1.1 Percentage of the FTC's consumer protection law enforcement actions that targeted the subject of consumer complaints to the FTC.	93.8%	91.2%	94.4%	89.6%	87.8%	80.0%	80.0%	
Performance Goal 1.1.2 Rate of customer satisfaction with the FTC's Consumer Response Center. (A) Website (B) Call Center	(A) 81 (B) 82	(A) 81 (B) 83	(A) 80 (B) 84	(A) 80.3 (B) 85	(A) 81.2 (B) 84	(A) 74.2 (B) 74.2	average/standard rates for websites/ call centers	
 Key Performance Goal 1.1.3 Total consumer savings compared to the amount of FTC resources allocated to consumer protection law enforcement. (New 3 yr. rolling average)	N/A	\$8.80 in consumer savings per \$1 spent	\$35.20 in consumer savings per \$1 spent	\$39.00 in consumer savings per \$1 spent	\$38.60 in consumer savings per \$1 spent	\$7.00 in consumer savings per \$1 spent	\$7.00 in consumer savings per \$1 spent	
 Key Performance Goal 1.1.4 Amount of money returned to consumers or forwarded to the U.S. Treasury resulting from FTC enforcement action.	N/A	\$95.20 million	\$2.69 billion	\$3.25 billion	\$3.52 billion	\$65.00 million	\$65.00 million	
Objective 1.2 Provide consumers and businesses with knowledge and tools that provide guidance and prevent harm.								
 Key Performance Goal 1.2.1 Rate of consumer satisfaction with FTC consumer education websites.	Data Not Available	76.0	77.0	77.0	77.7	74.2	average rates for websites	
Performance Goal 1.2.2 Number of workshops and conferences the FTC convened that address consumer protection issues.	17	12	19	11	12	10	10	
Performance Goal 1.2.3 Number of consumer protection reports the FTC released.	6	8	10	18	11	10	10	

	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2019 Target	FY 2020 Target	FY 2021 Target
Objective 1.3 Collaborate with domestic and international partners to enhance consumer protection.								
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.	435	387	359	369	453	375		375
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.	58	53	50	43	48	40		40
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.	76	66	66	64	71	60		60
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.	100.0%	85.7%	85.7%	*	*	60.0%		60.0%
Goal 2: Maintain competition to promote a marketplace free from anticompetitive mergers, business practices, or public policy outcomes								
Objective 2.1 Identify and take actions to address anticompetitive mergers and practices.								
Key Performance Goal 2.1.1 Percentage of full merger and nonmerger investigations in which the FTC takes action to maintain competition.	57.7%	54.6%	49.1%	67.9%	62.9%	40.0 to 70.0%		40.0 to 70.0%
Performance Goal 2.1.2 Consumer savings through merger actions taken to maintain competition.	\$2.41 billion	\$2.59 billion	\$2.59 billion	\$2.66 billion	\$3.09 billion	\$2.10 billion		\$2.10 billion

* Results not available at time of publication.

	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2019 Target	FY 2020 Target	FY 2021 Target
🔑 Key Performance Goal 2.1.3 Total consumer savings compared to the amount of FTC resources allocated to the merger program.	\$51.30 in consumer savings per \$1 spent	\$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	\$42.00 in consumer savings per \$1 spent	\$42.00 in consumer savings per \$1 spent	
Performance Goal 2.1.4 Consumer savings through nonmerger actions taken to maintain competition.	\$1.03 billion	\$1.02 billion	\$1.12 billion	\$1.10 billion	\$1.77 billion	\$900.00 million	\$900.00 million	
🔑 Key Performance Goal 2.1.5 Total consumer savings compared to the amount of FTC resources allocated to the nonmerger program.	\$48.60 in consumer savings per \$1 spent	\$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	\$40.00 in consumer savings per \$1 spent	\$40.00 in consumer savings per \$1 spent	
Objective 2.2 Engage in effective research, advocacy, and stakeholder outreach to promote competition and advance its understanding.								
Performance Goal 2.2.1 Number of workshops, seminars, conferences, and hearings convened or co-sponsored that involve significant competition-related issues.	4	3	3	7	11	3	3	
Performance Goal 2.2.2 Number of reports and studies the FTC issued on key competition-related topics.	9	9	11	9	4	8	8	
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.	80.0%	64.7%	58.6%	*	*	60.0%	60.0%	
Objective 2.3 Collaborate with domestic and international partners to preserve and promote competition.								
🔑 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.	100%	100%	96%	98%	100%	95%	95%	
Performance Goal 2.3.2 Number of instances in which the FTC provided policy advice or technical assistance to foreign competition agencies or government.	144	171	160	151	165	120	130	

* Results not available at time of publication.

	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2019 Target	FY 2020 Target	FY 2021 Target
Goal 3: Advance the FTC's performance through excellence in managing resources, human capital, and information technology.								
Objective 3.1 Optimize resource management and infrastructure.								
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) 90% (B) N/A	(A) 90% (B) N/A	(A) 95% (B) N/A	(A) 95% (B) 39	(A) 95% (B) 70	(A) 80% (B) 42	(A) 80% (B) 42	
Performance Goal 3.1.2 Percentage of survey respondents who are satisfied with the timeliness of administrative operations.	N/A	N/A	81%	82%	87%	75%	75%	
Performance Goal 3.1.3 Achieve a favorable (unmodified) audit opinion from the agency's independent financial statement auditors.	Unmodified opinion							
Performance Goal 3.1.4 Percentage of new entrant, annual, and termination Public Disclosure Reports that are filed within the required timeframe.	N/A	N/A	N/A	98.3%	98.4%	95.0%	95.0%	
Performance Goal 3.1.5 Percentage of contract actions awarded within FTC's established Procurement Action Lead Time (PALT).	N/A	78%	65%	57.4%	67%	65%	70%	75%

	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2019 Target	FY 2020 Target	FY 2021 Target
Objective 3.2 Cultivate a high-performing, diverse, and engaged workforce.								
Performance Goal 3.2.1 The extent to which FTC employees consider their agency a best place to work.	79%	81%	83%	85%	84%	66%	Exceed government-wide average by 10 points	
Performance Goal 3.2.2 The extent employees believe the FTC encourages an environment that is open, diverse, and inclusive.	70%	75%	78%	78%	78%	62%	Exceed government-wide average by 10 points	
Performance Goal 3.2.3 The extent to which employees believe the FTC cultivates engagement throughout the agency.	79%	82%	83%	83%	84%	68%	Exceed government-wide average by 10 points	
Performance Goal 3.2.4 The extent to which employees believe FTC management promotes a results-oriented performance culture.	65%	70%	73%	74%	75%	61%	Exceed government-wide average by 10 points	
Objective 3.3 Optimize technology and information management that supports the FTC mission.								
Performance Goal 3.3.1 Availability of information technology systems.	99.82%	99.75%	99.70%	99.71%	99.98%	99.50%	99.60%	99.70%
Performance Goal 3.3.2 Percentage of IT spend on Provisioned IT Services.	N/A	N/A	N/A	36.6%	37.0%	37.0%	40.0%	45.0%
Performance Goal 3.3.3 Achieve a favorable FTC Cybersecurity Index score.	N/A	N/A	N/A	3 of 8	6 of 8	6 of 8	6 of 8	
Performance Goal 3.3.4 Percentage of the FTC's paper records held at the Washington National Records Center (WNRC) that are processed and appropriately either (a) destroyed or (b) transferred to the National Archives and Records Administration.	N/A	N/A	N/A	N/A	16.8% (2,779 boxes)	≥ 25.0% of WNRC holdings processed (4,100 boxes)	≥ 50.0% of WNRC holdings processed	≥ 75.0% of WNRC holdings processed
Performance Goal 3.3.5 Successfully transfer permanent electronic records dated between 2004 and 2016 to NARA in a timely manner.	N/A	N/A	N/A	N/A	100%	Transfer permanent electronic records dated 2004-2006	Transfer permanent electronic records dated 2007-2009	Transfer permanent electronic records dated 2010-2012

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

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

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

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

Strategic Objectives

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

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

Goal 1 and its supporting Strategic Objectives comprise the first of two Mission-Focused components of the FTC's FY 2019 Performance Report and FY 2020-2021 Performance Plan.

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

Goal Leader: Director, Bureau of Consumer Protection

Strategies and External Factors

Strategy	Related Performance Measures	Related External Factors
Monitor and review Consumer Sentinel Network database and monitor marketplace practices for complaint trends and data to support existing claims.	Measure 1.1.1 Measure 1.1.2 Indicator 1.1.IND.1 Indicator 1.1.IND.3	<ul style="list-style-type: none"> • Number of complaints • Volume of complaints
Take law enforcement action that focuses on preventing fraud and harm to consumers, protects consumer privacy, and targets those who violate federal court and administrative orders violators obtained by the FTC.	Measure 1.1.3 Measure 1.1.4 Indicator 1.1.IND.2	<ul style="list-style-type: none"> • Congressional legislation, budget, and staffing changes • Litigation costs
<p>External Factors (extended descriptions):</p> <ul style="list-style-type: none"> • Number of complaints: The number of complaints received by the agency can influence the agency’s ability to identify unlawful practices. • Volume of complaints: The volume of complaints about specific practices can influence the identification of trends, targets and policy concerns. • Congressional legislation, budget constraints, and staffing issues: New legislation changes to existing laws and changes in budget and staffing can all impact the agency’s ability to take law enforcement action. • Costs: Costs related to litigation, processing and storing increasingly large amounts of electronic investigation and case data. 		

Progress Update

The agency continued to focus its resources on areas that cause the greatest harm to consumers. For example, in the area of scams and fraud, the operators of Next-Gen, a sweepstakes scam that appeared to target seniors, agreed to forfeit \$30 million in cash and assets and to be permanently banned from the prize promotion business under a settlement with the FTC and the State of Missouri. In a contempt case, MoneyGram International agreed to pay \$125 million to settle allegations that the company failed to take steps required under a 2009 FTC order to crack down on fraudulent money transfers that cost U.S. consumers millions of dollars. In FY 2019, the FTC filed or obtained settlements in 121 consumer protection matters in district court, reached 30 administrative consent agreements related to consumer protection, and returned more than \$478 million in redress to consumers.

In the area of privacy, the agency announced that Facebook, Inc. would pay a record-breaking \$5 billion penalty, and submit to new restrictions and a modified corporate structure that will hold the company accountable for the decisions it makes about its users' privacy. Facebook will take these actions as part of a settlement of FTC charges that the company violated a 2012 FTC order by deceiving users about their ability to control the privacy of their personal information. The FTC also alleged that Facebook violated the FTC Act's prohibition against deceptive practices when it told users it would collect their phone numbers to enable a security feature, but did not disclose that it also used those numbers for advertising purposes. In a children's privacy case, Google LLC and its subsidiary YouTube, LLC agreed to pay a record \$170 million to settle allegations by the FTC and the New York Attorney General that the YouTube video sharing service illegally collected personal information from children without their parents' consent. The settlement requires Google and YouTube to pay \$136 million to the FTC and \$34 million to New York for allegedly violating the Children's Online Privacy Protection Act (COPPA) Rule. The \$136 million penalty is by far the largest amount the FTC has ever obtained in a COPPA case since Congress enacted the law in 1998. The agency also hosted its fourth PrivacyCon event to continue and expand collaboration among leading privacy and security researchers, academics, industry representatives, consumer advocates, and the government to address the privacy and security implications of emerging technologies.

Equifax agreed to pay at least \$575 million, and potentially up to \$700 million, as part of a global settlement with the FTC, the Consumer Financial Protection Bureau, and 50 U.S. states and territories in a data security case that alleged that the credit reporting company's failure to take responsible steps to secure its network led to a data breach in 2017 that affected approximately 147 million people.

The FTC and its law enforcement partners announced "Operation Call it Quits," a major crackdown on illegal robocalls targeting operations around the country that are responsible for more than one billion calls pitching a variety of products and services, including credit card interest rate reduction services, money-making opportunities, and medical alert systems. The joint crackdown is part of the FTC's ongoing effort to help stem the tide of universally loathed pre-recorded telemarketing calls. It also includes new information to help educate consumers about illegal robocalls. In addition, the FTC continues to promote the development of technology-based solutions to block robocalls and combat caller ID spoofing. The FTC and its partners announced 94 actions, including four new cases and three new settlements from the FTC.

As in past years, the FTC focused on its greatest asset in protecting consumers—its staff. FTC staff has continued to work to identify, develop, and communicate best practices and updated procedures to maximize the efficiency of the FTC's consumer protection work. BCP also continued to make law enforcement training a priority in FY 2019. BCP continued to expand the content on BCP Lit, its widely used internal training and information platform. BCP added new training materials, legal resources, and investigation and litigation advice to BCP Lit, as well as revised and updated existing training content on the platform. The Bureau also conducted a variety of seminars, brown bags, and lectures on topics

including the Restore Online Shoppers' Confidence Act, cryptocurrencies, and collection of judgments. BCP also sent several staff attorneys to deposition and trial advocacy training programs run by the National Institute for Trial Advocacy (NITA). In addition, BCP's Office of Technology Research and Investigation (OTech) worked to keep BCP's staff current and tech-savvy, providing training on topics such as bitcoin tracing, malvertising (malicious advertising), and the use of open source resources in investigations. BCP also continued to offer its mentoring program to staff.

BCP also continued to allocate resources to identifying opportunities to streamline its investigatory processes and minimize the burden imposed on legitimate business practices. BCP devoted significant time to identifying litigation support tools that will enhance staff efficiency and effectiveness in investigation and litigation.

Challenges or Barriers

BCP faces resource challenges such as rising costs for expert witness contracts, travel, and litigation support tools. Overcoming these challenges is critical as BCP litigates larger and more complex cases involving traditional frauds, as well as cases in emerging technologies, privacy and data security, and deceptive advertising in new media channels.

FY 2020-2021 Next Steps and Future Actions to Meet Strategic Objective

- Evaluate whether enforcement activities are tracking the areas of greatest concern and whether new practices or technologies require additional law enforcement focus.
- Evaluate the effectiveness of the FTC's enforcement efforts in those areas in which a baseline measure can be determined.
- Continue to evaluate the efficacy of promulgated rules and regulations and other policy documents.

Performance Measures

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

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

FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
93.8%	91.2%	94.4%	89.6%	80.0%	87.8%	Exceeded	80%	80%

FY 2019 Highlights: In FY 2019, 87.8%, or 43 of 49, of BCP’s law enforcement actions targeted the subject of consumer complaints to the FTC. Because BCP augments identification of targets from its databases with other strategies for generating enforcement leads—such as monitoring compliance with FTC orders, ad monitoring, internet surfs, mobile application surveys, and direct referrals from government and private-sector partners—the results vary from year to year.

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

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

FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
(a) 81 (b) 82	(a) 81 (b) 83	(a) 80 (b) 84	(a) 80.3 (b) 85.0	(a) 74.2 (b) 74.2	(a) 81.2 (b) 84.0	(a) Exceeded (b) Exceeded	(A) average satisfaction rate from ACSI’s E-Government Satisfaction Index (B) standard rate for call centers from the Citizen Service Levels Interagency Committee	

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

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

FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
N/A	\$8.80 in consumer savings per \$1 spent	\$35.20 in consumer savings per \$1 spent	\$39.00 in consumer savings per \$1 spent	\$7.00 in consumer savings per \$1 spent	\$38.60 in consumer savings per \$1 spent	Exceeded	\$7.00 in consumer savings per \$1 spent	\$7.00 in consumer savings per \$1 spent

FY 2019 Highlights: The agency saved consumers on average around 40 times the amount of resources devoted to the consumer protection program in the past three years, or an average of \$3.9 billion per year. This is largely attributable to the Volkswagen, Triangle Media Corporation, and Next-Gen cases.

Correction: Due to the addition of a previously uncounted redress case, FY 2016 Actual changed from \$8.60 to \$8.80, FY 2017 Actual changed from \$35.00 to \$35.20, and FY 2018 Actual changed from \$38.90 to \$39.00.

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

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

FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
N/A	\$95.20 million	\$2.69 billion	\$3.25 billion	\$65.00 million	\$3.52 billion	Exceeded	\$65.00 million	\$65.00 million

FY 2019 Highlights: In the last three years, the annual average of the total amount returned to consumers and forwarded to the U.S. Treasury is \$3.52 billion. In FY 2019, the FTC returned \$478.4 million to consumers and forwarded \$150.0 million to the U.S. Treasury. The FTC returned money to more than 2.2 million consumers in dozens of cases, including Vemma, Midway Industries, Tarr Inc., and Sage Auto Group. The money returned to the U.S. Treasury included civil penalties obtained in settlements with Google, YouTube, Musical.ly, and RealPage. In addition, in FY 2019, some FTC orders required defendants to self-administer refund programs worth more than \$344.0 million in refunds to consumers, including Volkswagen, Green Tree, and AdoreMe.

Correction: Due to the addition of a previously uncounted redress case, FY 2016 Actual changed from \$80.6 million to \$95.2 million, FY 2017 Actual changed from \$2.67 billion to \$2.69 billion, and FY 2018 Actual changed from \$3.22 billion to \$3.25 billion.

Other Indicators

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

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

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual
9.7 million	8.7 million	8.5 million

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

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

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual
95.5%	90.9%	91.7%

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

CSN allows members to access consumer complaints submitted directly to the FTC, as well as complaints shared by data contributors, including the Consumer Financial Protection Bureau, multiple State Attorneys General, and all North American Better Business Bureaus. By expanding the number of data contributors, the FTC will have better information with which to inform its law enforcement efforts. Sentinel does not include data from commercial data brokers or information resellers.

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual
N/A	42	43

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

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

Strategies and External Factors

Strategy	Related Performance Measures	Related External Factors
Focus consumer and business education where deception, unfair practices and information gaps cause the greatest injury.	Indicator 1.2.IND.2 Indicator 1.2.IND.3	<ul style="list-style-type: none"> • Budget for printing and distribution • Budget for content creation and web services
Creatively use new technologies and private and public partnerships to reach new and underserved audiences.	Indicator 1.2.IND.1 Indicator 1.2.IND.3	<ul style="list-style-type: none"> • Budget for staff
Educate consumers about how to avoid identity theft and provide information to victims.	Measure 1.2.1 Indicator 1.2.IND.1 Indicator 1.2.IND.2 Indicator 1.2.IND.3	<ul style="list-style-type: none"> • Budget for printing and distribution • Budget for content creation and web services • Budget for staff
Increase public awareness by publicizing the FTC consumer complaint and identity theft websites and toll free numbers.	Indicator 1.2.IND.1 Indicator 1.2.IND.3	<ul style="list-style-type: none"> • Budget for staff
Provide more educational resources for small businesses.	Indicator 1.2.IND.2 Indicator 1.2.IND.3	<ul style="list-style-type: none"> • Budget for printing and distribution
Continue to focus on target audiences such as military service members, older adults, children and parents.	Indicator 1.2.IND.1 Indicator 1.2.IND.2	<ul style="list-style-type: none"> • Budget for printing and distribution • Budget for staff
<p>External Factors (extended descriptions):</p> <ul style="list-style-type: none"> • Budget for printing and distribution: Budgetary limitations affect the FTC’s ability to increase dissemination of information. • Budget for content creation and web services: Budgetary limitations affect the FTC’s ability to maximize its reach through its web services. • Budget for staff: Budgetary limitations on staff size and contracted communication support affect the FTC’s ability to increase outreach. 		

Progress Update

Outreach to Specific Consumer Audiences. The FTC creates tailored messages and materials for diverse audiences and collaborates with partner organizations and agencies to disseminate FTC information to their constituents in those target communities. For example, the FTC has reached older adults through its award-winning Pass It On campaign, which it updated earlier this year. The website at ftc.gov/PassItOn was redesigned for ease of navigation and new topics were added, including unwanted calls, home repair scams, and money mule scams. The agency continues to promote these resources through webinars and presentations in collaboration with other federal agencies such as the Consumer Financial Protection Bureau, local government offices on aging, legal services providers, non-profit organizations such as AARP, and at the World Elder Abuse Awareness Day Global Summit.

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

Protecting Small Businesses. The FTC developed and has been promoting, presenting, and disseminating clear, easy-to-use resources that inform small businesses about cyber threats and provide tips on how to deal with them. These materials, which are co-branded with the National Institute of Standards and Technology (NIST), the Department of Homeland Security (DHS), and the Small Business Administration (SBA), enable business owners to better understand cybersecurity and train their employees. Those agencies and other partners are helping to publicize these materials. The agency has also focused on expanding the reach of its Spanish language campaign materials, in collaboration with Small Business Development Corporations. Further, in collaboration with the SBA and the Better Business Bureau, the FTC has been promoting and disseminating its "Scams and Your Small Business" guide in English and Spanish, which describes common scams and the steps businesses can take to avoid them.

Public Hearings. The FTC held a series of public hearings (the 21st Century Hearings) examining whether broad-based changes in the economy, evolving business practices, new technologies, or international developments might require adjustments to competition and consumer protection law, enforcement priorities, and policy. The 21st Century Hearings and the associated public comment process provided the FTC with a broad and diverse array of viewpoints to stimulate evaluation of the Commission's near- and long-term law enforcement and policy agenda.

Challenges or Barriers

The FTC continues to encounter challenges in meeting the demand for educational materials available in print. The agency works to mitigate these issues through judicious use of funding, publication revisions, streamlining the catalog of printed materials, and emphasizing materials available on the agency's website.

FY 2020-2021 Next Steps and Future Actions to Meet Strategic Objective

- Measure the number of education messages disseminated each year and assess the number and range of public and private sector organizations that partner with the FTC on outreach.
- Review the focus of FTC education efforts, determine whether the agency needs to reach new audiences in light of changes in demographics, advertising, marketing practices, and emerging technologies, and identify strategies or partnerships that will allow the FTC to reach those audiences.
- Develop resources for children to help them apply critical thinking skills to decisions around consumer protection issues.

Performance Measures

Key Performance Goal 1.2.1: Rate of consumer satisfaction with FTC consumer education websites.

This measure gauges the effectiveness, helpfulness, and usability of the FTC’s consumer education websites. Consumer education serves as the first line of defense against deception and unfair practices. Well-informed consumers are better able to protect themselves from bad actors in the marketplace. This measure includes the customer satisfaction scores for Consumer.ftc.gov and Bulkorder.ftc.gov.

FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
Data Not Available	76.0	77.0	77.0	74.2	77.7	Exceeded	Average satisfaction rate from ACSI’s E-Government Satisfaction Index	

FY 2019 Highlights: In FY 2019, the FTC evaluated Bulkorder.ftc.gov and Consumer.ftc.gov to determine the rate of customer satisfaction with FTC consumer education websites. The combined rate of customer satisfaction for bulkorder.ftc.gov and consumer.ftc.gov was 77.7. The average citizen satisfaction score for participating federal government websites was 74.2.

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

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

FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
17	12	19	11	10	12	Exceeded		10

FY 2019 Highlights: In FY 2019, the FTC convened or co-sponsored 12 workshops and conferences that addressed consumer protection problems. These events brought together approximately 20,421 participants.

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

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

FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
6	8	10	18	10	11	Exceeded		10

FY 2019 Highlights: In FY 2019, the FTC published 11 consumer protection-related reports in areas including cigarettes, smokeless tobacco, privacy and data security, protecting older consumers, informational injury, and class actions. Among these 11 were three annual reports: the Do-Not-Call Registry, the Consumer Sentinel Network Data Book, and the Refunds to Consumers Report.

Other Indicators

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

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

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual
12,944	12,705	14,346

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

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

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual
(a) 14.5 million (b) N/A	(a) 13.2 million (b) 45.2 million	(a) 13.7 million (b) 49.5 million

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

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

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual
481,064	512,545	449,048

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

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

Strategies and External Factors

Strategy	Related Performance Measures	Related External Factors
Work with domestic and international partners, in government and the private sector to share information.	Measure 1.3.1	<ul style="list-style-type: none"> • Information-sharing challenges
Pursue the development of international consumer protection enforcement models or approaches that protect consumers and maximize choice and economic benefit.	Measure 1.3.2	<ul style="list-style-type: none"> • Information-sharing challenges • U.S. SAFE WEB Act Sunset
Share information, engage in investigative assistance and otherwise develops and strengthens enforcement cooperation on investigations, cases, and enforcement-related projects with agency and law enforcement counterparts	Measure 1.3.2	<ul style="list-style-type: none"> • Information-sharing challenges • U.S. SAFE WEB Act Sunset
Actively participate in multinational organizations that engage in cooperative enforcement against mass-marketing fraud, messaging abuses, and privacy and data security breaches.	Measure 1.3.2	<ul style="list-style-type: none"> • Information-sharing challenges • U.S. SAFE WEB Act Sunset
Provide policy advice to foreign consumer protection agencies.	Measure 1.3.3	<ul style="list-style-type: none"> • Information-sharing challenges • U.S. SAFE WEB Act Sunset

Strategy	Related Performance Measures	Related External Factors
Provide technical assistance to countries establishing consumer protection regimes, as well as providing selected foreign officials with an opportunity to work alongside FTC attorneys, investigators, and economists to learn about the FTC's approach to consumer protection enforcement and to promote further cooperation.	Measure 1.3.3	<ul style="list-style-type: none"> • Information-sharing challenges • U.S. SAFE WEB Act Sunset
Target advocacy activities to encourage federal regulators to ensure proper consumer protections are in place. Utilize amicus briefs to assist in consistent interpretation of statutes.	Measure 1.3.4 Indicator 1.3.IND.1	<ul style="list-style-type: none"> • Opposition to advocacy
<p>External Factors (extended descriptions):</p> <ul style="list-style-type: none"> • Information-sharing challenges: 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 the FTC on law enforcement matters. Recently enacted data-protection rules in Europe and other jurisdictions may present some information sharing challenges. 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. • U.S. SAFE WEB Act Sunset: The FTC uses its U.S. SAFE WEB Act authority to expand its international enforcement efforts and continues its outreach efforts to foreign governments to increase cooperation. With the Act due to sunset in 2020, it may be difficult for the agency to enter new, long-term cooperation arrangements due to uncertainty. Accordingly, the FTC will seek Congressional support to preserve this important authority. • Opposition to Advocacy: Domestic advocacy seeks to influence the decisions made by outside parties. Those decision makers often receive pressure from other organizations, who may be making recommendations that are not consistent with our own. 		

Progress Update

In the enforcement area, the FTC worked closely with its federal, state, local, and international partners on numerous investigations, exceeding the targets for collaboration with both domestic and international counterparts to enhance consumer protection. The agency's collaborative domestic efforts included the Life Management Services case, an enforcement action the FTC brought with the State of Florida. In the FBA Stores case, the FTC shared information with and received information from the Washington State Office of the Attorney General, Utah Division of Consumer Protection, Utah County Attorney's Office (Bureau of Investigations), Utah County Sheriff's Office, Lindon City Police Department, and U.S. Marshals Service, along with Amazon.com. The FTC also worked closely with its federal, state, and local partners on numerous investigations, including Operation Call It Quits, a major crackdown in illegal robocalls that included 7 actions by the FTC and 87 enforcement actions from 25 federal, state, and local agencies.

The FTC worked closely with international counterparts on several significant enforcement actions involving large-scale international frauds including the FTC's litigation against the massive overseas real estate investment scam, Sanctuary Belize, that targeted American consumers. The FTC was able to obtain \$23 million from a Belizean bank, representing approximately all of its U.S.-based assets, for restitution to U.S. purchasers. The FTC also sued Apex Capital Group and related U.K. and Latvian defendants for deceptive online "free trial" offers and unauthorized continuity plans. The settlement imposes financial judgements and bars the defendants from credit card laundering and from using negative option features to sell dietary supplements, cosmetics, foods, or drugs. The agency also filed suit against the Canadian operators of the Educare credit interest rate reduction scheme that marketed sham services to consumers through telemarketers based in the Dominican Republic and elsewhere. In these and many other cases that the Commission brought in FY 2019, the Commission relied on provisions of the U.S. SAFE WEB Act—which allows the FTC to reach foreign conduct that has a "reasonably foreseeable" effect on U.S. consumers or that involves "material conduct" in the U.S.—to obtain favorable court decisions against international defendants. It also relied on the SAFE WEB Act's information-sharing provisions to develop evidence in these matters.

The agency also strengthened enforcement cooperation by signing a memorandum of understanding with the United Kingdom's Competition and Markets Authority. The new MOU streamlines the sharing of investigative information and complaint data, simplifies requests for investigative assistance, and aids joint law enforcement investigations. It also provides strong and clear confidentiality and data safeguards and promotes cooperation at the International Consumer Protection and Enforcement Network (ICPEN). In addition, the FTC worked with members of the International Mass Marketing Fraud Working Group (IMMFWG), which the FTC co-chairs along with DOJ and U.K. law enforcement, providing exceptional assistance in a recent tech-support fraud takedown. The assistance was designed to combat an increasingly common form of elder fraud in which criminals trick victims into giving remote access to their computers under the guise of providing technical support. The IMMFWG's law enforcement network facilitated the simultaneous release in Canada, The Netherlands, the United Kingdom, and the United States of consumer

education campaigns on technical consumer fraud. The FTC also joined with regulators from Australia, New Zealand, Northern Ireland, England and Wales, several international charities, and non-governmental participants in the first International Charities Fraud Awareness Week, releasing a new video, “Make Your Donations Count.”

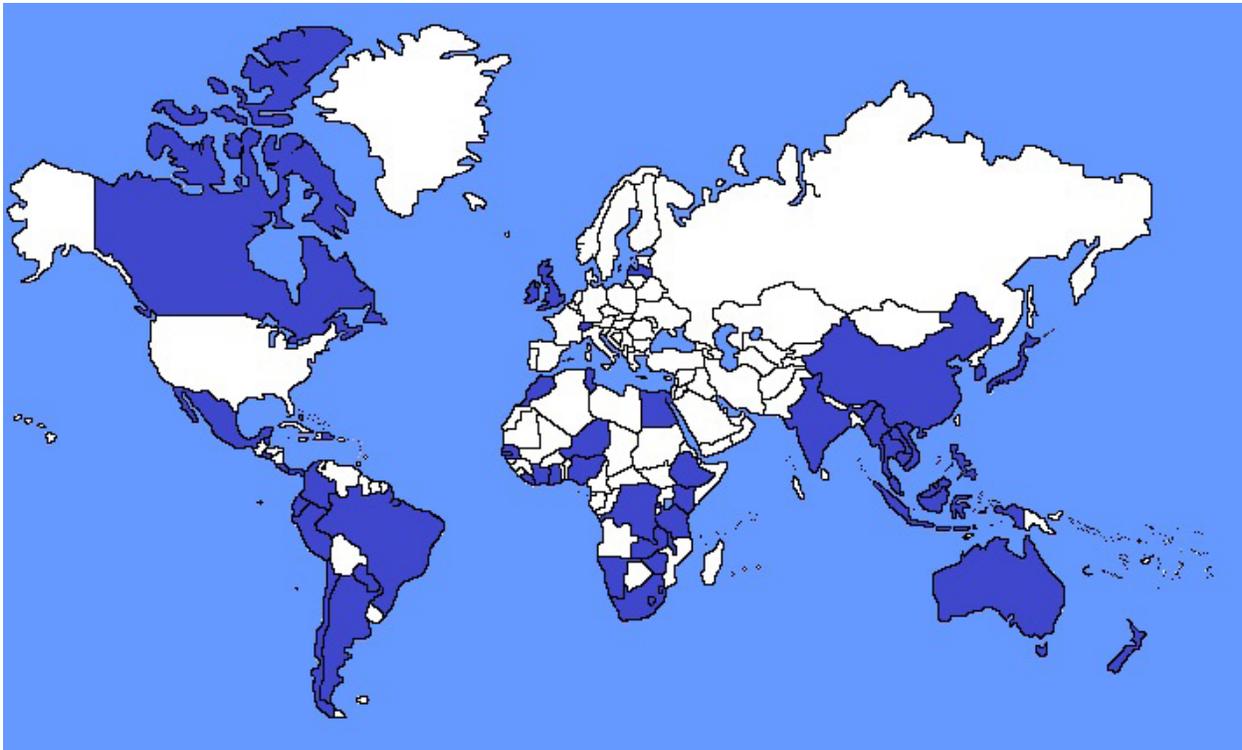
The FTC continued its work to protect consumer privacy in cross-border data transfer systems, helping to expand the Asia-Pacific Economic Cooperation (APEC) Cross Border Privacy Rules (CBPR) and implement the EU-U.S. Privacy Shield. The FTC worked with the Department of Commerce to carry out its Privacy Shield commitments, and participated with EU and U.S. officials in the third annual review of the framework. The European Commission declared the Privacy Shield a “success story,” pointing to increased FTC enforcement actions as contributing to the effective functioning of the framework. The agency also continued to work with other agencies in the U.S. government and with our partners in Europe to ensure that businesses and consumers can continue to benefit from the Privacy Shield. The FTC also continued to deliver training to new and developing agencies through its technical assistance program. One highlight was the 10th African Consumer Protection Dialogue Conference, organized by the FTC, at which participants from nearly 20 African agencies and regional bodies reaffirmed their commitment to the “Livingstone Principles” on cross-border enforcement cooperation, and pledged to continue to implement them.

Fulfilling its enforcement role for cross-border data transfer frameworks, the FTC entered seven new orders with companies that allegedly misrepresented their participation in the EU-U.S. Privacy Shield Framework (and the Swiss-U.S. Privacy Shield Framework), bringing the agency’s total to 15 Privacy Shield cases. This includes the FTC’s July 2019 action against Cambridge Analytica, which alleged two Privacy Shield counts for a false claim of participation and failure to affirm ongoing protections for data. The agency also continued to strengthen its ties with international enforcement networks, such as the ICPEN, the Unsolicited Communications Enforcement Network (UCENet), the IMMFWG, and the Global Privacy Enforcement Network (GPEN). During the past year, the FTC worked in all of these networks to expand the number of participating authorities and strengthen the use of data (including consumer complaint data) and technology to support the networks’ cross-border enforcement cooperation activities.

In the policy arena, the FTC has continued to work to develop market-oriented policies benefiting U.S. consumers to complement its international enforcement work. For example, the FTC has taken a leading role in developing international best practices to protect consumers in the digital economy by helping to shape implementation of the principles in the Organization for Economic Cooperation and Development’s (OECD) 2016 Recommendation on Consumer Protection in E-commerce. This year, the FTC worked with the OECD to issue “good practice guides” on online advertising, online consumer reviews and ratings, and the use of consumer data, which provide tips for businesses to carry out the principles in the 2016 E-commerce Recommendation.

In the consumer protection advocacy area, FTC staff submitted a comment to the National Telecommunications and Information Administration in response to its Request for Comment regarding the development of its approach to consumer privacy. Additionally, the FTC filed a comment to an Ad Hoc Committee on Rules and Procedures for the U.S. District Court for the Southern District of Florida advocating for the modification of a local rule amendment that has impaired the FTC's ability to monitor order compliance and recover money from defendants who have violated the law and harmed consumers.

International Consumer Protection Agency Cooperation



The FTC cooperated with and/or provided consumer protection policy advice, technical assistance training, and/or FTC fellowships to government staff from highlighted countries in FY 2019, as well as APEC, COMESA, and the European Union (not highlighted).

Challenges or Barriers

Promoting international cooperation is a long-term endeavor that can be affected by events beyond the agency's control, such as foreign court proceedings and political changes that result in changes in foreign counterpart agencies' policies and staff and restrict best practices and information exchanges. Political turmoil in certain regions can also make cooperation on particular issues more difficult.

FY 2020-2021 Next Steps and Future Actions to Meet Strategic Objective

- Continue to effectuate the FTC's enforcement-related commitments under the EU-U.S. Privacy Shield (and Swiss-U.S. Privacy Shield) and work closely through the GPEN and directly with foreign data protection authorities to provide enforcement assistance,

which, in appropriate cases, could include information sharing and investigative assistance pursuant to the U.S. SAFE WEB Act.

- Engage in enforcement cooperation pursuant to the APEC CBPR and work to expand membership in the CBPR system.
- Work with international partners to strengthen cooperation among enforcement partners, bilaterally and through multilateral organizations such as the ICPEN, UCENet, and the IMMFWG. Enhanced cooperation may include new and expanded initiatives with foreign criminal authorities and private sector partners, particularly in countries that are increasingly the source of fraud directed at American consumers.
- Use U.S. SAFE WEB Act authority and new technological tools to expand cooperation and information sharing with counterpart agencies. Seek Congressional support to preserve this important authority before the Act sunsets in 2020.
- Continue to engage through the OECD to continue to implement the 2016 OECD
- Guidelines on Consumer Protection in Electronic Commerce through collaborations among the FTC and other international networks and organizations, and conduct-related work on consumer trust and decision-making in ecommerce and technology-driven markets and the economics of consumer protection.
- Further develop empirical evidence internationally on effects of new technologies and business models on consumer behavior including work on measuring the effects of consumer protection, including measuring harm from consumer fraud and consumer law violations.
- Engage with the Intergovernmental Group of Experts on Consumer Protection at the United Nations Conference on Trade and Development (UNCTAD) to develop and implement best practices under the revised UN Guidelines on Consumer Protection and develop new opportunities for capacity building and technical cooperation with developing agencies.
- Continue to build and expand a robust international consumer protection and privacy technical assistance program for newer consumer protection and privacy agencies, especially in Latin America, Southeast Asia, and Africa.
- Engage in targeted, multi-stakeholder approaches to enforcement capacity building in India, focusing on India-based call center fraud.
- Further develop the International Fellows and staff exchange programs.
- File comments or otherwise engage in advocacy with local, state, federal, and foreign government entities that evaluate the costs and benefits of proposed policies on consumers and an awareness of the intersection of competition and consumer protection concerns.
- File amicus briefs with federal courts, when appropriate, to address issues that affect consumer protection.

- Evaluate whether the advice and comments (e.g., advocacy filings, amicus briefs, etc.) that the FTC provides to local, state, and federal government entities on consumer protection policies have been considered and adopted.

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 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
435	387	359	369	375	453	Exceeded	375	

FY 2019 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 2019, BCP shared information with other U.S. federal, state, and local government agencies in 226 investigations or cases. In FY 2019, BCP received information from other U.S. federal, state, and local government agencies in 227 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.

The Office of International Affairs (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 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
58	53	50	43	40	48	Exceeded	40	

FY 2019 Highlights: In FY 2019, the FTC cooperated in 48 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. 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 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 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
76	66	66	64	60	71	Exceeded	60	

FY 2019 Highlights: In FY 2019, the FTC provided policy input to foreign consumer protection and privacy agencies in 71 instances. This included policy advice and technical input on a wide range of consumer and privacy policy issues delivered through seminars, substantive consultations, oral presentations, and written comments. Of the inputs, 11 represent technical assistance missions to new and developing consumer protection and privacy agencies, and five represent International Fellows from Japan, Kenya, South Korea, The Gambia, and the U.K, who worked alongside FTC staff in support of the consumer protection mission.

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, and allows the FTC to address situations where consumer protection 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 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. We do not attempt to quantify or measure how much effect our advocacy had on the decision. While most advocacies contain either consumer protection recommendations or competition recommendations, a few advocacy comments may have both, and are thus counted in this performance goal as well as Performance Goal 2.2.3.

*Results for this measure are reported a year behind. FY 2019 data will be available in FY 2020.

FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
100.0%	85.7%	85.7%	*	60.0%	*	N/A	60.0%	

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 advocacies contain either consumer protection recommendations or competition recommendations, a few advocacy comments may have both, and are thus counted in this indicator as well as Indicator 2.2.IND.1.

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual
7	4	3

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

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

Strategic Objectives

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

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

Goal 2 and its Strategic Objectives comprise the second of two mission-focused components of the FTC's FY 2019 Performance Report and FY 2020-2021 Performance Plan.

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 and External Factors

Strategy	Related Performance Measures	Related External Factors
Investigate potentially anticompetitive mergers and business conduct in ways that enhance enforcement outcomes and minimize burdens on businesses.	Measure 2.1.1 Measure 2.1.2 Measure 2.1.3 Measure 2.1.4 Measure 2.1.5 Indicator 2.1.IND.1 Indicator 2.1.IND.2	<ul style="list-style-type: none"> • Resource Constraints • Legislative Landscape
Use continuous learning to improve negotiation and litigation skills; refine investigative and decisional tools.	Measure 2.1.1 Measure 2.2.1	<ul style="list-style-type: none"> • Resource Constraints • Legislative Landscape
Achieve significant remedial, precedential, and deterrent effects through negotiated merger and nonmerger consent orders and winning litigated orders.	Measure 2.1.1 Measure 2.1.2 Measure 2.1.3 Measure 2.1.4 Measure 2.1.5 Indicator 2.1.IND.1 Indicator 2.1.IND.2	<ul style="list-style-type: none"> • Resource Constraints • Legislative Landscape
Improve compliance with consent decrees and orders and with HSR reporting obligations.	Measure 2.1.1	<ul style="list-style-type: none"> • Resource Constraints
Provide transparency in the decision-making process through analyses to aid public comment and updating guidance, etc.	Measure 2.1.1 Measure 2.2.1 Measure 2.2.2 Measure 2.2.3 Indicator 2.3.IND.1	
Conduct market research to inform future enforcement efforts.	Measure 2.1.1 Measure 2.1.2 Measure 2.1.3 Measure 2.1.4 Measure 2.1.5 Indicator 2.1.IND.1 Indicator 2.1.IND.2	<ul style="list-style-type: none"> • Resource Constraints • Legislative Landscape

Strategy	Related Performance Measures	Related External Factors
<p>External Factors (extended descriptions):</p> <ul style="list-style-type: none"> • Resource Constraints: The dynamism of our economic and technological environments plays a direct role in the Commission’s ability to achieve success under this objective. Evolving technologies, automation, and intellectual property issues continue to increase the complexity of antitrust investigations and litigation. This complexity, coupled with fluctuations in merger activity and complaints of potentially harmful business conduct, sometimes lead to financial and personnel resource limitations. The Commission will continue its efforts to identify best practices and other investigatory efficiencies to alleviate these potential resource limitations. • Legislative Landscape: The ever-evolving legislative landscape, with respect to both federal and state antitrust enforcement authority, may directly impact the Commission’s ability to challenge anticompetitive mergers and business conduct. The FTC will continue to use its advocacy and educational tools to ensure that the Commission maintains the necessary authority for effective antitrust enforcement. 		

Progress Update

In FY 2019, the agency concluded 22 matters in which it took action to maintain competition, focusing 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.

The Commission successfully litigated its federal court injunction action challenging Qualcomm’s patent licensing practices for baseband processors used in cellular devices. The federal court granted the Commission’s injunction in May 2019, and the matter is now pending an appeal of the district court decision. The agency also secured litigated victories in two merger cases. The Commission successfully argued that Tronox’s acquisition of rival Cristal was likely to reduce competition in the North American market for chloride process titanium dioxide (TiO2), a white pigment used in products such as paint, paper, and plastics. After a federal court granted a preliminary injunction blocking the merger, the ALJ determined the merger as proposed was unlawful. The parties settled the Commission’s charges, agreeing to divest assets to a buyer that will maintain competition in the market. In the second matter, the FTC filed an administrative complaint to unwind Otto Bock Healthcare’s consummated acquisition of Freedom Innovations, two top sellers of microprocessor prosthetic knees typically prescribed for patients with above-the-knee amputations. The FTC alleged that the acquisition eliminated direct competition between the two firms and entrenched Otto Bock’s position as the dominant firm in the market, which would likely lead to higher prices and less innovation. In May 2019, the administrative law judge upheld the FTC’s charges and required the divestiture of the Freedom Innovations assets to an FTC-approved buyer. In November 2019, the Commission upheld the initial decision. This matter is currently pending on appeal to the Commission.

In other pending litigation, in April 2019, the Commission authorized staff to seek a permanent injunction in federal court alleging that Surescripts LLC, a healthcare technology company, employed various exclusionary tactics, including loyalty and exclusivity agreements, to maintain its monopolies in two e-prescribing markets: routing and eligibility. The complaint alleges that Surescripts monopolized these e-prescription markets by preventing customers on both sides of each market from using other platforms (a practice known as multihoming), effectively thwarting competitors' success in the market and maintaining its roughly 95% market share in each market. This matter is pending in federal court. And in August 2019 the Commission authorized staff to seek a preliminary injunction to block Evonik Industries' proposed acquisition of PeroxyChem, alleging that the merger would substantially reduce competition in regional North American markets for the production and sale of hydrogen peroxide. According to the complaint, the merger would increase the likelihood of coordination in a market already vulnerable to coordination, and would eliminate valuable head-to-head competition between the two firms in two markets, the Pacific Northwest and the Southern and Central United States. In January 2020, the district court denied the Commission's request for a preliminary injunction. This matter is still pending in administrative litigation.

The Commission also moved to block the merger of Fidelity National Financial and Stewart Information Services, alleging that the merger would reduce competition in state markets for title insurance underwriting for large commercial transactions, as well as in several local markets for title information services. Title insurance is used to protect parties to real estate transactions from financial loss resulting from defects in the property's title. According to the complaint, only four providers possess the financial strength, commercial expertise, and national footprint to underwrite large commercial transactions. The complaint further alleged that the transaction would likely harm competition in six local markets for title information services, where access to proprietary title plant databases of detailed, indexed information on chain of title are necessary for the issuance of title insurance policies. The parties abandoned their proposed merger following issuance of the Commission's complaint.

The Commission also continues to police against efforts by branded pharmaceutical manufacturers to use anticompetitive agreements to delay entry of lower cost generics. In March, the Commission found that Impax Laboratories engaged in an illegal pay-for-delay, or "reverse payment," settlement to block consumers' access to a lower-cost generic version of Endo Pharmaceuticals Inc.'s branded extended-release opioid pain reliever Opana ER. Endo had earlier settled the Commission's charges by agreeing not to enter into such agreements. The Commission's final order bars Impax from entering into any type of reverse payment that defers or restricts generic entry, including no-Authorized Generic commitments, as well as certain business transactions entered with the branded pharmaceutical manufacturer within 45 days of a patent settlement. This matter is now pending on appeal in federal circuit court.

Also notable this year, the Bureau of Competition created the Technology Enforcement Division ("TED")—a group of lawyers and specialists dedicated to monitoring competition

in U.S. technology markets. Launched in February 2019 and modeled on the FTC's successful 2002 Merger Litigation Task Force, which reinvigorated the Commission's hospital merger review program, TED will focus on potential anticompetitive conduct, including consummated acquisitions, by technology companies.

As in past years, the FTC focused on its greatest asset in promoting competition: its staff. First, FTC staff has continued to develop, identify, and communicate best practices and update procedures to maximize efficiency in our competition work. The agency also continued its emphasis on employee-led staff development through its Training Council and mentoring programs. These programs are cost-neutral, improve knowledge transfer on important antitrust issues, and enhance information sharing between practitioners, thereby supporting the long-term success of the competition mission.

The agency continued to devote resources to identifying opportunities to streamline its investigatory processes and minimize the burden imposed on legitimate business practices. This year, staff devoted significant time to identifying litigation support tools that will enhance staff efficiency and effectiveness in investigations and litigation.

Challenges or Barriers

Resource constraints remain a significant challenge. Development and support of the technological tools necessary to improve processes and streamline operations require significant financial and staff resources. The rising costs of critical expert witness resources and the ongoing challenge of how to efficiently manage document productions of increasing size are two of the foremost barriers. Likewise, increases in caseload and merger notifications continue to put pressure on staffing resources.

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 2020-2021 Next Steps and Future Actions to Meet Strategic Objective

- Leverage the limited resources dedicated to the new Technology Enforcement Division to ensure thoughtful and effective antitrust enforcement to maintain competition in critical technology markets.
- Work to secure additional resources necessary to effectively enforce the antitrust laws to ensure that consumers benefit from the lower prices, higher quality, increased innovation, and expanded choices that competition brings and that workers benefit from a competitive marketplace for their labor.
- Expand employee development programs to increase the antitrust expertise and investigative, negotiation, and litigation skills of legal staff through continuous learning and retrospective analysis.

- Monitor the duration of investigations and drivers of investigation length to identify where and if the Commission can streamline or otherwise improve its investigative processes.
- Utilize BC’s Training Council to identify legal staff development opportunities and provide targeted training programs to meet those needs.
- Focus on enhancing the investigative process using improved technological tools and the identification of “best practices” to streamline and standardize management of investigations and litigation.
- Maintain ongoing assessment of premerger notification filing requirements and screening methods to maximize efficiency and effectiveness with an emphasis on reducing the burden on filing parties and antitrust agencies.

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 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
57.7%	54.6%	49.1%	67.9%	Between 40.0 - 70.0%	62.9%	Met	Between 40.0 - 70.0%	

FY 2019 Highlights: In FY 2019, the agency took action to maintain competition in 22 of 35 full merger and nonmerger investigations concluded. The FTC’s 22 actions included 10 consent orders, one litigated victory in federal and administrative court that was later concluded with a settlement (*Tronox/Cristal*), one federal appellate court victory (*Sanford/Mid Dakota Clinic*), three federal court stipulated injunctions, one matter in which the parties abandoned their transactions after the Commission authorized staff to challenge the proposed acquisition in federal court or administrative litigation (*Fidelity/Stewart*), and six abandoned transactions.

The agency concluded 19 merger actions in second request or compulsory process investigations in a broad array of industries such as medical devices, healthcare services, industrial goods and chemicals, consumer goods and services, and energy. The agency also concluded three actions against anticompetitive tactics that the agency had reason to believe harmed consumers or competition in the pharmaceutical industry. Of the 13 full investigations concluded without an action, nine were merger matters, and four were nonmerger matters.

Note on Actuals prior to FY 2018: Starting in FY 2018, the FTC adjusted how this measure is calculated. When counting full investigations, only those investigations where a second request, subpoena, or civil investigative demand has been issued are counted. Previously we also included other investigations with more than 150 staff hours spent. This change will slightly reduce the number of full investigations included and will thus shift the percentage result higher. Actual results from FY 2015-2017 are reported based on the previous formula.

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 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
\$2.41 billion	\$2.59 billion	\$2.59 billion	\$2.66 billion	\$2.1 billion	\$3.09 billion	Exceeded	\$2.1 billion	

FY 2019 Highlights: The FTC saved consumers on average an estimated \$3.09 billion per year through its merger actions to maintain competition in the past five years. This year, mergers actions in the healthcare, consumer goods and services, and chemicals industries resulted in considerable consumer savings, allowing the agency to continue to meet the target for this performance goal. Significant consumer savings from merger actions in FY 2015 continued to impact this performance goal in FY 2019, and targets have been adjusted accordingly.

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 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
\$51.30 in consumer savings per \$1 spent	\$46.40 in consumer savings per \$1 spent	\$55.60 in consumer savings per \$1 spent	\$50.30 in consumer savings per \$1 spent	\$42.00 in consumer savings per \$1 spent	\$65.90 in consumer savings per \$1 spent	Exceeded	\$42.00 in consumer savings per \$1 spent	

FY 2019 Highlights: In FY 2019, the FTC saved consumers approximately \$66 for every dollar devoted to its merger program. As mentioned in Performance Goal 2.1.2, merger actions in the healthcare, consumer goods and services, and chemicals industries resulted in considerable consumer savings, which, coupled with slightly reduced resource levels, allowed the agency to continue to meet the target for this performance goal. Significant consumer savings from merger actions in FY 2015 continued to impact this performance goal in FY 2019, and targets have been adjusted accordingly.

Correction: Due to a correction to the underlying data, FY 2018 Actual changed from \$50.20 to \$50.30.

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 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
\$1.03 billion	\$1.02 billion	\$1.12 billion	\$1.10 billion	\$900.00 million	\$1.77 billion	Exceeded	\$900.00 million	

FY 2019 Highlights: From FY 2015 – FY 2019, the FTC saved consumers on average an estimated \$1.77 billion per year through nonmerger actions taken to maintain competition. This year, nonmerger actions in the pharmaceutical industry contributed to that total, allowing the agency to continue to meet the target for this performance goal. Significant consumer savings from the historic Cephalon investigation in FY 2015 continued to impact this performance goal in FY 2019, and targets have been adjusted accordingly.

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 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
\$48.60 in consumer savings per \$1 spent	\$52.30 in consumer savings per \$1 spent	\$39.60 in consumer savings per \$1 spent	\$40.10 in consumer savings per \$1 spent	\$40.00 in consumer savings per \$1 spent	\$75.80 in consumer savings per \$1 spent	Exceeded	\$40.00 in consumer savings per \$1 spent	

FY 2019 Highlights: In FY 2019, the FTC saved consumers approximately \$76 per dollar devoted to its nonmerger enforcement program. As mentioned in Performance Goal 2.1.4, nonmerger actions in the pharmaceutical industry, among others, 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. Significant consumer savings from the historic Cephalon investigation in FY 2015 continued to impact this performance goal in FY 2019, and targets have been adjusted accordingly.

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 geographic/product markets involved. It is important that the FTC use its resources in areas where the most positive change can be achieved. 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
\$88.3 billion	\$103.4 billion	\$112.7 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, in part, guided by the size of the relevant product 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
\$77.10 billion	\$75.50 billion	\$80.48 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 and External Factors

Strategy	Related Performance Measures	Related External Factors
Improve the agency’s understanding of various practices and developments in the marketplace.	Measure 2.2.1 Measure 2.2.2	<ul style="list-style-type: none"> Resource Constraints
Target advocacy activities to encourage state and federal government policymakers to evaluate the competitive implications of their existing and proposed policies.	Measure 2.2.3 Indicator 2.2.IND.1	<ul style="list-style-type: none"> Resource Constraints Opposition to Advocacy
Increase transparency and improve the public’s understanding of the FTC’s enforcement policies and the benefits of competition.	Measure 2.2.1 Measure 2.2.2 Measure 2.2.3 Indicator 2.2.IND.1	<ul style="list-style-type: none"> Resource Constraints
<p>External Factors (extended descriptions):</p> <ul style="list-style-type: none"> Resource Constraints: Financial and personnel resource limitations, driven primarily by the costs of litigation, may reduce resources available for this objective. Opposition to Advocacy: Domestic advocacy, whether to state legislators or regulators, federal regulators, or the courts, seeks to influence decisions made by outside parties. Those decision makers have ultimate control over the outcome, and thus our success rate. The targets of our advocacies often receive pressure from other organizations, which may be making recommendations that are not in line with our own. 		

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 2019, the agency hosted 11 public workshops or hearings in broad areas of competition policy. From September 2018 through June 2019, the FTC held 14 sessions over the course of 23 days as a part of its Hearings on Competition and Consumer Protection in the 21st Century ("21st Century Hearings" or "Hearings"). The sessions featured 393 thought leaders including economists, law professors, business professors, public interest group representatives, states' attorneys general, and foreign government counterpart representatives. In addition to the 393 individuals from outside the agency, 71 members of FTC staff also participated. The Hearings garnered a combined online audience of over 21,000 in addition to those who attended in person, and more than 1000 public comments were received in response. The FTC held Hearings sessions in Washington, DC, New York City, and Omaha, Nebraska.

The 21st Century Hearings addressed several areas of competition and consumer protection policy, including the consumer welfare standard; corporate concentration; horizontal and vertical mergers; monopsony power; multi-sided platforms; potential and nascent competition; antitrust in labor markets; innovation and intellectual property; privacy, big data, and competition; artificial intelligence; the common ownership of minority interests in competing companies; data security; consumer privacy; broadband competition; the FTC's international mission; merger retrospectives; state consumer protection and competition issues; consumer protection remedies; and error-cost considerations. FTC staff is currently working to determine the scope and timing of the output of the Hearings.

The FTC also held a workshop in June 2019 to assess the impact of certificates of public advantage ("COPAs") on prices, quality, access, and innovation for healthcare services. Additionally, the FTC held its Eleventh Annual Microeconomics Conference.

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 2019, staff filed four advocacy comments to federal regulators, individual state legislators, and other organizations. These advocacy comments address a variety of industries and competition issues, including pharmaceuticals and biological products, certificates of need for healthcare entities, and health information technology. The FTC ensures that its advocacy activities are conducted with sensitivity to state policy and law-making authority.

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 DOJ 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.

Challenges or Barriers

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 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 2020-2021 Next Steps and Future Actions to Meet Strategic Objective

- Organize and/or participate in public conferences, workshops, and hearings to enhance the FTC's understanding of various practices and developments relevant to competition in the marketplace. For example, the Commission will work to digest the abundant information collected through its 21st Century Hearings initiative to inform its short- and long-term competition enforcement and policy priorities.
- Continue to make related materials, including transcripts, written submissions, reports, and policy papers accessible to the public.
- Seek advocacy opportunities at local, state, and federal government levels to encourage adoption of policies that maximize competition, consumer welfare, and economic liberty consistent with Constitutional principles of federalism.
- Review and pursue amicus opportunities in the federal courts in cases that may affect competition and, ultimately, consumer welfare.
- Generate reports, policy papers, working papers, and other public documents that synthesize the results of FTC research and enforcement efforts and, where appropriate, make recommendations regarding actions or policies to promote competition.

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 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
4	3	3	7	3	11	Exceeded	3	

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 substantive 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 activities of the FTC.

FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
9	9	11	9	8	4	Not Met	8	

FY 2019 Highlights: The FTC concluded its 21st Century Hearings initiative in FY 2019, a significant undertaking involving a substantial commitment of staff time. During the latter half of FY 2019, the Commission has been working to synthesize all of the knowledge gained and comments received in response to the hearings. Digesting this volume and breadth of information is a time-consuming process, and thus staff was not able to devote as much time in FY 2019 to issuing reports. In FY 2020, staff expect to begin issuing reports and other guidance for antitrust practitioners based on the hearings.

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. While the FTC is primarily a law enforcement agency, 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.

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 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. We do not attempt to quantify or measure how much effect our advocacy had on the decision. While most advocacies contain either consumer protection recommendations or competition recommendations, a few advocacy comments may have both, and are thus counted in this performance goal as well as Performance Goal 1.3.4.

*Results for this measure are reported a year behind. FY 2019 data will be available in FY 2020.

FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
80.0%	64.7%	58.6%	*	60.0%	*	N/A	60.0%	

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. While the FTC is primarily a law enforcement agency, 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. While most advocacies contain either consumer protection recommendations or competition recommendations, a few advocacy comments may have both, and are thus counted in this indicator as well as Indicator 1.3.IND.1.

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual
16	16	6

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

Goal Leaders: Director, Office of International Affairs (OIA); Director, BC; Director, BE Strategies and External Factors

Strategy	Related Performance Measures	Related External Factors
Work within the U.S. government inter-agency process and with other domestic government entities to support efforts to promote market-based competition and policy convergence.	Indicator 2.3.IND.1	
Improve the effectiveness of investigations and promote consistent outcomes through cooperation with foreign competition agencies.	Measure 2.3.1	<ul style="list-style-type: none"> • Foreign Political and Economic Factors • External Support
Work with foreign competition agencies to promote international policy convergence toward sound and effective antitrust enforcement.	Measure 2.3.2	<ul style="list-style-type: none"> • Foreign Political and Economic Factors • External Support
Provide technical assistance to countries with emerging competition regimes; provide foreign officials an opportunity to work alongside the FTC.	Measure 2.3.2	<ul style="list-style-type: none"> • Foreign Political and Economic Factors • External Support
<p>External Factors (extended descriptions):</p> <ul style="list-style-type: none"> • Foreign Political and Economic Factors: The development of competition policy involves numerous stakeholders, political considerations, and economic factors. Enforcement of the more than 130 competition laws often overlaps and intersects, and can potentially conflict. Foreign policy and political considerations that are outside the scope of competition policy may also play a role. All of these factors can affect enforcement, cooperation, policy, and the ability to accomplish the objectives of the U.S. antitrust agencies. • External Support: The ability to conduct international technical assistance depends in part on the availability of external resources, support of U.S. embassies abroad, and the willingness of foreign governments to accept U.S. assistance and advice. 		

Progress Update

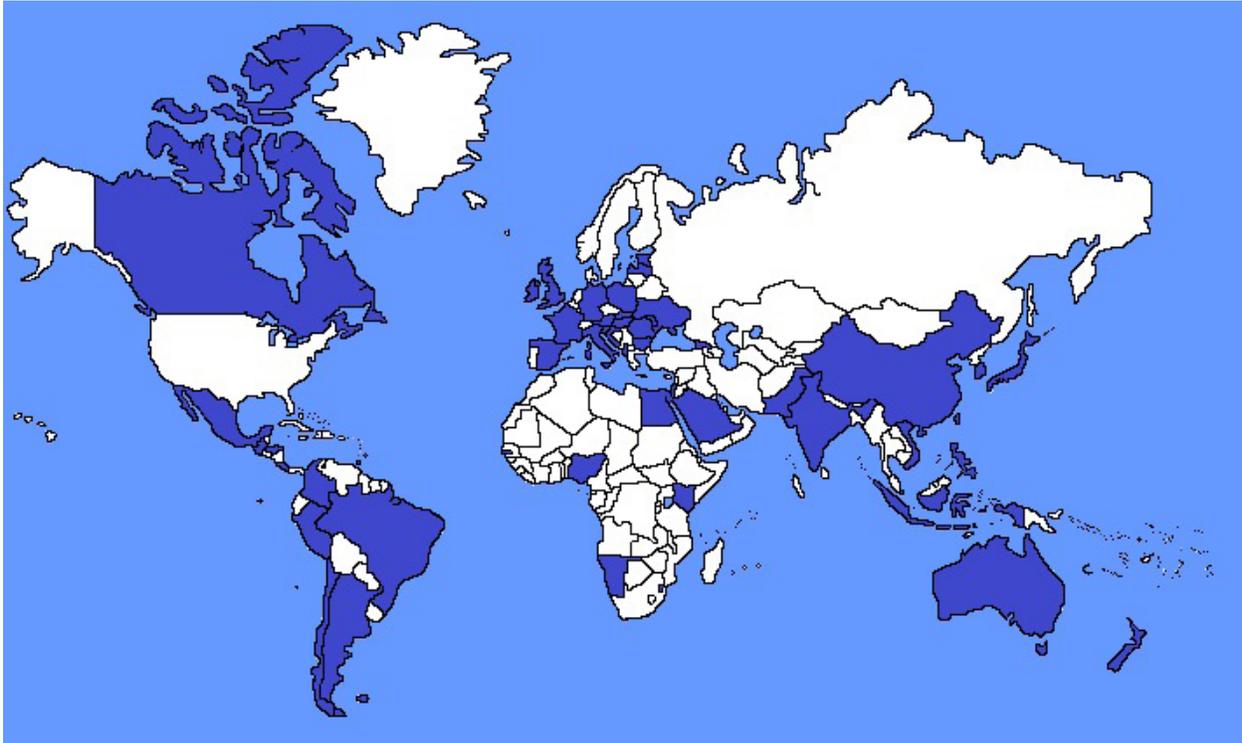
To promote and maintain free and vigorous competition, the FTC continues to build and strengthen relationships with competition agencies internationally and to work through multilateral fora and with domestic partners to promote convergence toward sound competition enforcement and policy. Progress in FY 2019 included:

- **Promoting Convergence and Furthering Case Cooperation:** The U.S. antitrust agencies engaged on policy issues of common interest and shared enforcement techniques and experience with staff from 42 competition agencies. We held high-level bilateral meetings with colleagues from several competition authorities, including Canada, the European Union, India, Japan, South Korea, and Mexico. The FTC continued to facilitate and engage more deeply in cooperation and coordination on individual matters with foreign counterparts. The FTC cooperated on 36 merger and anticompetitive conduct investigations of mutual concern with counterpart agencies from 21 jurisdictions. Many of these matters involved cooperation with several agencies to achieve effective, sound, and consistent outcomes. For example, during its review of the Praxair/Linde merger, Commission staff and staff of antitrust agencies of Argentina, Brazil, Canada, Chile, China, Colombia, the European Union, India, South Korea, and Mexico worked cooperatively to analyze the proposed transaction and potential 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 87 competition officials from 31 jurisdictions since the program’s inception in 2007 through the end of FY 2019.
- **International Competition Network (ICN):** The FTC is a leader in the ICN, a pre-eminent venue for developing international convergence on sound antitrust principles and practices. In FY 2019, the FTC continued to serve on the Steering Group, as well as co-chair the Merger Working Group and the ICN’s implementation team to promote use by member agencies of ICN recommendations and work products. The FTC led a project that culminated in issuing recommended practices for procedural fairness in competition investigations. In addition, the FTC was a key contributor to the ICN Framework on Competition Agency Procedures, which sets minimum standards for procedural fairness and provides a mechanism for agency-to-agency dialogue on procedural concerns. The FTC also leads a project that produces online training materials on antitrust enforcement and policy. The FTC will have further opportunities to showcase U.S. best practices as co-host of the ICN’s 2020 annual conference.
- **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 work programs on procedural fairness and the treatment of intellectual property rights under

competition laws, and participated in cross-cutting OECD work focusing on the digital economy.

- **Relations with Newer Agencies:** In 2019, the FTC and DOJ continued engagement through meetings with counterparts from China's antitrust agencies to discuss procedural fairness, enforcement of monopolization laws, and the antitrust treatment of the exercise of intellectual property rights. The FTC's technical assistance program placed resident advisors in the competition agencies of the Philippines and Ukraine, and provided hands-on workshops on investigational skills. The advisors' work focused on the application of economic analysis in investigations and legal and evidentiary issues raised in competition matters. The FTC also assisted the Philippine and Vietnamese authorities in drafting implementing regulations for their new antitrust laws and assessing policies that unnecessarily limit competition, and provided judicial training in the Philippines. Overall, the FTC conducted 29 technical assistance missions in 19 jurisdictions, including regional programs for Africa and Eastern Europe. The programs were funded by the FTC, the United States Agency for International Development, the Commerce Department's Commercial Law Development Program, and host agencies.
- **Working Within the U.S. Government:** 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. For example, the FTC has been part of the interagency group that addressed investigative procedure issues under the South Korea-U.S. free trade agreement, and worked with the Departments of Treasury, Justice, and State, among others, on the development of G7 and G20 statements concerning competition and the digital economy.
- **State Government Partners:** BC routinely works with state attorneys general (AGs) in its enforcement efforts. State AGs also routinely join as co-plaintiffs in the FTC's federal court litigations.

International Competition Agency Cooperation



The FTC cooperated with and/or provided competition policy advice, technical assistance training, and/or FTC fellowships to government staff from highlighted countries in FY 2019, as well as to CARICOM, COMESA, and the European Union (not highlighted).

Challenges or Barriers

Promoting international cooperation is a long-term endeavor that can be affected by events beyond the agency's control, such as foreign court proceedings, as well as political changes that result in changes in foreign counterpart agencies' policies and staff and restrict best practices and information exchanges. Political turmoil in certain regions can also make cooperation on particular issues more difficult.

FY 2020-2021 Next Steps and Future Actions to Meet Strategic Objective

- Support BC's enforcement by assisting with the international aspects of its investigations and litigation.
- Work with state AGs on joint enforcement efforts where the harm may occur in local or regional markets.
- Continue the FTC's leadership role in the ICN by participating in the Steering Group and guiding the ICN's strategic direction; leading the ICN's implementation work and online training project; helping develop work on unilateral conduct, agency effectiveness, digital markets, cooperation, mergers, and competition advocacy; promoting implementation of the ICN's new framework on competition agency procedures; leading a new project on the intersection of competition law and policy

with consumer protection and data privacy law and policy; and setting the ICN's long-term agenda by developing its strategic review and co-hosting the 2020 annual conference.

- Enhance the FTC's participation in other multilateral and regional fora, including the OECD, UNCTAD, and APEC by, for example, helping to develop the OECD's work on procedural fairness in competition investigations and enforcement, and the application of competition laws to intellectual property rights, and by contributing to policy dialogue on competition and the digital economy.
- Advance cooperation with foreign competition agencies and international policy convergence by improving cooperation in merger and anticompetitive conduct enforcement and policy, concluding the Multilateral Mutual Assistance and Cooperation Framework, and developing new tools for cooperation and leadership on multilateral initiatives.
- Strengthen relations with competition agencies, including in Australia, Brazil, Canada, China, the European Union, India, South Korea, Mexico, Taiwan, and the United Kingdom, through dialogue on policy initiatives, case cooperation, and, as appropriate, the provision of technical assistance.
- Work with other U.S. agencies, including bilaterally and in interagency and intergovernmental fora, to address appropriate competition-related issues.
- Continue the FTC's international competition technical assistance program, deepen the FTC's competition agency capacity building, including to agencies in India, Kenya, Nigeria, Peru, and Ukraine, and assist governments that are promoting an expanded scope for competition in new sectors of their economies.

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.

The Office of International Affairs (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 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
100%	100%	96%	98%	95%	100%	Exceeded	95%	

FY 2019 Highlights: In FY 2019, the FTC cooperated on 36 enforcement matters. FTC staff engaged in substantive cooperation with 21 agencies, including Argentina, Australia, Austria, Brazil, Canada, Chile, China, Colombia, the European Union, Germany, India, Israel, Italy, Japan, South Korea, Mexico, New Zealand, Saudi Arabia, Singapore, Spain, and the United Kingdom. The FTC and its counterpart agencies reached compatible outcomes in all cases completed during the fiscal year. While the FTC will continue to strive for 100% success, the target reflects the possibility of inconsistent outcomes, particularly as additional antitrust agencies begin to assert their jurisdiction and cooperation on unilateral conduct matters expands.

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 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
144	171	160	151	120	165	Exceeded	120	

FY 2019 Highlights: In FY 2019, the FTC provided policy advice through consultations, written submissions, and comments on proposed laws and guidelines to foreign competition agencies in 131 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 in 19 jurisdictions and hosted five 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
N/A	52.6%	32.0%

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. 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 2019 Performance Report and FY 2020–2021 Performance Plan.

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 and External Factors

Strategy	Related Performance Measures	Related External Factors
Update the agency’s COOP Plan, which defines necessary planning and actions to ensure the preservation and performance of FTC mission essential functions.	Measure 3.1.1a	• New Assessment Tool
Enhance training program for emergency preparedness that will include various training formats, including an online component.	Measure 3.1.1b	
Continue conducting Facility Security Assessments and engage GSA in risk mitigation.	Measure 3.1.1a	

Strategy	Related Performance Measures	Related External Factors
Update the Electronic Security System (ESS) at HQ	Measure 3.1.1a	
Improve the effectiveness and efficiency of FTC's financial management operations, including procurement-related work.	Measure 3.1.3	<ul style="list-style-type: none"> • Changes in financial management requirements
Improve Procurement Action Lead Time (PALT)	Measure 3.1.5	<ul style="list-style-type: none"> • Changes in financial management requirements
Ensure timely filing of senior officials' public financial disclosure reports through improved tracking and communication.	Measure 3.1.4	<ul style="list-style-type: none"> • Changes in ethics requirements
Work with GSA to move FTC regional office into federal work space as current leases expire.	Measure 3.1.1a & b	<ul style="list-style-type: none"> • Federal Space Issues
<p>External Factors (extended descriptions):</p> <ul style="list-style-type: none"> • New assessment tool: The Federal Emergency Management Agency (FEMA) will be implementing a new assessment tool for government-wide COOP exercises. • Changes in financial management requirements: Changes in government requirements, especially for financial management, may cause a shift in priorities or change how the FTC approaches its work. • Changes in ethics requirements: Changes in requirements and whether the U.S. Office of Government Ethics continues to provide Integrity.gov as its disclosure report database may affect how the FTC's Ethics Team collects and reviews public financial disclosure reports. • Federal space issues: Real estate market and space suitability may impact the ability to move to federal space. 		

Progress Update

- The FTC completed a review of essential supporting activities as part of the required annual review of the Continuity of Operations (COOP) Plan. The agency's participation in FEMA's annual Eagle Horizon exercise in May 2019 verified the operability and effectiveness of the COOP Plan.
- As part of the ongoing OMB 11-11 and Federal Public Key Infrastructure (FPKI) for PIV Card certificate and modernization effort, the FTC reissued federally compliant badges to FTC's DC-based population to enable more efficient and effective logical and physical access.
- The FTC completed Facility Security Assessments for the Atlanta, San Francisco, and Los Angeles regional offices.

- The FTC implemented a new asset management system that improves audit trail functionality and the ability to determine what assets are assigned to a particular employee.
- The agency completed installation of video intercom systems in each regional office to ensure greater security by letting staff see/hear their visitors before granting them access to FTC space.
- The FTC relinquished its warehouse to GSA to reduce the FTC's overall footprint and the cost of furniture services.
- OED's Financial Management Office (FMO) continued to implement the Enterprise Risk Management program plan and strategy. Specifically, FMO identified, assessed, and monitored risks related to mission performance and updated the agency risk profile. The risk-management efforts helped agency leadership determine where to apply resources to address the FTC's highest priorities and risks. FMO will continue to support efforts to monitor and update risk registers to highlight and help the agency manage the most significant risks.
- The FTC completed all test conversion requirements in connection with the transfer of the agency's financial management, procurement, and travel systems from the Interior Business System to the Department of the Treasury's Shared Service Provider, Administrative Resource Center, in October 2019.
- The agency awarded four Blanket Purchase Agreements to industry partners to migrate agency IT services to the cloud.
- The agency worked to improve customer service for agency travelers by expanding its travel support helpdesk, implementing a new policy on booking personal travel jointly with official travel, and rolling out a new VIP support service for FTC Commissioners and Bureau Directors.
- The agency implemented revised travel procedures to more accurately align with current federal travel regulations.

Challenges or Barriers

- Changes in the economy have a direct impact on the agency's ability to attract and retain its workforce. Strong job markets have led talented staff to seek more lucrative opportunities at other higher-paying agencies or in the private sector.

FY 2020-2021 Next Steps and Future Actions to Meet Strategic Objective

- Review and update the FTC COOP Plan to ensure the plan supports the essential functions of the agency and reflects updated guidance and Eagle Horizon scoring changes expected in FY 2020.
- Expand capacity to respond to and recover from emergencies by developing and delivering in-person and web-based emergency preparedness training.
- Continue to promote and develop a strong working relationship with all staff that focuses on customer service while adhering to agency policy.

- Develop improved processes and policies for financial and acquisition management that promote integrity, transparency, efficiency, and effectiveness.
- Update the Electronic Security System at HQ by embedding all integrated components, such as the Physical Access Controls Systems, which are Federal Identity, Credential, and Access Management compliant. Replace the obsolete analog Closed Circuit Television systems with a modern digital system, and add an Intrusion Detection System. This will allow the FTC to monitor, manage, and secure resource access and usage, including electronic files, computer systems, and physical resources (e.g., server rooms and buildings).
- Continue with the implementation of ERM in accordance with agency policy.
- Implement new acquisition policies and expand training for agency Contract Officer Representatives.
- Coordinate with GSA to relocate two regional offices to federal space.

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 Continuity of Operations 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 Occupational Health and Safety Office develops promotional and educational materials such as posters, publications, internet tools, classroom and web-based training courses, and exercises and drills designed to give employees the information they need to remain safe. This measure tracks the number of products (posters, publications, etc.) and activities (training opportunities, drills, etc.) focused on physical safety and security that are provided to FTC employees.

FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
(a) 90%	(a) 90%	(a) 95%	(a) 95%	(a) 80%	(a) 95%	(a) Exceeded	(a) 80%	
(b) N/A	(b) N/A	(b) N/A	(b) 39	(b) 42	(b) 70	(b) Exceeded	(b) 42	

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

The FTC Office of the Executive Director (OED) conducts an annual online Customer Satisfaction Survey. The survey is voluntary, anonymous, and offered to all FTC employees. Respondents are asked to indicate their level of satisfaction on a 5-point scale of Very Satisfied to Very Dissatisfied related to services provided by OED Offices. This measure tracks the level of satisfaction with the responsiveness of the Administrative Services Office to phone and email requests (Question #34).

FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
N/A	N/A	81%	82%	75%	87%	Exceeded	75%	

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 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
Unmodified Opinion	Met	Unmodified Opinion						

FY 2019 Highlights: In FY 2019, the FTC received its 23rd consecutive unmodified (clean) audit opinion from its independent auditors.

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 Forms 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 will track 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 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
N/A	N/A	N/A	98.3%	95.0%	98.4%	Exceeded	95.0%	

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

Awarding government contracts, task orders, and modifications takes a tremendous amount of staff time. To measure the efficiency of our acquisitions branch, this measure tracks the percentage of contract actions awarded within established lead times. The lead-time varies depending on the type of contract.

FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
N/A	78%	65%	57%	65%	67%	Exceeded	70%	75%

FY 2019 Highlights: In FY 2019 the FTC processed over 600 procurement actions, including 140 mission-critical “expert witness” contracts for pending litigation. These time-sensitive contracts were generally processed and awarded within two weeks of the Acquisitions Branch receiving a requisition request.

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

Strategies and External Factors

Strategy	Related Performance Measures	Related External Factors
Use integrated workforce planning to identify and fulfill current and future human capital needs, including Human Resources (HR) professionals.	Indicator 3.2.IND.3 Indicator 3.2.IND.4	<ul style="list-style-type: none"> • Strong Job Markets • Private Sector Competition
Enable the agency to recruit, develop, and retain a highly qualified and diverse workforce.	Measure 3.2.1 Measure 3.2.2 Measure 3.2.3 Indicator 3.2.IND.1 Indicator 3.2.IND.2 Indicator 3.2.IND.3 Indicator 3.2.IND.4	<ul style="list-style-type: none"> • Strong Job Markets • Private Sector Competition • Changes in Human Capital Requirements
Enhance Senior Executive Service (SES) and other leaders' performance plans and deploy training to support an agency-wide performance culture focused on individual development and organizational accountability.	Measure 3.2.4	<ul style="list-style-type: none"> • Technology Challenges (USAP)
<p>External Factors (extended descriptions):</p> <ul style="list-style-type: none"> • Strong Job Markets: Strong job markets have led talented staff to seek more lucrative opportunities at other higher-paying agencies or in the private sector. • Private Sector Competition: The agency has to stay abreast of and try to compete with the benefits and incentives offered by higher-paying agencies and the private sector and sought by the 21st century workforce. • Changes in Human Capital Requirements: Changes to federal human capital regulations and legal authorities may affect the ability of the FTC to implement specific human capital strategies. • Technology Challenges (USAP): Staff in the Human Capital Management Office (HCMO) must maintain technical competency in order to use the USAPerformance (USAP) system, and the system design must be compatible with HCMO and user needs. 		

Progress Update

Leveraging Technology to create HR efficiencies:

In FY19, HCMO implemented three new human resources data systems to improve the efficiency and effectiveness of the FTC's human capital management processes: Electronic Official Personnel Folders (eOPF), an Electronic Performance Management System (USAP), and USA Staffing.

- **Electronic Official Personnel Folder (eOPF):** This virtual, web-based system replaced the FTC's paper-based personnel records management system, and will provide FTC staff and HCMO personnel with on-demand access to personnel records. eOPF is designed to improve data security, support the FTC COOP, and streamline the process and cost of reviewing and transferring personnel folders. Finally, eOPF also complies with Office of Personnel Management (OPM) and federally mandated Human Capital (HC) employee record management regulations.
- **Electronic Performance Management System (USA Performance):** The FTC completed the rollout of the USAP performance management system, which allowed the agency to securely automate its performance appraisal process for the entire performance rating cycle for all grade levels, including the Senior Executive Service. The system provides greater accountability and transparency for both employees and managers.
- **Recruitment and Hiring System:** This fiscal year, HC Operations successfully transitioned from Monster Government Solutions to USA Staffing. This automated recruitment and hiring solution is specifically designed to support federal hiring managers and HC professionals in acquiring, assessing, certifying, and selecting qualified candidates in alignment with Merit System Principles.
- **Strengthening Senior Executive's Performance Plans:** All SES FY 2019 performance plans were migrated into USAP. HCMO expects to migrate Senior Professional (SL/ST) performance plan templates to this system in FY20, after OPM upgrades USAP.

Challenges or Barriers

The agency is modernizing its HR 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 HR workforce of the future is impacted by the strength of the labor market, the availability of opportunities at higher-paying agencies and in the private sector, and turnover in HCMO.

FY 2020-2021 Next Steps and Future Actions to Meet Strategic Objective

- Continue to modernize HC systems
- Continue to improve hiring timelines through business process re-engineering
- Expand efforts to promote diversity and encourage inclusion.

- Partner with hiring managers to deploy recruitment and outreach strategies to attract a diverse workforce.
- Educate managers on the benefits of an inclusive work environment to promote employee engagement.
- Continue to support a culture of change management and adoption
- Promote and expand the use of human resources flexibilities such as telework, reasonable accommodation, and wellness programs that support employee retention.
- Assess agency training needs and programs annually and determine how these programs contribute to mission accomplishment and meet organizational performance goals.
- Continue to provide proactive support to managers, supervisors, and employees on human resources issues through direct consultation, classroom sessions, brown bag sessions, webinars, notices to employees, the agency’s newsletter (FTC Daily).
- Create an HCMO newsletter and craft an HCMO internet page that provides up-to-date content for FTC staff.

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 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
79%	81%	83%	85%	66% (government-wide average)	84%	Met	Exceed the government-wide average results by 10 points	

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 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
70%	75%	78%	78%	62% (government-wide average)	78%	Met	Exceed the government-wide average by 10 points	

FY 2019 Highlights: In FY 2019 the FTC exceeded the government average New IQ score by 16%. In addition, the agency scored first among all medium-sized federal agencies (1,000-9,999 employees) and exceeded the medium-sized agency score of 65%.

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

The Employee Engagement Index (EEI) 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 compiled from questions across 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 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
79%	82%	83%	83%	68% (government-wide average)	84%	Met	Exceed the government-wide average by 10 points	

FY 2019 Highlights: In FY 2019, the FTC exceeded the government-wide Engagement Index score average for all federal agencies by 16%. In addition, the FTC scored first among all medium-sized federal agencies (1,000-9,999 employees) and exceeded the medium-sized agency score of 71%.

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 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
65%	70%	73%	74%	61% (government-wide average)	75%	Met	Exceed the government-wide average by 10 points	

Other Indicators

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

This indicator will provide 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.

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual
N/A	85%	88%

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

This indicator will track 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 is in compliance with the policies and procedures outlined in the Administrative Manual, Chapter 3: Section 300 - Disability Anti-Discrimination Policy and Reasonable Accommodation Procedures.

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual
N/A	46	84

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

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

FY 2017 Actual	FY 2018 Actual	FY 2019 Actual
N/A	13.5 days	19.0 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
N/A	29 days	32 days

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

Goal Leader: Executive Director, OED

Strategies and External Factors

Strategy	Related Performance Measures	Related External Factors
Modernize agency business applications and data by migrating to secure, cost-effective cloud-based environments with vendor-backed service level agreements (SLAs) for system availability.	Measure 3.3.2	<ul style="list-style-type: none"> • Budget Constraints
Focus on documentation, process improvements, continuous monitoring, and data collection and analysis to advance the maturity of the FTC’s information security program.	Measure 3.3.3	<ul style="list-style-type: none"> • Evolving Information Security Threats • Changes in IT Requirements
Maintain a resilient and highly available IT infrastructure by streamlining monitoring and management of IT systems and services, building redundancy and security into system architectures, and proactively replacing and optimizing system components.	Measure 3.3.1	<ul style="list-style-type: none"> • Rapid Technology Change
Continue the transition to electronic information resource management and electronic record keeping; comply with the Managing Government Records Directive M-19-21.	Measure 3.3.5	
Implement an Enterprise Content Management (ECM) system.	Measure 3.3.5	<ul style="list-style-type: none"> • Restrictive Federal Rules

Strategy	Related Performance Measures	Related External Factors
<p>External Factors (extended descriptions):</p> <ul style="list-style-type: none"> • Budget Constraints: IT modernization initiatives require significant upfront investment as the agency transitions to new technologies while concurrently operating and maintaining existing technologies until legacy systems eligible for decommission. • Evolving Information Security Threats: These affect the security of individual IT systems and services and the FTC’s overall risk posture. • Changes in IT Requirements: New Federal mandates and guidance on information security and IT management create new and unexpected challenges. • Rapid Technology Change: The ever-changing nature of the information technology hardware and software industry creates challenges in maintaining an up-to-date infrastructure as technology components quickly become obsolete or lose manufacturer support in favor of newer products that may not be fully tested or reliable. • Restrictive Federal Rules: Federal mandates and guidance may limit available information management solutions and delay cloud-based modernization efforts. 		

Progress Update

- The FTC migrated its existing IT service management processes to ServiceNow Enterprise Service Management (ESM), a cloud-based solution that has increased the simplicity, availability, and reliability of FTC’s help desk ticketing, configuration management, and asset management processes. The implementation of ESM allows the FTC to reduce its infrastructure footprint by decommissioning the on-premises legacy Remedy ITSM software.
- The FTC improved the security of its network and data by implementing network access control (NAC), a technology that provides better monitoring of the devices connecting to the FTC network, and ensures that all endpoints meet appropriate configurations before accessing FTC data and systems. The FTC also deployed mandatory PIV lock-out on all FTC laptops and desktops to prevent unauthorized individuals from accessing an FTC computer.
- 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 2019, the FTC completed projects to upgrade operating systems and storage platforms hosting the majority of the FTC’s applications and data and build a new backup storage solution for the FTC’s regional offices.
- The FTC destroyed over 2,700 boxes of temporary records stored at National Records Archives Administration (NARA) Washington National Records Center (WNRC).
- The FTC completed an update to its Records Policy and developed a comprehensive program management plan.

- The FTC successfully transitioned its public comment processing program to a government shared service (regulations.gov), retiring its custom application and thus meeting a goal of the FTC's Information Resources Management Strategic Plan.
- The FTC completed a comprehensive review of the Library's print collection to identify damaged, redundant or obsolete materials to maximize the usefulness of the print materials and support the agency's Library modernization efforts.

Challenges and Barriers

- As the FTC modernizes IT systems and increases the use of shared and cloud-based services, agency policies and procedures regarding records management, privacy, information security, and risk management may not align with technology and best practices for modernized digital services, causing delays in deployment, increased level of effort, and customer dissatisfaction if expected functionality is not available.
- Any constraint on resources, including funding and personnel, needed for IT investments could hinder modernization efforts and the FTC's ability to refresh and replace aging infrastructure components.
- Traditional methods of contracting for IT services may hinder the FTC's ability to leverage agile development methods and promote creativity and innovation amongst contractors.
- NARA has informed the FTC that it is unable to accept additional request to destroy the agency's paper records as a result of the loss of one of its vendors.

FY 2020-2021 Next Steps and Future Actions to Meet Strategic Objective

- Identify and implement business process improvements through effective use of technology to facilitate the agency's decision-making processes and management of its cases.
- Provide records and information management training and outreach to staff, with special emphasis on managing information electronically throughout its lifecycle.
- Continue to develop an agency-wide information governance policy to support efficient management of electronic information with appropriate access restrictions.
- Implement the final rule, recently issued by NARA that establishes uniform executive-branch wide standards for designating, handling and decontrolling Controlled Unclassified Information (CUI).
- Implement new integrated library system.
- Award a new contract for modernization of the FTC's external communications infrastructure, allowing the FTC to leverage a secure, scalable, and cost-effective communications solution that can accommodate increases in internet bandwidth requirements that come with migration to cloud services.
- Rebuild agency custom business applications in low-code cloud application platforms, increasing availability of applications and decreasing time-to-market for enhancements and workflow changes.

- Replace aging network infrastructure components to improve the security and availability of FTC’s local-area network.
- Continue to mature information security and risk management processes and documentation to monitor and mitigate risks associated with IT modernization efforts.

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 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
99.82%	99.75%	99.70%	99.71%	99.50%	99.98%	Exceeded	99.60%	99.70%

FY 2019 Highlights: During fiscal year 2019, the FTC exceeded its overall availability target, reaching a result of 99.98% uptime. The increase in availability over the FY 2018 result was achieved through a number of IT modernization initiatives. Specific projects include operating system upgrades for the agency’s application hosting infrastructure and file storage, continued stabilization of the mobile device platform, replacement of server and storage hardware in the Regional Offices and Headquarters, and migration to a cloud-based remote access portal for employee telework.

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 (IRM) Strategic Plan and will benefit the FTC through increased flexibility, dependability, and, ultimately, cost savings.

FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
N/A	N/A	N/A	36.6%	37.0%	37.4%	Exceeded	40.0%	45.0%

FY 2019 Highlights: The FTC exceeded its FY 2019 target, reaching 37.4% of the total IT budget spent on provisioned IT services. During FY 2019, the FTC awarded contracts and executed projects to migrate multiple applications and systems to cloud-based environments. This includes the migration of FTC’s Enterprise Service Management system to ServiceNow and the deployment of FDOonline (a cloud-based financial disclosure form). The FTC also awarded a task order for the first phase of the agency’s application modernization initiative, which will re-platform agency business processes in cloud-based, low-code application development platforms.

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

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

- % of major systems with a valid Authority To Operate (ATO). Measures the number of major IT systems with a valid ATO, documenting review of system security controls and review and acceptance of system risks.
- % of GFE workstations with below the “acceptable” vulnerabilities threshold. Measures the number of GFE workstations with critical and potentially exploitable vulnerabilities, indicating the agency’s risk level for cyberattacks. This is a measurement of the most frequently compromised assets.
- % of GFE workstations scanned monthly. Measures the number of GFE workstations scanned to ensure vulnerabilities are addressed in a timely manner based on risk and impact. Leading indicator on the repeatability and effectiveness of the vulnerability assessment and remediation processes.
- % of GFE workstations patched within 30 days. Workstations are scanned monthly to make sure they have the most recent patches. GFE workstations that have been patched within the 30 days prior to the monthly scans have a reduced opportunity to exploit vulnerabilities.
- % of assets with valid baseline configuration. Measures the number of assets with a documented and validated baseline configuration. This is an indication of how well

the IT environment is known and secured. Undocumented assets cannot be effectively secured.

- % of GFE workstations deviating from baseline configuration. Measures the number of GFE workstations that deviate from that baseline without a documented risk acceptance. This is an indicator of the effectiveness of the configuration management process.
- % of unprivileged users using multi-factor authentication. Measures the number of unprivileged (i.e. general FTC staff) using multi factor authentication to access the FTC network, decreasing the risk of unauthorized access to agency systems
- % of privileged users using multi-factor authentication. Measures the number of privileged FTC staff (i.e., system administrators with elevated system rights) using multi-factor authentication to access the FTC network, decreasing the risk of insider threat and unauthorized access to highly sensitive data.

FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
N/A	N/A	N/A	3 of 8	6 of 8	6 of 8	Met	6 of 8	

FY 2019 Highlights: The FTC met its cybersecurity index target for FY 2019, representing a substantial increase from FY 2018. Three individual metrics met or exceeded their target, contributing to the overall increase in the index score.

- Percentage of privileged users using multi-factor authentication. This improvement is a direct result of the maturation and improvement of FTC’s continuous monitoring processes and measurement. Specific process improvement include regular reviews of privileged user accounts to ensure compliance and legitimate business need for elevated privileges.
- Percentage of GFE workstations scanned monthly. During FY 2019, FTC worked to resolve issues with virtual desktop infrastructure that allowed for more accurate scanning of workstations and improved our ability to obtain an accurate count.
- Percentage of GFE workstations patched within 30 days. This metric also benefitted from maturation of FTC’s continuous monitoring practices. FTC implemented a monthly review of workstation data to ensure visibility of patching needs and gaps, improved data collection to improve accuracy, and gained a better understanding of the current tools and configurations.

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

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

FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
N/A	N/A	N/A	N/A	≥ 25.0% of WNRC holdings processed	16.8%	Not Met	≥ 25.0% of WNRC holdings processed	

FY 2019 Highlights: During the fiscal year, the agency identified over 6,700 boxes (or 41% of the agency’s WNRC holdings) for disposition. NARA was able to process 2,779 boxes, before losing the vendor it uses to dispose of boxes held at WNRC. As a result, the agency was unable to dispose of its WNRC holdings that had been designated for destruction. For FY 2020, NARA has identified a new disposition vendor and the FTC anticipates resuming scheduled destruction.

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

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

FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Actual	FY 2019 Status	FY 2020 Target	FY 2021 Target
N/A	N/A	N/A	N/A	Transfer permanent electronic records dated 2004-2006	2004-2006 records transferred	Met	Transfer permanent electronic records dated 2007-2009	Transfer permanent electronic records dated 2010-2012

FY 2019 Highlights: FTC submitted over 5.0 GB of electronic records of 2004-2006 Commission actions to NARA. These submissions ensured the agency’s compliance with OMB’s Managing Government Records Directive, and NARA’s December 2022 deadline past which they will no longer accept permanent records in paper format.

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