FY 2012 and 2013 Performance Plan

Budgeted Resources by Objective
($ in thousands)

Protect Consumers

Strategic Goal 1: Prevent fraud, deception, and unfair business practices in the marketplace	FY 2012 FTE	FY 2012 Amount	FY 2013 FTE	FY 2013 Amount
Objective 1.1: Identify fraud, deception, and unfair practices that cause the greatest consumer injury	92	$34,719	92	$34,909
Objective 1.2: Stop fraud, deception, unfairness and other unlawful practices through law enforcement	443	$110,687	447	$106,118
Objective 1.3: Prevent consumer injury through education	50	$15,086	50	$14,277
Objective 1.4: Enhance consumer welfare through research, reports, rulemaking, and advocacy	45	$11,360	45	$10,760
Objective 1.5: Protect American consumers in the global marketplace by providing sound policy recommendations and technical advice to foreign governments and international organizations to promote sound competition policy	8	$3,900	8	$3,453
Total	**638**	**$175,752**	**642**	**$169,517**

Maintain Competition

Strategic Goal 2: Prevent anticompetitive mergers and other anticompetitive business practices in the marketplace	FY 2012 FTE	FY 2012 Amount	FY 2013 FTE	FY 2013 Amount
Objective 2.1: Take actions against anticompetitive mergers and practices that may cause significant consumer injury	481	$119,395	487	$115,152
Objective 2.2: Prevent consumer injury through education	26	$6,521	26	$6,204
Objective 2.3: Enhance consumer welfare through research, reports, and advocacy	19	$4,723	19	$4,501
Objective 2.4: Protect American consumers in the global marketplace by providing sound policy recommendations and technical advice to foreign governments and international organizations to promote sound competition policy	12	$5,172	12	$4,626
Total	**538**	**$135,811**	**544**	**$130,483**

Objectives by FTE
($ in thousands)

Protect Consumers

	Fiscal Year 2012						Fiscal Year 2013					
	Objective Number					Total FTE	Objective Number					Total FTE
	1	2	3	4	5		1	2	3	4	5	
Financial Practices	4	88	4	6	0	102	5	90	4	6	0	105
Privacy and Identity Protection	6	34	2	9	0	51	6	34	2	9	0	51
Marketing Practices	5	87	2	3	0	97	5	88	2	3	0	98
Advertising Practices	5	45	1	6	0	57	5	45	1	6	0	57
Enforcement	3	50	1	1	0	55	3	50	1	1	0	55
Planning and Information	39	8	3	0	0	50	39	8	3	0	0	50
Consumer and Business Education	0	0	20	1	0	21	0	0	20	1	0	21
Economic and Consumer Policy Analysis	1	1	1	3	0	6	0	1	1	3	0	5
Management	5	15	3	4	0	27	5	15	3	4	0	27
Support	24	115	13	12	8	172	24	116	13	12	8	173
Total	92	443	50	45	8	638	92	447	50	45	8	642

Maintain Competition

	Fiscal Year 2012					Fiscal Year 2013				
	Objective Number				Total FTE	Objective Number				Total FTE
	1	2	3	4		1	2	3	4	
Premerger Notification	16	2	1	0	19	19	2	1	0	22
Merger and Joint Venture Enforcement	184	8	4	1	197	185	8	4	1	198
Merger and Joint Venture Compliance	9	1	1	0	11	8	1	1	0	10
Nonmerger Enforcement	127	5	3	1	136	128	5	3	1	137
Nonmerger Compliance	2	0	0	0	2	3	0	0	0	3
Antitrust Policy Analysis	3	1	3	0	7	3	1	3	0	7
Other Direct	16	2	2	0	20	16	2	2	0	20
Support	124	7	5	10	146	125	7	5	10	147
Total	481	26	19	12	538	487	26	19	12	544

Annual Performance Measures: Fiscal Years 2010 to 2013

	FY 2010 Actual	FY 2011 Actual	FY 2012 Target	FY 2013 Target
Strategic Goal 1 - Protect Consumers: Prevent fraud, deception, and unfair business practices in the marketplace.				
Objective 1.1: Identify fraud, deception, and unfair practices that cause the greatest consumer injury:				
Measure 1.1.1: Complaints collected and entered into the Consumer Sentinel Network database.	3.1 million	4.0 million	3.0 million*	3.0 million*
Key Measure 1.1.2: The percentage of the FTC's consumer protection law enforcement actions that are the subject of consumer complaints to the FTC.	95.9%	80.4%	70%*	
Measure 1.1.3: The rate of customer satisfaction with the FTC's Consumer Response Center.	(a) For the website, exceeded average citizen satisfaction rate as published in the American Customer Satisfaction Index E-Government Satisfaction Index		(a) For the website, exceed average citizen satisfaction rate as published in the American Customer Satisfaction Index E-Government Satisfaction Index	
	(b) For the call center, met standards for call centers developed by the Citizen Service Levels Interagency Committee	(b) For the call center, exceeded standards for call centers developed by the Citizen Service Levels Interagency Committee	(b) For the call center, meet or exceed standards for call centers developed by the Citizen Service Levels Interagency Committee	
Objective 1.2–Stop fraud, deception, unfairness, and other unlawful practices through law enforcement:				
Key Measure 1.2.1: The percentage of all cases filed by the FTC that were successfully resolved through litigation, a settlement, or issuance of a default judgment.	99.2%	100%	80 to 90%*	
Measure 1.2.2: The FTC's effectiveness in stopping prohibited business practices in three high priority areas over the next five years.	N/A		Statistically significant decrease in the prevalence of the practice	
Measure 1.2.3.: The percentage of redress cases in which the FTC distributes redress dollars designated for distribution to consumers within 6 months.	96%	100%	90%	

* *This target was increased as part of the FY 2012 Strategic Plan Addendum*

	FY 2010 Actual	FY 2011 Actual	FY 2012 Target	FY 2013 Target
Measure 1.2.4: Investigations or cases in which the FTC obtains foreign-based evidence or engaged in mutual assistance that contributes to FTC law enforcement actions or in which we cooperate with foreign agencies and/or multilateral organizations.	39	53	30	
Objective 1.3–Prevent consumer injury through education:				
Measure 1.3.1: Consumer protection messages accessed online or in print.	43.9 million	41.4 million	50 million	
Key Measure 1.3.2: Customer satisfaction rate with an FTC consumer education website or microsite.	Exceeded average citizen satisfaction rate as published in the American Customer Satisfaction Index E-Government Satisfaction Index		Exceed average citizen satisfaction rate as published in the American Customer Satisfaction Index E-Government Satisfaction Index	
Measure 1.3.3: Organizations requesting consumer education publications.	15,375	14,818	12,000*	12,300*
Objective 1.4–Enhance consumer welfare through research, reports, rulemaking, and advocacy				
Measure 1.4.1: Workshops and conferences convened or cosponsored that address consumer protection problems.	11	14	8*	
Measure 1.4.2: Advocacy comments and amicus briefs on consumer protection issues filed with entities including federal and state legislatures, agencies, or courts.	6	3	6	
Measure 1.4.3: The percentage of respondents finding the FTC's advocacy comments and amicus briefs "useful."	100%	100%	75%*	
Key Measure 1.4.4: The percentage of proposed Administrative Procedure Act (APA) rulemakings, conducted solely by the FTC, completed in 9 months of receipt of final comments in the Final Notice of Proposed Rulemaking.	100%	83.3%	75%	
Objective 1.5-Protect American consumers in the global marketplace by providing sound policy and technical input to foreign governments and international organizations to promote sound consumer policy				
Key Measure 1.5.1: Policy advice provided to foreign consumer protection and privacy agencies, directly and through international organizations, through substantive consultations, written submissions, or comments.	64	52	60*	
Measure 1.5.2: Technical assistance to foreign consumer protection and privacy authorities.	23	15	8	

Annual Performance Measures: Fiscal Years 2010 to 2013

	FY 2010 Actual	FY 2011 Actual	FY 2012 Target	FY 2013 Target
Strategic Goal 2 - Maintain Competition: Prevent anticompetitive mergers and other anticompetitive business practices in the marketplace.				
Objective 2.1–Take action against anticompetitive mergers and practices that may cause significant consumer injury				
Key Measure 2.1.1: Actions to maintain competition including litigated victories, consent orders, abandoned transaction remedies, restructured transactions remedies, or fix-it-first transactions remedies in a significant percentage of substantial merger and nonmerger investigations.	40%	31.8%	40 to 60%	
Measure 2.1.2: Consumer savings of at least $500 million through merger actions to maintain competition.	$586 million	$531.5 million	$500 million	
Measure 2.1.3: Actions against mergers likely to harm competition in markets with at least $25 billion in sales.	$22.5 billion	$22.7 billion	$25 billion	
Measure 2.1.4: Consumer savings of at least six times the amount of FTC resources allocated to merger program.	1,670%	1,417.3%	1300%*	
Measure 2.1.5: Consumer savings of at least $80 million through nonmerger actions taken to maintain competition.	$508 million	$444.9 million	$450 million*	
Measure 2.1.6: Actions against anticompetitive conduct in markets with a total of at least $8 billion in annual sales.	$11.7 billion	$11.6 billion	$12 billion*	
Measure 2.1.7: Consumer savings of at least four times the amount of FTC resources allocated to nonmerger program over a five-year period.	2,418%	1,917.7%	2000%*	
Measure 2.1.8: The percentage of cases in which the FTC had at least one substantive contact with a foreign antitrust authority in which the agencies followed consistent analytical approaches and reached compatible outcomes.	100%	100%	90%	

* *This target was increased as part of the FY 2012 Strategic Plan Addendum*

	FY 2010 Actual	FY 2011 Actual	FY 2012 Target	FY 2013 Target
Objective 2.2–Prevent consumer injury through education:				
Key Measure 2.2.1: Competition resources accessed via the FTC's website.	21.5 million	22.8 million	24 million*	
Objective 2.3–Enhance consumer through research, reports, and advocacy:				
Key Measure 2.3.1: Workshops, seminars, conferences, and hearings convened or cosponsored that involve significant competition-related issues.	6	4	4	
Key Measure 2.3.2: Reports and studies issues on key competition related topics.	9	11	8	
Key Measure 2.3.3: Advocacy comments and amicus briefs on competition issues filed with entities including federal and state legislatures, agencies or courts.	17	16	10*	
Measure 2.3.4: The percentage of respondents finding the FTC's advocacy comments and amicus briefs "useful."	100%	100%	75%*	
Measure 2.3.5: The volume of traffic on www.ftc.gov relating to competition research, reports, and advocacy.	2.2 million	1.8 million	1.7 million	
Objective 2.4: Protect American consumers in the global marketplace by providing sound policy recommendations and technical advice to foreign governments and international organizations to promote sound competition policy				
Key Measure 2.4.1: Policy advice provided to foreign competition agencies, directly and through international organizations, through substantive consultations, written submissions, or comments.	76	112	60*	
Measure 2.4.2: Technical assistance provided to foreign competition authorities.	60	27	10	

Annual Performance Measures: Fiscal Years 2010 to 2013

	FY 2010 Actual	FY 2011 Actual	FY 2012 Target	FY 2013 Target
Strategic Goal 3 - Advance Performance: Advance the FTC's performance through organizational, individual, and management excellence.				
Objective 3.1: Provide effective human resources management				
Measure 3.1.1: The extent employees believe their organizational culture promotes improvements in processes, products and services, and organizational outcomes.	Exceeded the government-wide results on the Federal Human Capital Survey's Results-Oriented Performance Culture Index		Exceed the government-wide results on the Federal Human Capital Survey's Results-Oriented Performance Culture Index	
Key Measure 3.1.2: The extent employees think the organization has the talent necessary to achieve organizational goals.	Exceeded the government-wide results on the Federal Human Capital Survey's Talent Management Index		Exceed the government-wide results on the Federal Human Capital Survey's Talent Management Index	
Objective 3.2–Provide effective infrastructure and security management				
Key Measure 3.2.1: A favorable Continuity of Operations (COOP) rating.	85%	75%	75%	
Key Measure 3.2.2: Availability of information technology systems.	99.77%	99.82%	99.0%	99.5%
Objective 3.3–Provide effective information resource management:				
Key Measure 3.3.1: The percentage of Commission-approved documents in ongoing and newly initiated public FTC proceedings available via the Internet within 15 days of becoming part of the public record.	93.8%	82%	80%	
Objective 3.4:Provide effective financial and acquisition management				
Measure 3.4.1: Independent auditor's financial statement audit results.	Unqualified		Unqualified	
Key Measure 3.4.2: The percentage of Bureau/Offices that establish and maintain an effective, risk-based internal control environment.	100%		100%	
Measure 3.4.3: Performance against the Small Business Administration's government-wide small business procurement goals.	58.9%	46.3%	23%	

Annual Performance Measures: Historical

	FY 2007 Actual	FY 2008 Actual	FY 2009 Actual
Protect Consumers **Goal 1: Prevent fraud, deception, and unfair business practices in the marketplace.**			
Objective 1.1–Identify fraud, deception, and unfair practices that cause the greatest consumer injury			
Measure 1.1.1: Collect and enter complaints and inquiries entered into the consumer database.	1,100,000	3,050,000	3,300,000
Measure 1.1.2: The percentage of the agency's consumer protection law enforcement actions that are responsive to complaint information gathered by the agency.	76%	71%	79%
Objective 1.2–Stop fraud, deception, unfairness, and other unlawful practices through law enforcement			
Measure 1.2.1: Stop economic injury to consumers each year through law enforcement.	$519 million	$474 million	$505 million
Measure 1.2.2: Stop fraudulent, deceptive, unfair, and other unlawful practices by obtaining orders or conducting other direct interventions with businesses resulting in a change in business conduct.	137	132	_ _ _
Objective 1.3–Prevent consumer injury through education			
Measure 1.3.1: Track consumer protection messages accessed online or in print.	47 million	49.2 million	43.1 million
Measure 1.3.2: Track consumer protection messages related to identity theft, accessed online or in print.	9.6 million	11.4 million	10.1 million
Measure 1.3.3: Track consumer protection messages in Spanish, accessed online or in print.	2.2 million	2.0 million	1.8 million
Measure 1.3.4: Track (a) the number of times print media publish articles that refer to FTC consumer protection activities and (b) the circulation of media that publish those articles.	(a) 3,066 articles (b) 863 million circulation	(a) 3,100 articles (b) 791 million circulation	(a) 2,484 articles (b) 702 million circulation
Objective 1.4–Enhance consumer welfare through research, reports, advocacy, and international cooperation and exchange			
Measure 1.4.1: Convene or participate substantially in workshops and conferences on novel or challenging consumer protection problems or issues.	10	16	9
Measure 1.4.2: Issue reports on novel or challenging consumer protection problems or issues.	8	12	14
Measure 1.4.3: File public and advocacy comments with other federal and state government agencies.	7	6	2
Measure 1.4.4: Cooperate with foreign government agencies on enforcement matters with cross-border components.	23	46	39
Measure 1.4.5: Provide consumer protection related policy or technical input to foreign government agencies or international organizations.	34	88	81

Annual Performance Measures: Historical

	FY 2007 Actual	FY 2008 Actual	FY 2009 Actual
Maintain Competition **Goal 2: Prevent anticompetitive mergers and other anticompetitive business practices in the marketplace.**			
Objective 2.1–Identify anticompetitive mergers and practices that cause the greatest consumer injury			
Measure 2.1.1: Achieve positive outcomes in matters in which HSR requests for additional information are issued.	100%	100%	100%
Measure 2.1.2: Percentage of significant nonmerger investigations that result in a positive outcome.	100%	100%	100%
Measure 2.1.3: Track the number of enforcement actions for the total mission, for the (a) merger and (b) nonmerger actions.	a) 22 b) 11	a) 21 b) 4	a) 19 b) 7
Measure 2.1.4 Report the number of (a) second requests, (b) reportable transactions for which premerger notifications were received, (c) HSR investigations that resulted in enforcement action, (d) transactions in which antitrust issues were resolved through voluntary abandonment or restructuring because of FTC concerns, and (e) investigations closed because the evidence indicated that a competitive problem was unlikely.	a) 31 b) 2,108 c) 20 d) 5 e) 11	a) 21 b)1,656 c) 12 d) 2 e) 7	a) 15 b) 684 c) 13 d) 1 e) 3
Measure 2.1.5: Track the number of significant nonmerger investigations closed each year, (a) with enforcement action and (b) without enforcement action.	a) 11 b) 17	a) 4 b) 14	a) 7 b) 27
Objective 2.2–Stop anticompetitive mergers and business practices through law enforcement			
Measure 2.2.1: Positive result of cases brought by FTC due to alleged violations.	100%	96%	96%
Measure 2.2.2: Achieve savings for consumers through merger enforcement.	$805 million	$360 million	$791 million
Measure 2.2.3: Take action against mergers likely to harm competition in markets with a total of at least $125 billion in sales over a five-year period; $25 billion in sales each year.	$ 42.6 million	$14.9 million	$22.3 million
Measure 2.2.4: Achieve savings for consumers through nonmerger enforcement.	$75 million	$28 million	$188 million
Measure 2.2.5: Take action against anticompetitive conduct in markets with a total of at least $40 billion in annual sales over five-year period; $8 billion each year.	$2.6 billion	$0.4 billion	$14.6 billion
Measure 2.2.6 Save consumers at least six times the amount of agency resources allocated to merger activity.	2,500%	1,121%	2,132%
Measure 2.2.7: Save consumers at least four times the amount of agency resources allocated to nonmerger enforcement activity.	424%	164%	1,035%

	FY 2007 Actual	FY 2008 Actual	FY 2009 Actual
Objective 2.3–Prevent consumer injury through education			
Measure 2.3.1: Quantify number of hits on antitrust information on FTC website.	15.7 million	12.5 million	11.9 million
Measure 2.3.2: Track (a) the number of times print media publish articles that refer to FTC competition activities and (b) the circulation of the media that publish those articles.	(a) 2,982 articles (b) 635 million	(a) 1,858 articles (b) 397 million	(a) 1,569 articles (b) 360 million
Objective 2.4–Enhance consumer welfare through research, reports, advocacy, and international cooperation and exchange			
Measure 2.4.1: Convene or participate substantially in workshops, conferences, seminars, and hearings involving significant competition-related issues.	7	5	8
Measure 2.4.2: Issue studies, reports, and working or issues papers on significant competition-related issues.	18	7	20
Measure 2.4.3: Make advocacy filings with other federal and state government agencies urging them to assess the competitive ramifications and costs and benefits to consumers of their policies.	11	12	10
Measure 2.4.4: Issue advisory opinions to persons seeking agency review of proposed business actions.	2	1	1
Measure 2.4.5: File amicus briefs with courts addressing competition-related issues.	4	1	2
Measure 2.4.6: Track the volume of traffic on ftc.gov relating to competition research, reports, advocacy, and international cooperation and exchange.	1.1 million	1.2 million	1.6 million
Measure 2.4.7: Track the number of (a) cases on which the FTC cooperated with a foreign competition authority, (b) consultations with or comments to foreign competition authorities, (c) written submissions on international fora, (d) international events attended, and (e) leadership positions held by FTC staff in international competition organizations.	(a) 61 (b) 70 (c) 19 (d) 48 (e) 8	(a) 79 (b) 89 (c) 30 (d) 68 (e) 9	(a) 87 (b) 56 (c) 19 (d)125 (e) 10

Strategic Goal 1: Protect Consumers

Prevent fraud, deception, and unfair business practices in the marketplace

The FTC has jurisdiction over a wide range of consumer protection issues. To carry out its broad mission, it must make effective use of limited resources by targeting its law enforcement and education efforts for maximum impact and by working closely with federal, state, international, and private sector partners in joint initiatives. In addition, the agency engages in dialogue with a variety of stakeholders to understand industry concerns, and engages in and encourages study of, and empirical research on, consumer protection topics.

Objective 1.1: Identify fraud, deception, and unfair practices that cause the greatest consumer injury

To fulfill its goal of protecting consumers, the FTC must identify consumer protection problems and trends in the fast-changing, increasingly global marketplace. The agency strives to understand the issues affecting consumers, including any newly emerging methods of fraud or deceit, so that it can target its enforcement, education, and advocacy to those areas where consumers suffer the most harm. The FTC reports this information to other law enforcement authorities and encourages those authorities to assist in its efforts, either independently or jointly. In this way, the FTC can leverage its resources by ensuring multiple "cops on the beat."

To fulfill this objective, the FTC is using new technologies creatively and building on its broad base of private and public sector partners. The agency continues to collect consumer complaint information directly through four principal sources: (1) a toll-free helpline (1-877-FTC HELP); (2) an identity theft hotline (1-877-ID-THEFT); (3) the National Do Not Call Registry (1-888-382-1222); and (4) the online consumer complaint forms that support each of these efforts, as well as online forms dedicated to complaints from members of the U.S. Armed Forces and to cross-border fraud complaints. In addition, the FTC continues to gather consumer complaint information from other sources, including state and federal law enforcement agencies, Better Business Bureaus, and private entities. Further, the FTC maintains an electronic mailbox (spam@uce.gov) to which Internet users are encouraged to forward spam.

The agency makes consumer complaint data and other information available to other law enforcers through the secure website of the Consumer Sentinel Network, which is currently accessible to more than 2,000 law enforcement partner agencies worldwide. The agency augments identification of targets from its databases with other strategies for generating enforcement leads, such as ad monitoring, Internet surfs (monitoring the Internet for potentially false or deceptive advertising for a targeted product or service), and direct referrals from government and private sector partners.

Strategies

- Continue to upgrade and enhance the Consumer Sentinel Network.
- Expand the pool of entities that make their consumer complaint data available to the law enforcement community through the Consumer Sentinel Network.
- Monitor the marketplace to identify illegal practices that may not be fully captured by the consumer complaint database, for example, through the FTC Internet Lab, Internet surfs, and consumer surveys.
- Make comprehensive consumer complaint information, as well as the analysis of that information, available to the FTC's law enforcement partners through the Consumer Sentinel Network.
- Review current functions and determine what changes or upgrades to the Consumer Sentinel Network would be helpful.
- Assess whether the FTC's law enforcement and education efforts are addressing the leading areas identified by the consumer complaint information gathered by the agency.

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- Continue to upgrade and enhance the Consumer Sentinel Network to meet the increasing volume of consumer complaints, larger number of users, and increased demands on access to pertinent data, and maintain it as the premier consumer protection law enforcement complaint database.
- Recruit state, local, federal, and foreign law enforcement agencies to join the Consumer Sentinel Network and contribute complaint data, and train them to take full advantage of its features.
- Improve the capacity to receive and integrate complaints from U.S. and foreign sources and facilitate the exchange of that data with law enforcement officials in the U.S. and other countries.

- Encourage consumers to report fraud, identity theft, financial and Do Not Call Registry complaints by increasing public awareness of the complaint process.

- Analyze the complaint data to identify enforcement targets and provide pertinent information to public and private sector partners.

- Ensure the quality, security, and integrity of the Consumer Sentinel Network.

- Coordinate with enforcement partners and other sources of case generation leads, and conduct test shopping, Internet surfs, and consumer surveys.

- Monitor national advertising in print, television, radio, and online to identify illegal practices that may not be captured fully by the complaint database.

- Identify novel or challenging consumer protection problems.

- Identify fraud targeting seniors through Consumer Sentinel Network complaints, reviewing "FTC Fraud Survey data," and developing relationships with key organizations.

Performance Measures

- The number of complaints collected and entered into the Consumer Sentinel Network database.

- The percentage of the FTC's consumer protection law enforcement actions that target the subject of consumer complaints to the FTC.

- The rate of customer satisfaction with the FTC's Consumer Response Center.

The first performance measure will ensure that the agency assimilates a large number of consumer complaints, including complaints about Do Not Call violations. The agency will receive 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. The second measure will ensure that FTC law enforcement actions target the subject of concerns identified by consumers. The third measure will ensure that the agency's Consumer Response Center is providing satisfactory service responding to consumers.

Evaluations

- Assess the extent to which the consumer complaint and other information made available by the agency is used by its staff and law enforcement partners. The FTC reviews the complaint data and other information it collects to identify and target the most serious cases of fraud and deception and respond

quickly to emerging problems. The agency also makes this information available to its law enforcement partners. Information sharing helps the agency coordinate its efforts to fight the many serious problems facing consumers. It also helps the agency leverage law enforcement resources, as other agencies who have access to the complaint data can take appropriate action to address consumer problems.

- Assess security and integrity protections for the Consumer Sentinel Network and proposed enhancements to the database and evaluate the policies in place.

Objective 1.2: Stop fraud, deception, unfairness, and other unlawful practices through law enforcement

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

Strategies

- Stop injury to consumers through aggressive law enforcement.
- Enforce consumer credit statutes and rules to protect consumers from deceptive lending practices, illegal credit practices, and unfair and deceptive mortgage loan practices.
- Challenge practices that threaten consumer privacy.
- Halt advertising and marketing practices that are most injurious to consumers or that prey on specific groups of vulnerable consumers.
- Target those individuals and corporations that violate federal court and administrative orders obtained by the FTC.
- Promote the criminal prosecution of the most egregious fraud violators through coordination with criminal law enforcement authorities.

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- Target law enforcement toward violations that create the greatest risks to consumer health, safety, and economic well-being by reviewing complaints, evaluating practices in the marketplace, and monitoring industry data and other information.

- Focus on fraud causing serious consumer injury, including business opportunities and "get rich quick" investment schemes, prepaid phone cards, deceptive health insurance or medical discount programs, economic downturn and stimulus fraud, unfair and deceptive educational services and products, sham charities and charitable solicitations, and spam.

- Stop financial fraud by targeting foreclosure "rescue" and loan modification scams; enforcing the debt relief services amendments to the Telemarketing Sales Rule; and targeting payday lenders, credit repair outfits, and other non-traditional creditors that are violating statutes the FTC enforces.

- Target unfair and deceptive mortgage advertising, servicing, and lending practices.

- Fight deceptive and abusive debt collection practices.

- Combat fraud affecting the poor and under-served communities, such as those offering income opportunities through jobs, investment, government grants, and other scams.

- Combat harmful practices by automobile dealers.

- Pursue enforcement action in cases in which companies have misrepresented their policies about the use of personal information they collect from consumers or failed to take appropriate steps to protect the security of personal information.

- Use law enforcement to promote better data security practices through enforcement of the Gramm-Leach-Bliley Act, the Fair Credit Reporting Act, and Section 5 of the FTC Act.

- Administer and enforce the National Do Not Call Registry and associated rules.

- Protect consumers from online and mobile threats, such asmobile spam, deceptive and unfair apps, and malware distributed through social networks.

- Promote compliance with consumer protection laws in the online and mobile marketplace.

- Reduce deceptive marketing through "negative options" imposing unauthorized charges.
- Target deceptive advertising affecting consumers' health and safety, focusing on disease prevention and treatment claims; claims aimed at baby boomers, seniors, and the uninsured; and claims exploiting emerging health threats.
- Pursue enforcement action involving deceptive environmental and energy claims .
- Target the "gatekeepers" and facilitators that make fraud possible.
- Aggressively combat fraud against Latino consumers through the FTC's Hispanic Outreach and Law Enforcement Initiative, and pursue additional outreach to African-American consumers.
- Address an expected increase in fraud targeting older Americans and those affected by the economic downturn.
- Monitor and enforce compliance with federal court and administrative orders.
- Train FTC staff to improve investigative and litigation skills through formal activities that teach best practices used in government and private industry.
- Increase the FTC's capacity to respond rapidly to fast-moving technology-based scams by enhancing the Internet Lab with mobile devices and increasing tech-savvy litigation support.
- Leverage FTC enforcement resources by recruiting, supporting, and coordinating local, state, federal, and international law enforcement partners for initiatives and sweeps.
- Work with criminal prosecutors and investigators to promote criminal prosecution of FTC fraud defendants and those who assist their deceptive practices.
- Distribute redress dollars to consumers in a timely manner.
- Actively cooperate with foreign counterparts on consumer protection matters.
- Seek an extension of the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers Beyond Borders (U.S. SAFE WEB) Act of 2006, which is scheduled to expire in December 2013.

- Continue to create and sustain international partnerships and networks to pursue matters involving foreign defendants, evidence, and assets, using the tools provided by the U.S. SAFE WEB Act.

- Expand the FTC's partnership with the DOJ Office of Foreign Litigation in the Civil Division and DOJ's Office of International Affairs in the Criminal Division to develop evidence for cases with international components and pursue foreign assets for consumer redress.

- Increase the FTC's forensic accounting capabilities to analyze financial documents and structure monetary settlements.

Performance Measures

- The percentage of all cases filed by the FTC that were successfully resolved through litigation, a settlement, or issuance of a default judgment.

- The FTC's effectiveness in stopping prohibited business practices in three high priority areas over the next five years.

- The percentage of redress cases in which the FTC distributes redress dollars designated for distribution to consumers within 6 months.

- Investigations or cases in which the FTC obtains foreign-based evidence or engages in other mutual assistance that contributes to FTC law enforcement actions or in which we cooperate with foreign agencies and/or multilateral organizations.

The first measure will ensure that the FTC successfully resolves cases, though it aims to file large, challenging, or precedent-setting cases when appropriate, including cases that raise novel legal and factual issues. The second measure will ensure the agency's success in changing business practices within priority areas and demonstrate the change through research methods. The high priority areas will be identified by Bureau of Consumer Protection management in consultation with Commissioners. The third measure will ensure that the FTC returns redress dollars to consumers as quickly as possible. Dollars are considered "designated for distribution" when the FTC is in receipt of all funds, legal issues are resolved, and a usable claimant list is ready. The last measure helps gauge law enforcement efforts from an international perspective, including continuing to use and further develop new powers authorized under the U.S. SAFE WEB Act of 2006 to achieve the objective.

Evaluations

Evaluate whether enforcement activities are tracking the areas of greatest concern and injury to consumers and whether there are new practices or technologies that require additional consumer protection law enforcement.

Objective 1.3: Prevent consumer injury through education

Consumer and business education serves as the first line of defense against fraud, deception, and unfair practices. Most FTC law enforcement initiatives include a consumer and/or business education component aimed at preventing consumer injury and unlawful business practices, and mitigating financial losses. The agency also conducts pre-emptive consumer and business education campaigns to raise awareness of new or emerging marketplace issues that have the potential to cause harm. The agency creatively uses new technologies and private and public partnerships to reach new and underserved audiences, particularly those who may not seek information directly from the FTC. The FTC will continue to publicize its consumer complaint and identity theft website addresses and toll-free numbers in an ongoing effort to increase public awareness of its activities and inform the public of the ways to contact the FTC to obtain information or file a complaint.

Strategies

- Focus consumer and business education efforts on areas where fraud, deception, unfair practices, and information gaps cause the greatest injury.
- Leverage resources (by working with federal, state, local, international, and private sector partners) to maximize the reach of consumer and business education campaigns.
- Target particular demographic groups with messages about marketplace issues that impact their health, safety, and economic well-being.

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- Deliver efficiently and effectively educational information in English and Spanish to consumers, industry members, and law enforcement partners on how to prevent consumer injury, avoid unlawful business practices, and enhance consumer welfare.
- Focus on key strategic areas – financial services, health and safety, identity theft, mobile, new technologies, green advertising, negative option market-

ing, telemarketing fraud, Do Not Call, affiliate marketing, immigration fraud, and financial issues/expenses (including funerals).

- Continue education programs to meet the demand for information about significant events in the marketplace, such as scams targeting consumers affected by the economic downturn, and directing outreach to financially distressed consumers.

- Monitor, review, and provide guidance to parents and children on marketing that may affect children and teenagers.

- Find new and creative ways to reach consumers with information about marketplace issues that can cause them financial injury and to reach businesses with information that increases knowledge about consumer risks and compliance.

- Build partnerships with industry and advocacy organizations to distribute publications and lead more visitors to the FTC's website (www.ftc.gov) and to other issue-oriented websites developed by the FTC such as, www.DoNotCall.gov, www.OnGuardOnLine.gov, and www.DontServeTeens.gov.

- Build relationships with international organizations to educate consumers and businesses about cross-border consumer protection issues.

- Increase media coverage to broadcast the agency's education message to a broader audience.

- Tailor messages to different groups and populations, including Latino and African-American consumers.

- Highlight fraud commonly affecting seniors through consumer education.

- Use different media to enhance outreach (webinars, tutorials, videos, blogs, articles, podcasts) and update the FTC's presence on the web, mobile, and other platforms.

- Develop education projects with state and local partner agencies to allow states and the FTC to benefit from comparative advantages enjoyed by the other and provide consumers with a level of service that neither working alone could provide.

- Educate media and advertising companies on rules-of-the-road for advertising.

- Conduct outreach to businesses that engage in word-of-mouth, mobile, and affiliate marketing, stressing that existing advertising principles (including revised Endorsement Guides) apply to new media and methods of marketing.

Performance Measures

- Consumer protection messages accessed online or in print.
- Customer satisfaction rate with an FTC consumer education website or microsite.
- Organizations requesting consumer education publications.

Consumer and business education are crucial tools in preventing and reducing consumer harm efficiently and effectively. The first performance measure will help ensure that the agency is engaging in a sufficient amount of educational activity and that the educational materials are aimed at new trends and at particularly vulnerable populations. The second measure will ensure that the agency's consumer education websites are effective and helpful for consumers. The third measure will ensure that the FTC is publicizing its activities in the best way possible, and that the agency has a wide array of partners to leverage resources.

Evaluations

- Measure the number of education messages disseminated each year relating to high-profile or emerging issues, such as mortgage rescue foreclosure scams, where consumer and business education can help alleviate consumer injury.
- Assess whether the appropriate mix of media is being used to communicate consumer education messages and whether the FTC is making the most efficient use of available media and technology.
- Assess the range of public and private sector organizations that partner with the FTC on outreach.
- Determine whether the FTC needs to reach new audiences, in light of any changes in demographics, advertising, and marketing practices, and what strategies or partnerships may allow the FTC to reach those audiences.
- Review the focus of FTC education efforts and adjust them based on changing consumer and business needs.
- Continue to assess and address the consumer information needs of the Hispanic, African-American, and elderly populations.

Objective 1.4: Enhance consumer protection through research, reports, rulemaking, and advocacy

The FTC uses a variety of strategies in addition to law enforcement and education to enhance consumer protection. The agency convenes and co-sponsors conferences and workshops through which experts and other experienced and knowledgeable parties identify novel or challenging consumer protection issues and discuss ways to address those issues. The FTC also issues reports that analyze consumer protection problems and provide recommendations to address them. Further, the FTC files comments with federal and state government bodies advocating policies that highlight the role of consumer and empirical research in their decision making and promote the interests of consumers. The agency regularly testifies before Congress on consumer protection issues. The FTC also files amicus briefs to aid courts' considerations of consumer protection issues.

Strategies

- Focus workshops and conferences on emerging or challenging consumer protection problems, especially those related to new technologies and financial concerns.

- Issue reports mandated by law and other reports that articulate concrete measures that the public and private sectors can take to address consumer protection problems, particularly those related to new technologies or financial concerns.

- Continue to enhance the agency's Regulatory Review Program and update, rescind, or promulgate trade regulation rules and other agency rules in response to regulatory reviews, Congressional mandates, and emerging consumer protection issues.

- Target advocacy activities to encourage state, federal, and foreign government policymakers to evaluate both the costs and benefits of their policies for consumers.

- Use letters and public comments to urge state, federal, and foreign governments to consider consumer research and other empirical data regarding the costs and benefits of their policies for consumers.

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- Convene and co-sponsor workshops and conferences and issue reports, including those required by law, on emerging or challenging consumer pro-

tection problems, such as malware and spyware threats to mobile devices and face recognition technology.

- Study new technologies to enable the FTC to take a lead role in addressing the privacy, security, and other risks of consumer harm associated with the technologies. Promote stronger privacy protections through policy initiatives, issue a final report on protecting consumer privacy, participate in interagency groups, provide technical assistance to Congress on draft legislation, and participate in international privacy events, develop international frameworks and enforcement cooperation agreements. In rulemakings, evaluate the regulatory effect on industry, consumers, and other parties, invite public comment, coordinate with other agencies, and promulgate rules accordingly.

- Complete the Children's Online Privacy Protection Act (COPPA) Rule review and the review of the FTC Guides for the Use of Environmental Marketing Claims, among others.

- Review public comments regarding the FTC's Regulatory Review Program and make changes as appropriate to improve effectiveness.

- Review Rules/Guides scheduled to be reviewed under the 10-year Regulatory Review Program and consider ways to reduce the compliance burden while maintaining important protections.

- Analyze federal and state government policies and identify those that impose costs on consumers that may exceed their benefits to consumers, especially policies that affect the dissemination of truthful, non-misleading information to consumers.

- File comments or otherwise engage in advocacy with state, federal, and foreign governments that evaluate both the costs and benefits of proposed policies on consumers, with a particular emphasis on the role of consumer research and other empirical data in their policy development, and an awareness of the intersection of competition and consumer protection concerns.

- Publicize advocacy comments to increase public awareness of consumer protection problems and solutions.

- File amicus briefs urging adoption of legal principles that promote consumer welfare.

- Present major policy speeches that discuss emerging or challenging consumer protection problems and explain the FTC's approach to them.

- Further the FTC's Congressionally-endorsed efforts to promote industry self-regulation in the marketing of entertainment and food to children.

Performance Measures

- Workshops and conferences convened or co-sponsored that address consumer protection problems.

- Advocacy comments and amicus briefs on consumer protection issues filed with entities including federal and state legislatures, agencies, or courts.

- The percentage of respondents finding the FTC's advocacy comments and amicus briefs "useful." (Note that "usefulness" is assessed by the recipient; the target percentage recognizes that comments critiquing a recipient's proposed action may not be assessed positively.)

- The percentage of proposed Administrative Procedure Act (APA) rulemakings, conducted solely by the FTC, completed within 9 months of receipt of final comments in the Final Notice of Proposed Rulemaking.

Public policy that enhances consumer protection is based on a thorough understanding of complex issues, which arises from dialogue, study, and empirical research. Such policy also appreciates that stakeholders other than government, such as industry associations or private standard-setting organizations, are at times better placed to address certain consumer protection issues. These performance measures will help ensure that the agency augments its enforcement and education efforts by encouraging discussions among all interested parties, through careful study of and empirical research on novel or challenging consumer protection problems, by urging adoption of policies and legal principles that promote consumers' interest, and by conducting rulemaking as appropriate. These activities will help guide the FTC's consumer protection policy decisions, as well as those of other state, federal, and international policymakers.

Evaluations

- Evaluate whether the FTC is filing comments or otherwise engaging in advocacy with state, federal, and foreign government bodies on consumer protection policies that will have a significant impact on consumers.

- Assess whether industry gives weight to the FTC's evaluation, monitoring, and advocacy and whether market interests are affected.

Objective 1.5: Protect American consumers in the global marketplace by providing sound policy and technical input to foreign governments and international organizations to promote sound consumer policy

The FTC increasingly works around the globe to address new and emerging consumer protection and privacy challenges and concerns. Numerous issues, including spam, phishing, spyware, telemarketing fraud, identity theft, data security and privacy, cross national borders. The resulting challenges require the FTC to cooperate with counterparts in foreign agencies and international organizations. The FTC addresses these challenges with a broad-based international program that strives to develop a global marketplace that provides consumers with consistent and effective protections and that helps foreign governments and international organizations improve their capacity to develop and implement sound consumer protection policies.

Strategies

- Pursue the development of an international consumer protection and privacy model that focuses on protecting consumers while maximizing economic benefit and consumer choice.

- Focus on understanding cutting-edge issues in technology and globalization that present challenges to American consumer interests.

- Influence policy development and implementation by advising multilateral organizations, regional entities, and foreign government agencies through substantive consultations and written comments.

- Provide technical assistance to newer consumer protection and privacy agencies to enhance their ability to apply sound consumer protection and privacy policies.

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- Engage through the Organization for Economic Cooperation and Development (OECD) to develop the next generation of policy principles in the area of consumer protection and electronic commerce on issues such as emerging online and mobile payments systems, digital content products, and interactive digital media.

- Work with international partners to strengthen cooperation among enforcement partners, including through new initiatives with foreign criminal authorities.

- Seek to finalize the Asia-Pacific Economic Cooperation (APEC) cross-border data privacy rules project.

- Consult with international authorities on developing new approaches to privacy and cross-border data transfers through the OECD and other international organizations.

- Continue to build and expand a robust consumer protection and privacy technical assistance program for newer consumer protection agencies.

- Further develop the International Fellows, intern, and international staff exchange programs.

Performance Measures

- Policy advice provided to foreign consumer protection and privacy agencies, directly and through international organizations, through substantive consultations, written submissions, or comments

- Technical assistance to foreign consumer protection and privacy authorities.

- These measures address the scope of our contact with international counterparts and help determine if our efforts are sufficiently broad-based.

Program Evaluations

- Where feasible, evaluate whether the advice and comments that the FTC provides to foreign government agencies and international organizations have been considered by the recipients in their policy development.

- Evaluate completed technical assistance missions to determine, from the perspective of participants and their managers, whether the assistance was deemed valuable.

Strategic Goal 2: Maintain Competition
Prevent anticompetitive mergers and other anticompetitive business practices in the marketplace

Objective 2.1: Take action against anticompetitive mergers and practices that may cause significant consumer injury

The FTC takes action to block or remedy anticompetitive mergers and to stop anticompetitive conduct. This antitrust enforcement provides substantial benefits to consumers by preventing anticompetitive mergers and other coordinated or unilateral conduct that are likely to lessen competition and innovation and cause consumers to pay higher prices or obtain lower quality goods and services than they otherwise would.

The FTC investigates proposed and consummated mergers, as well as anticompetitive conduct and agreements, and takes action when it has reason to believe that mergers or conduct will likely harm consumers. The FTC's enforcement actions result in litigation, consent orders, and abandoned or restructured transactions or agreements. The FTC strives to maintain strong litigation capabilities to stop anticompetitive conduct and mergers and works to ensure that the remedies imposed by its consent orders are effective in maintaining competition in the marketplace.

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

On the nonmerger side, there is no comparable statutorily mandated program to help identify anticompetitive business practices. The FTC must instead employ a variety of methods to identify potentially anticompetitive practices (for example, consumer and competitor complaints, referrals from other government agencies, and monitoring the trade press).

Strategies

- Make efficient use of the initial period after HSR filings to determine whether a more detailed investigation is needed to assess whether a merger is likely to harm competition.

- Use trade press articles, consumer and competitor complaints, and other means to identify potentially anticompetitive mergers that were not required to be reported under HSR, or that were not reported in violation of HSR.

- Use and improve existing techniques for identifying potentially anticompetitive business practices, such as monitoring the trade press, responding to and following up on case leads by Congressional offices, other Executive Branch agencies, state and local governments, and potentially aggrieved parties.

- When appropriate, use compulsory process in merger and nonmerger investigations to obtain additional information needed to make an informed judgment about the anticompetitive potential of mergers and nonmerger practices.

- Negotiate consent orders and win litigated orders that have significant remedial, precedential, and deterrent effects and ensure that administrative litigation and adjudication reach a timely resolution.

- Continue to seek improvements in both the substantive aspects of remedies, as well as the process by which they are derived.

- Monitor and enforce compliance with consent decrees and orders and monitor and enforce compliance with HSR reporting obligations.

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- Resolve anticompetitive mergers and practices, where possible, by negotiating consent orders that secure relief with significant remedial, precedential, and deterrent effects without the need for litigation.

- Challenge anticompetitive mergers and business practices in federal court or through administrative litigation, and obtain relief with significant remedial, precedential, and deterrent effects.

- Continue effective administration of the review of nonmerger practices so that the FTC may investigate those that raise potentially significant competitive issues.

- Employ integrated teams of lawyers, economists, and other professionals to conduct an economically sound, fact-based analysis of mergers and other potentially anticompetitive business practices.

- Continue to improve the investigative skills and antitrust analysis training programs and continue to improve negotiation and litigation skills and refine investigative and decisional tools through continuous learning and identification of "best practices."

- Retain outside experts and consultants in relevant fields of expertise, as needed, when enforcement outcomes would be enhanced by specialized supplementary resources.

- Work with state or local officials, other federal agencies, and international agencies to maximize resources in taking action against anticompetitive mergers and business practices, and to minimize, to the extent possible, burdens on enforcers and business and duplication of effort, and to avoid conflicting remedies.

- Expedite the investigatory process including possible revisions to Part 2 of the FTC Rules of Practice.

- Assess whether revisions to the enforcement guidelines are required.

- Apply the merger process reforms to conduct investigations more efficiently, and continue to assess areas where improvements can be implemented in order to enhance enforcement outcomes while minimizing burdens on business.

- Continue to integrate e-government initiatives into mission activities.

- Apply the results of hearings, conferences, reports, studies, and workshops on significant competition issues to FTC case generation, investigation, and enforcement practices.

- Continue to monitor implementation of divestitures and other requirements of the FTC's merger consent orders. Seek civil penalties where appropriate if a respondent fails to fulfill its obligations under an order in a timely fashion.

- Improve the integration of budget and performance by linking goals and objectives to results; develop improved processes for use and analysis of management data.

- Collect data, for management review, regarding the FTC's efficiency in conducting investigations, such as the amount of time required to complete the HSR review process, the number of HSR matters requiring issuance of an investigative second request, the number of HSR and significant nonmerger investigations that result in enforcement action, the number of hours of staff time spent on investigations, and other costs associated with investigations.

Performance Measures

- Actions to maintain competition, including litigated victories, consent orders, abandoned, restructured, or fix-it-first transactions in a significant percentage of substantial merger and nonmerger investigations.

  » Filed Preliminary Injunctions or Permanent Injunctions, administrative litigations that are still pending, and abandoned, restructured, and fix-it-first enforcement actions that occurred without a second request or compulsory process are not included in "actions."

  » "Significant percentage" refers to the 40 to 60 percent target.

  » "Substantial investigation" includes, for merger investigations, second request, and compulsory process investigations. For nonmerger investigations, this refers to investigations where staff logged more than 150 hours.

- Consumer savings of at least $500 million through merger actions to maintain competition.*

- Actions against mergers likely to harm competition in markets with a total of at least $25 billion in sales.*

- Consumer savings of at least 13 times the amount of FTC resources allocated to the merger program. *

- Consumer savings of at least $450 million through nonmerger actions taken to maintain competition.*

- Actions against anticompetitive conduct in markets with a total of at least $12 billion in annual sales.*

- Consumer savings of at least twenty times the amount of FTC resources allocated to the nonmerger program.*

- The percentage of cases in which the FTC had at least one substantive contact with a foreign antitrust authority in which the agencies followed consistent analytical approaches and reached compatible outcomes.

These measures evaluate agency performance in several ways: the percentage of substantial investigations that have positive results (i.e., litigated victories, consent orders, or abandoned, fix-it-first, or restructured transactions), the volume of commerce affected (benefitted) by merger and nonmerger actions to maintain

*External factors may cause the results to fluctuate significantly from year to year. As a result, the agency's performance for these measures will be assessed each year by calculating the average of current year plus the previous four years.

competition, the estimated dollar savings to consumers resulting from merger and nonmerger actions, and the estimated dollar savings to consumers per dollar of enforcement resources.

In the absence of case-specific information, the dollar savings to consumers is conservatively estimated as one percent of the volume of commerce in the affected markets (for two years in merger cases and for one year in nonmerger cases). It is not intended as a precise estimate of consumer savings, but, rather, as an indication of general magnitude. A more precise estimate based on case-specific information will be used whenever possible. The use of a volume of sales performance measure does not mean that the FTC will only investigate and take enforcement action in markets with large sales volumes. The FTC will continue to investigate and take enforcement action as necessary in all markets where considerable consumer harm is likely. The benchmarks for the estimated dollar savings to consumers per dollar of enforcement resources for merger and nonmerger actions are based on historical experience, reflecting the different mix of cases and the different investigative and enforcement processes.

These measures will help guide the agency in challenging conduct that causes substantial consumer injury through targeting of its resources effectively and efficiently. These measures evaluate appropriate investigation, case selection, and resolution, whether through litigation or settlement, as well as the crafting of sufficient and effective remedies.

Evaluations

- Assess the scope of the FTC's annual merger actions to maintain competition, as reflected by the volume of commerce in markets in which the agency took merger actions.

- Determine whether the total volume of commerce in such markets is likely to reach $25 billion and determine whether the level of consumer savings is likely to reach $500 million.

- Compare the likely impact in these markets to the resources spent on the mission.

- Assess the scope of the FTC's annual nonmerger actions to maintain competition, as reflected by the volume of commerce in markets in which the agency took nonmerger actions.

- Determine whether the total volume of commerce in such markets is likely to reach $128 billion and determine whether the level of consumer savings is likely to reach $450 million.

- Compare the likely impact in these markets to the resources spent on the mission.
- Assess qualitatively the deterrence value and precedential significance of the enforcement actions brought during each year.
- Evaluate litigation performance for lessons that may be applicable to future litigation.
- Assess markets where investigations were closed without enforcement action and consider whether competition was harmed in the markets resulting in substantial consumer injury, and use this information to guide and enhance the agency's future investigations and enforcement actions.
- Assess the burden imposed on merger parties by the HSR merger investigation process, explore ways of reducing that burden without compromising effectiveness of investigations, and explore methods of measuring HSR compliance burden.
- Assess the FTC's efficiency in conducting antitrust investigations, explore ways to increase efficient use of investigatory resources and reduce burdens on business including through international cooperation mechanisms, and explore whether efficiency in conducting investigations can more meaningfully be measured.

Objective 2.2: Prevent consumer injury through education

Educating consumers and businesses about competition law and policy is a critical part of the FTC's mission. Informing businesses and their legal advisers about potential antitrust violations deters anticompetitive mergers and anticompetitive business practices from being proposed and reduces businesses' cost of compliance. Educating consumers about their rights and their ability to bring violations to the FTC's attention reduces the cost of identifying anticompetitive conduct. Providing consumers and businesses with information about how antitrust enforcement benefits the common good and also encourages cooperation with the FTC's investigations and enforcement actions.

Strategies

- Educate consumers and businesses about antitrust issues through traditional means such as guidelines, advisory opinions, reports, articles in professional

or other publications, speeches, and participation in professional organizations as well as through the FTC website, emails, and in press releases.

- Engage in outreach to lay groups and other stakeholders to provide information about the work of the FTC and basic principles of economics and competition.

- Engage in outreach to foreign competition agencies to facilitate the agency's efforts to promote convergence toward sound consumer-welfare-based competition enforcement and policy.

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- Monitor the content of complaints, press releases, and analyses to aid public comment to ensure they are "transparent," that is, that they explain in sufficient detail and with sufficient clarity the evidence and theory of a case, within the constraints of confidentiality requirements.

- Expand the use of other public statements to explain why the Commission elected not to take enforcement action in certain matters to further improve the public's understanding of the FTC's enforcement policies.

- Issue guidance to help businesses understand and comply with the application of the antitrust laws in certain areas, such as horizontal mergers, international operations, intellectual property, and health care.

- Continue to provide Commission and staff advisory opinions on various competition issues; continue to provide guidance in response to informal requests, particularly concerning HSR matters.

- Publish guidance issued by the FTC, including written releases, texts of speeches, Bureau of Economics reports, and other materials that explain the FTC's policies and procedures on the FTC website.

- Seek the participation of businesses and consumer groups in conferences, workshops, and hearings and continue to disseminate the materials relating to these events, including transcripts, written submissions, and reports.

- Continue to have Commissioners and staff speak at and participate in seminars, panel discussions, and conferences to explain how the FTC analyzes mergers and other business practices.

- When opportunities arise, engage in outreach to lay groups to provide information about the work of the FTC and basic principles of economics and competition.

- Engage in outreach to foreign competition authorities, practitioners, and international competition organizations.

- Develop and implement increasingly sophisticated web metric and analytical tools that will allow for a more accurate and representative view of the volume of traffic on the FTC's antitrust related webpages. Monitor the results generated by the new web metric applications and, where necessary, make adjustments to the corresponding target.

Performance Measure

- Competition resources accessed via the FTC's website.

Evaluations

- Evaluate what antitrust content on the FTC website generates the largest amount of public interest, and why, and use this information in setting future priorities.

- Seek input from consumer groups, business groups, bar groups, international competition organizations, and other FTC "customers" on the effectiveness of FTC educational efforts.

- Evaluate the transparency of FTC merger review policy by assessing the extent to which significant changes in such policy are communicated to stakeholders.

Objective 2.3: Enhance consumer benefit through research, reports, and advocacy

In addition to its enforcement authority, the FTC has the unique jurisdiction to gather, analyze, and disseminate certain information concerning the nature of competition as it affects U.S. commerce. The FTC uses that authority to hold public hearings, convene conferences and workshops, conduct economic studies on competition issues of significant public importance, and issue reports of its findings.

This authority advances the competition mission in numerous ways. The agency uses the information internally to refine the theoretical framework for analyzing competition issues and the empirical understanding of industry practices, which contributes substantially to an effective response to changing marketplace conditions. The information gained through this authority, combined with the agency's professional expertise on competition issues, also contributes to a better understanding of business practices and their competitive and economic implications on various entities, including the business sector, the legal community, other enforce-

ment authorities, the judiciary, and governmental decision makers and policymakers at the federal, state, and local levels.

In particular, the agency testifies before Congress on competition issues. The FTC uses its expertise to encourage governmental actors at all levels to evaluate both the costs and the benefits of their policies for consumers, and to ensure such policies promote consumer benefit. This advocacy includes formal and informal dialogue with state and federal policymakers and amicus curiae briefs filed with state and federal courts.

Strategies

- Conduct public hearings, conferences, and workshops that bring together interested parties to enhance understanding of various practices and developments in the marketplace.

- Conduct studies as requested by Congress and other studies as appropriate.

- Conduct economic studies of the effects of business actions on competition and consumers in accordance with agency data quality standards, as applicable, to ensure the quality of information that may be disseminated publicly.

- Target advocacy activities to encourage state and federal government policymakers to evaluate both the costs and the benefits of their policies for consumers, emphasizing the impact on consumers of policies that unnecessarily restrict competition.

- File amicus curiae briefs with state and federal courts deciding important competition policy issues urging them to adopt legal rules that benefit consumers by promoting competition.

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- Conduct hearings, conferences, and workshops on significant competition issues.

- Continue to support outreach efforts to international bodies and foreign agency officials and practitioners to explain U.S. antitrust perspectives on competition theories and approaches, participate in dialogue with competition authorities of other countries and international organizations on transnational competition issues that affect American consumers and businesses, continue to aid young competition regimes with the development of antitrust laws and policies by designing and conducting technical assistance programs.

- File comments or otherwise engage in advocacy with state, federal, and foreign government policymakers to encourage them to adopt policies that

maximize consumer welfare by evaluating both the costs and the benefits of their policies for consumers.

- Prepare amicus briefs addressing important competition policy issues under consideration in court proceedings.

Performance Measures

- Workshops, seminars, conferences, and hearings convened or cosponsored that involve significant competition-related issues.
- Reports and studies issued on key competition-related topics.
- Advocacy comments and amicus briefs on competition issues filed with entities including federal and state legislatures, agencies, or courts.
- The percentage of respondents finding the FTC's advocacy comments and amicus briefs useful. (Note that "usefulness" is assessed by the recipient; the target percentage recognizes that comments critiquing a recipient's proposed action may not be assessed positively.)
- The volume of traffic on www.ftc.gov relating to competition research, reports, and advocacy.

These measures will help ensure that the agency is engaging in appropriate types and sufficient levels of research, reports, and advocacy to ensure that they are relevant to consumers, policymakers, business, and the legal community.

Evaluations

- Include evaluation forms with workshop and conference materials to help assess whether the workshops and conferences are an effective means of joining the debate relating to these issues.
- Seek input from consumer groups, business groups, bar groups, and others on the value of the agency's research, reports, advocacy submissions, and international activities relating to the competition mission.
- Evaluate whether the FTC is filing comments or otherwise engaging in advocacy with state and federal policymakers on competition policies that will have a significant impact on consumers.
- Assess whether the recipients of these comments give weight to the views expressed in these comments in making policy decisions that affect consumers.

Objective 2.4: Protect American consumers in the global marketplace by providing sound policy recommendations and technical advice to foreign governments and international organizations to promote sound competition policy

The FTC continues to build cooperative relationships with foreign antitrust agencies to ensure close collaboration on cross-border cases and convergence toward sound competition policies and practices. The FTC seeks more effective, coordinated reviews of multijurisdictional mergers, and is working towards achieving consistent outcomes in cases of potential unilateral anticompetitive conduct. Participation in multilateral competition organizations provides valuable opportunities to promote international cooperation and convergence and for competition officials to share insights on law enforcement and policy initiatives.

Strategies

- Pursue the development of an international market-based competition model that focuses on the maximization of consumer benefit.
- Influence policy development and implementation through multilateral organizations and bilateral relations.
- Provide technical assistance to newer competition agencies to enhance their ability to apply sound competition policies.

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- Maintain the FTC leadership role in the International Competition Network, including through participating in substantive groups on unilateral conduct, merger procedures, the online curriculum project, and the Steering Group.
- Enhance our participation in other key multilateral and regional fora, including OECD, UNCTAD, and APEC.
- Advance cooperation and convergence with foreign competition agencies by further improving cooperation in merger matters and on single firm conduct policy and enforcement, including through leadership on multilateral initiatives to promote cooperation and convergence.
- Strengthen relations with the Chinese and Indian competition agencies through dialogue on legislative initiatives and case cooperation as appropriate, and the provision of technical assistance.

- Work with other US agencies in intergovernmental fora that address competition issues.

- Maintain and improve the FTC technical assistance program.

- Maintain and improve the International Fellows and exchange programs.

Performance Measures

- Policy advice provided to foreign competition agencies, directly and through international organizations, through substantive consultations, written submissions, or comments.

- Technical assistance provided to foreign competition authorities.

These measures address the scope of our contact with international counterparts and help determine if our efforts are sufficiently broad-based.

Program Evaluations

- Where feasible, evaluate whether the advice and comments that the FTC provides to foreign government agencies and international organizations have been considered by the recipients in their policy development.

- Evaluate completed technical assistance missions to determine, from the perspective of participants and their managers, whether the assistance was deemed valuable.

Strategic Goal 3: Advance Performance

Advance the FTC's performance through organizational, individual, and management excellence

The FTC recognizes that a strong foundation of organizational, individual, and management excellence is a driver of mission success. Goal 3 embodies cross-cutting, ongoing efforts to advance mission performance and enable Goal 1 and Goal 2 to focus on protecting consumers and maintaining competition. Collaborative in nature, this goal captures shared responsibility for agency excellence on behalf of all who rely on the FTC to be an effective guardian of informed consumer choice and free and open markets.

The four objectives supporting this goal align with four key functional areas: human resources, infrastructure and security, information resources, and finance and acquisition. In carrying out our strategies, we will undertake a range of efforts—from managing employees effectively to exercising responsible stewardship of taxpayer dollars. Work in these areas is intended to foster a culture of leadership and accountability and to create conditions that enable decision making while establishing a framework of planning, administration, and management. At the individual level, all employees are expected to assume leadership roles in their areas of responsibility by exhibiting a willingness to develop and coach others, a commitment to teamwork and collaboration, and a drive to meet challenges with innovation and urgency. Collectively, these efforts lay the groundwork for achieving organizational, individual, and management excellence.

Objective 3.1: Provide effective human resources management

This objective is aligned with our Human Capital Plan, which encompasses leadership and knowledge management, a results-oriented performance culture, talent management, and job satisfaction. We use an integrated approach that ensures human capital programs and policies are linked to the mission, goals, and strategies, while providing for continuous improvement in efficiency and effectiveness. This objective captures our work ensuring that we have the right talent in the right positions at the right time to meet the challenges of the 21st century by attracting, developing, motivating, and retaining a highly skilled and diverse workforce.

Strategies

- Implement programs and processes that will enable the agency to quickly recruit, develop, and retain a qualified, diverse workforce through an integrated workforce plan.

- Use the integrated workforce plan to identify and fulfill current and future human resources needs to carry out the mission.

- Create an agency-wide performance culture focused on individual and organizational accountability toward the achievement of the FTC's programmatic goals and priorities.

- Implement an employee survey to measure employees' perceptions about conditions that characterize successful organizations, such as leadership quality, performance culture, and talent capacity at the FTC.

- Provide human resources management training and outreach to staff.

- Support employees' efforts to improve their knowledge base and skills in a variety of ways, e.g., by participating in professional activities related to the FTC's mission.

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- Promote and expand the use of human resources flexibilities throughout the FTC.

- Use innovative ways to reach out to managers, supervisors, and employees on human resources issues.

- Identify and implement business process improvements through effective use of technology to facilitate FTC's human resources.

Performance Measures

- The extent employees believe their organizational culture promotes improvement in processes, products and services, and organizational outcomes.

- The extent employees think the organization has the talent necessary to achieve organizational goals.

These performance measures address central aspects of this objective. The FTC recognizes that its employees are its greatest asset and places great emphasis on the importance of human resources management to the successful accomplishment of its mission. The FTC seeks employee feedback on the extent they believe the organization culture promotes improvement in processes, products and services, and

outcomes and the extent the FTC has the right talent in the right positions at the right time to carryout the mission.

Program Evaluations

- Assess whether the FTC's human capital policies, programs, and processes are addressing the areas identified by employees gathered by the agency annually through the employee survey.

- Review current programs and processes, identify what changes would be helpful, and implement those changes.

Objective 3.2: Provide effective infrastructure and security management

This objective encompasses building, modernizing, and maintaining physical and information technology infrastructure to ensure a safe and secure workplace, to achieve mission goals, and to respond to and anticipate both routine and emergency agency requirements. The agency's Continuity of Operations Plan (COOP) represents a principal initiative under this objective. The Federal Emergency Management Agency (FEMA) conducts annual testing of all federal agency COOP programs. Each federal agency is graded on its responses to the questions and their communication methods by FEMA staff. A second important initiative involves facilities management and space usage. The FTC works with General Services Administration (GSA) to lease space and assesses staff requirements to anticipate needs for outfitting the buildings with adequate work space, conference space and storage space. Finally, managing technical infrastructure and ensuring the availability and reliability of the agency computer and communication facilities represents another important dimension of our work under this initiative.

Strategies

- Promote staff awareness by regularly participating in COOP testing.

- Continue incorporating best practices and gleaning knowledge from FEMA staff.

- Determine, in cooperation with GSA, best space usage alternatives, including identifying a new site for staff currently housed at the New Jersey Avenue and 1800 M Street buildings in Washington, DC.

- Continue to take advantage of cost-effective IT solutions.

- Increase internal network performance auditing and monitoring.
- Inform and educate customers within the agency about IT systems vulnerabilities and/or unusual network activity.
- Provide annual information security and privacy awareness training and outreach to staff.
- Ensure that staff has continued access to current, authoritative reference materials in FTC mission areas.

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- Evaluate COOP rating and determine support requirements.
- Continue partnership with GSA leasing specialists.
- Research alternatives such as telework participation, job sharing, and housing staff off-site.

Performance Measures

- A favorable Continuity of Operations (COOP) rating.
- Availability of information technology systems.

These measures gauge important dimensions of maintaining physical and information technology infrastructure and security. A COOP rating offers insight to agency preparedness across a wide spectrum of issues related to facility and operations management. Network availability addresses the reliability of the FTC computer and communications systems.

Program Evaluations

- Assess COOP funding against results, determine further staffing requirements, and determine cost to further maintain the program.
- Collect feedback from GSA Tenant Surveys and from FTC staff.
- Perform periodic reviews of the percentage of utilized space.

Objective 3.3: Provide effective information resources management

The FTC recognizes that sound management of information resources is essential to meeting its strategic goals. The agency manages information in order to enable staff to make thoughtful decisions and perform their work, to facilitate appropriate public access, and to protect sensitive information from inappropriate access and release. The agency is undergoing a multiyear transition to managing information resources in an electronic format as one of the best means of meeting this objective.

Strategies

- Implement a comprehensive retention schedule authorizing maintenance and disposition of agency records in electronic format that has been approved by the National Archives and Records Administration (NARA).
- Utilize an electronic document management system (EDMS) to house work product and official records.
- Identify and implement business process improvements through effective use of technology.
- Develop and implement additional information management policies and procedures.
- Provide information and records management training and outreach to staff.

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- Promote and expand the use of the EDMS to house work product and official records.
- Identify and implement business process improvements through effective use of technology to facilitate the Commission's decision making processes and its management of cases.
- Promote the use of web-based e-filing of public comments in FTC rulemakings and other proceedings which seek public comments, to facilitate public participation and web posting of comments.
- Promote the use of web-based e-filing in FTC adjudicative proceedings under Part 3 of the Rules of Practice, to facilitate filing by participants in those proceedings and web posting of public filings.

- Provide information and records management training and outreach to staff, with special emphasis on managing information electronically throughout its lifecycle.

Performance Measure

- The percentage of Commission approved documents in ongoing and newly initiated FTC proceedings available via the Internet within 15 days of becoming part of the public record.

This performance measure facilitates public awareness of and participation in Commission activities. Timely availability of public documents gauges the depth and scope of our transparency in this area.

Program Evaluations

- Assess whether particular e-file structures are appropriate for organizing various types of information.
- Review the means by which FTC maintains and monitors access restrictions to sensitive electronic files.
- Assess training needs.

Objective 3.4: Provide effective financial and acquisition management

Resource stewardship and financial oversight are fundamental to establishing the accountability and transparency through which organization, individual, and management excellence are fostered. Effective financial and acquisition management means that the FTC protects American consumers and maintains competition in a fiscally responsible manner. Doing so remains one of our top priorities.

Our work in this area covers a wide range of administrative and operational efforts such as formulating and executing the agency budget, managing acquisition activities, overseeing the internal control program, managing accounting operations, spearheading audit resolution, and ensuring compliance with various financial management laws and regulations. By promoting consistency and integrity throughout the organization, these initiatives and others like them contribute not only to efficient program delivery, but also to effective and efficient agency administration overall. These efforts are critical to maintaining the management infrastructure needed to carry out our mission.

Strategies

- Integrate disparate systems with the agency's core financial system.
- Align resources to strategic priorities and outcomes so we will be focused on our most important tasks and programs.
- Enhance the internal control environment through developing and maintaining appropriate guidance and training for all staff.
- Implement the best business solutions to accomplish our goals through world-class acquisition and business processes.
- Cooperate with the Office of Inspector General on audits and investigations of FTC programs and operations.

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- Enhance the reporting capabilities within the integrated financial system to provide timelier, more accurate, and more reliable financial information to agency decision makers.
- Document improved processes and policies for financial and acquisition management that promote integrity, transparency, efficiency, and effectiveness.

Performance Measures

- Independent auditor's financial statement audit results.
- The percentage of Bureaus/Offices that establish and maintain an effective, risk-based internal control environment.
- Performance against the Small Business Administration's government-wide small business procurement goals.

Together, these measures address the most important aspects of this objective. The financial statement audit determines whether our financial statements are presented fairly, in all material respects, in conformity with generally accepted accounting principles. The audit also addresses internal controls over financial reporting, and compliance with applicable laws and regulations. The internal control measure demonstrates our commitment throughout the agency to promote integrity, efficiency, effectiveness, and economy. Achieving our small business procurement goal demonstrates that our procurements meet or exceed a major federal acquisition standard.

Program Evaluations

- Assess internal administrative and programmatic operations to address areas that need improvement.

- Assess our acquisition procedures to see if federal regulations and standards are met and that contracting officer's representatives (CORs) meet mandatory training requirements.

- Review financial and feeder system implementation goals to ensure that user needs and federal standards and requirements are met.