

FEDERAL TRADE COMMISSION (FTC)
Statement of Regulatory Priorities (2026)

No economic system in history has better promoted the common good than the American free-enterprise system. No economic system has contributed more to human flourishing. But our free-enterprise system promotes the common good of all Americans only if we protect it from anticompetitive business practices, anticompetitive mergers and acquisitions and fraud. Without vigorous enforcement of our competition and consumer-protection laws, our free-enterprise system would benefit only the wealthy and the corrupt.

The Federal Trade Commission is charged by statute with rooting out unfair methods of competition and unfair or deceptive acts or practices. Its mission is vital to the national interest because, when markets are fair and competitive, consumers, workers and honest businesses all benefit. The Commission works to ensure well-functioning markets that protect people's economic freedom, choice, and liberty.

Under the new administration, the FTC has gone back to the agency's roots. Vigorous enforcement of the law is our focus. Congress established the FTC to be a cop on the beat for our markets, not to make the rules. We don't get to pick and choose what laws we like and what laws we don't. We enforce the laws that the people, through their representatives in Congress, have decided best promote competition and fairness. We investigate wrongdoing and, if we believe violations of the law are taking place, we bring lawsuits. We seek to protect competition and combat fraud through vigilance, fair and thorough investigations, and ultimately litigation. The FTC is here to defend our free enterprise-system and make it work for everyone. We want to protect Americans whenever they shop for groceries, go to the hospital, or speak online.

The FTC is directed by law to both protect consumers and promote competition in most sectors of the economy. This work is effectuated by three main bureaus at the FTC: the Bureau of Consumer Protection ("BCP"); the Bureau of Competition ("BC"); and the Bureau of Economics ("BE"), which supports both BCP and BC. The FTC's jurisdiction includes privacy and data protection, consumer fraud,

mergers and acquisitions, and anticompetitive conduct by companies. We enforce the law across a range of sectors, including healthcare, consumer goods, and high technology. The Commission has a unique set of tools to carry out its mission, such as its market study tool, as well as traditions like public workshops and open comment dockets, which allow the Commission to receive a wide breadth of information about a topic on which it is considering making policy.¹ The Commission also has the power to issue rules that define with specificity the kinds of conduct that constitute unfair or deceptive acts or practices.² But after a period of overactive rulemaking by the previous administration, the Commission is focused on enforcing existing laws against unfair, deceptive, and anticompetitive practices. Where rules are necessary, the Commission is committed to ensuring that they are narrowly tailored to protect consumers without unnecessarily burdening small businesses and hindering entrepreneurship and innovation.

Deregulatory Actions Rescinding “Significant” Rules

On February 12, 2026, the Commission issued a final rule implementing federal court decisions that vacated three of the Commission’s recent final rules that were each a “significant regulatory action” under the definition in section 3(f) of Executive Order 12866.³ 91 FR 6507 (Feb. 12, 2026). First, the Commission revised its recently amended trade regulation “Rule Concerning Recurring Subscriptions and Other Negative Option Programs” (“Negative Option Rule”), 16 CFR part 425, to recodify the text of the Negative Option Rule as it existed before the effective date of the Commission’s 2024 final rule amending it. Second, the Commission withdrew its final rule titled “Combating Auto Retail Scams Trade Regulation Rule” (“CARS Rule”), 16 CFR part 463. Third, the Commission removed its “Non-Compete Clause” Rule (“Non-Compete Rule”), 16 CFR part 910, from the Code of Federal Regulations. The Office of Management and Budget (OMB) designated these actions as Executive Order 14192 deregulatory actions.⁴

¹ See 15 U.S.C. 46(b); see also Fed. Trade Comm’n, A Brief Overview of the Federal Trade Commission’s Investigative, Law Enforcement, and Rulemaking Authority (May 2021), <https://www.ftc.gov/about-ftc/mission/enforcement-authority>.

² See 15 U.S.C. Sec. 57a.

³ Exec. Order No. 12866 of September 20, 1993, Regulatory Planning and Review, 58 FR 51735 (Oct. 4, 1993).

⁴ Exec. Order No. 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation, 90 FR 9065 (Feb. 6, 2025).

Deregulatory Updates to April 2025 Report Pursuant to EO 14219

The Commission is also carefully considering several proposed actions that were included in the April 2025 Report required by EO 14219.⁵

Rescinding or Revising Anti-Competitive Rules and Guides Pursuant to EO 14267

On April 14, 2025, the Commission launched a public inquiry into the impact of federal regulations on competition, with the goal of identifying and reducing anticompetitive regulatory barriers.⁶ The FTC launched this inquiry in response to Executive Order 14267, Reducing Anti-Competitive Regulatory Barriers.⁷ The FTC seeks to advance the President's agenda to revitalize the American economy. The FTC seeks to identify unnecessary regulations that exclude new market entrants, protect dominant incumbents, and predetermine economic winners and losers. On September 16, 2025, the Commission's Chairman Andrew N. Ferguson submitted recommendations for deleting or revising anticompetitive regulations across the entire federal government to OMB.⁸

Examples of anticompetitive regulations and guides that the Chairman recommends for deletion or modification include:

- The previous administration's Department of Transportation regulations that preference businesses owned by "socially and economically disadvantaged individuals" when awarding contracts for transportation projects, rather than allowing free competition on the merits.
- Department of Education regulations that permit colleges and universities to include the cost of textbooks and supplies as part of annual tuition, which thwarts students' ability to save money by buying their textbooks through alternative channels.

⁵ Exec. Order No. 14219 of February 25, 2025, Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative, 90 FR 20583, (Feb. 25, 2025).

⁶ Press Release, Fed. Trade Comm'n, FTC Launches Public Inquiry into Anti-Competitive Regulations, (Apr. 14, 2025), <https://www.ftc.gov/news-events/news/press-releases/2025/04/ftc-launches-public-inquiry-anti-competitive-regulations>.

⁷ Exec. Order No. 14267 of April 9, 2025, Reducing Anti-Competitive Regulatory Barriers, 90 FR 15629 (Apr. 15, 2025).

⁸ Press Release, Fed. Trade Comm'n, FTC Recommends Anticompetitive Regulations for Deletion or Revision, (Sept. 17, 2025), <https://www.ftc.gov/news-events/news/press-releases/2025/09/ftc-recommends-anticompetitive-regulations-deletion-or-revision>.

- Proposed Consumer Product Safety Commission regulations that would require table saws to use expensive finger-detection technology controlled by the sole patent holder.
- A Forest Service handbook that established eligibility requirements that inhibited entry from a younger generation of ranchers.

Amongst the recommendations, this report suggested the possibility of amending the scope of the Commission’s Amplifier Rule, 16 CFR 432, in two ways. First, the Commission may want to consider carving out devices that were designed, manufactured, or packaged prior to the August 2024 effective date. The cost of retesting and/or repackaging the devices may justify excluding these devices from the new testing requirements. Second, the Commission may want to consider carving out certain “integrated devices” from the Rule. The standardized testing procedure of the Rule works well with component amplifiers but not devices with built-in amplifiers (e.g. soundbars). The Rule may lead to power output disclosures that are inconsistent with the power output obtained by certain integrated devices. The report is now under review at the Office of Management and Budget. The FTC will continue to work collaboratively with OMB and all of the relevant federal agencies to rescind or revise their regulations as appropriate.

As set out in the prior section, the Commission acceded to the vacatur of the Non-Compete Clause Rule⁹ and removed 16 CFR part 910 from the Code of Federal Regulations. On September 4, 2025, the Commission also launched a public inquiry to better understand the scope, prevalence, and effects of employer noncompete agreements, as well as gather information to inform possible future enforcement actions.¹⁰

⁹ Press Release, Fed. Trade Comm’n., Federal Trade Commission Files to Accede to Vacatur of Non-Compete Clause Rule, (Sept. 5, 2025), <https://www.ftc.gov/news-events/news/press-releases/2025/09/federal-trade-commission-files-accede-vacatur-non-compete-clause-rule>.

¹⁰ Press Release, Fed. Trade Comm’n., Federal Trade Commission Issues Request for Information on Employee Noncompete Agreements, (Sept. 4, 2025), <https://www.ftc.gov/news-events/news/press-releases/2025/09/federal-trade-commission-issues-request-information-employee-noncompete-agreements>.

The Commission is rescinding the Policy Statement of the Federal Trade Commission on Biometric Information and Section 5 of the Federal Trade Commission Act.¹¹ In this statement, the Commission set forth policy positions concerning biometric information. The Policy Statement prevents companies from innovating for fear of their technology being characterized as having a disparate impact, and takes a remarkably broad approach to biometric information that exceeds existing law.

The Commission is also rescinding the 2021 Statement on Breaches by Health Apps and Other Connected Devices,¹² which has been superseded by rulemaking.¹³

Responses to OMB Deregulatory Request for Information Comments

In April 2025, OMB issued a Request for Information asking the public to identify federal regulations that should be rescinded or replaced because they are unnecessary, unlawful, unduly burdensome, or unsound.¹⁴ OMB reviewed the comments they received and found seventeen that referenced FTC regulations or guides.¹⁵ On September 17, 2025, OMB referred these comments to the Commission for consideration and action. The Commission responded directly to OMB regarding these comments.

II. Updates on Other Ongoing Rulemakings

Periodic Regulatory Review Program

In 1992, the Commission implemented a program to review its rules and guides on a regular basis. The Commission's review program is patterned after provisions in the Regulatory Flexibility Act, 5 U.S.C. sections 601–612, and complies with the Small Business Regulatory Enforcement Fairness Act of

¹¹ Fed. Trade Comm'n., Policy Statement of the Federal Trade Commission on Biometric Information and Section 5 of the Federal Trade Commission Act, (May 18, 2023), https://www.ftc.gov/system/files/ftc_gov/pdf/p225402biometricpolicystatement.pdf.

¹² See Fed. Trade Comm'n, Statement of the Commission: *On Breaches by Health Apps and Other Connected Devices* (Sept. 15, 2021), https://www.ftc.gov/system/files/documents/public_statements/1596364/statement_of_the_commission_on_breaches_by_health_apps_and_other_connected_devices.pdf

¹³ See Health Breach Notification Rule, 89 Fed. Reg. 47028 (May 30, 2024).

¹⁴ OMB, Request for Information: Deregulation, 90 FR 15481 (Apr. 11, 2025).

¹⁵ These include the Energy Labeling Rule; Impersonation Rule; Negative Option Rule; Alternative Fuels Rule; COPPA Rule; Junk Fees Rule; CARS Rule; Franchise Rule; Health Breach Notification Rule; Funeral Rule; Commercial Surveillance and Data Security Rule; Earnings Claim Rule (ANPRM and NPRM); Business Opportunity Rule; Green Guides; Noncompete Clause Rule; Hart-Scott-Rodino Premerger Notification Rule; Section 5 policy statement; and merger guidelines.

1996. The Commission's review program is also consistent with section 5(a) of Executive Order 12866, which directs executive branch agencies to reevaluate periodically all their significant regulations. The Commission's periodic review process will carefully consider regulatory burdens and streamline rules when feasible and appropriate, and is consistent with the administration's deregulatory agenda. Under the Commission's program, rules and guides are typically reviewed on a ten-year schedule that results in more frequent reviews than are generally required by the Regulatory Flexibility Act. The public can obtain information on rules and guides under review and the Commission's regulatory review program generally at <https://www.ftc.gov/enforcement/rules/retrospective-review-ftc-rules-guides>.

The program provides an ongoing, systematic approach for obtaining information about the costs and benefits of rules and guides and whether there are changes that could minimize any adverse economic effects, not just a "significant economic impact upon a substantial number of small entities."¹⁶ As part of each review, the Commission requests public comment on, among other things, the economic impact and benefits of the rule; possible conflict between the rule and state, local, or other federal laws or regulations; and the effect on the rule of any technological, economic, or other industry changes. Reviews may lead to the revision or rescission of rules and guides to ensure that the Commission's consumer protection and competition goals are achieved efficiently. Pursuant to this program, the Commission has rescinded more than 40 rules and guides promulgated¹⁷ under the FTC's general authority and updated dozens of other rules and guides since the program's inception.

Significant Regulatory Actions

The Office of Management and Budget has determined that if the Commission's proposed ANPRM amending the Unfair or Deceptive Fees Trade Regulation Rule ultimately results in a final rule, that rule would be a "significant regulatory action" under the definition in section 3(f) of Executive Order 12866.¹⁸ The Office of Management and Budget has also determined that if the Commission's proposed

¹⁶ 5 U.S.C. 610(a).

¹⁷ See, FTC Rules and Guides Previously Eliminated in the Regulatory Review Process, <https://www.ftc.gov/enforcement/rulemaking/retrospective-review-ftc-rules-guides>.

¹⁸ Press Release, Fed. Trade Comm'n., FTC Submits Draft ANPRM Related to Rental Housing Fees to OMB for Review, (January 30, 2026), <https://www.ftc.gov/news-events/news/press-releases/2026/01/ftc-submits-draft-anprm-related-rental-housing-fees-omb-review>.

ANPRM amending the Negative Option Rule ultimately results in a final rule, that rule would be a “significant regulatory action” under the definition in section 3(f) of Executive Order 12866.¹⁹

The Commission has no proposed rules that would have significant international impacts or any international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations, as defined in Executive Order 13609.²⁰

BILLING CODE 6750-01-P

¹⁹ Press Release, Fed. Trade Comm’n., FTC Submits Draft ANPRM Related to Negative Option Plans to OMB for Review, (January 30, 2026), <https://www.ftc.gov/news-events/news/press-releases/2026/01/ftc-submits-draft-anprm-related-negative-option-plans-omb-review>.

²⁰ Exec. Order No. 13609 of May 1, 2012, Promoting International Regulatory Cooperation, 77 FR 26413 (May 4, 2012).