



October 17, 2025

Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

**Re: Comments on Draft Strategic Plan for Fiscal Years 2026-2030
(Docket No. FTC-2025-0660)**

The U.S. Chamber of Commerce appreciates the opportunity to comment on the Federal Trade Commission's Draft Strategic Plan for Fiscal Years 2026-2030. We offer several comments: (1) we applaud the Draft Plan for refocusing the FTC on its core mission areas and correcting many missteps of the prior regime; (2) we encourage the FTC to define several terms, particularly "fair competition" and "human flourishing," in ways that are consistent with the consumer welfare standard, lest successive agency leadership and international competition agencies use these undefined terms to pursue agendas unrelated to competition on the merits; and (3) we encourage the agency to add the strategic goal of using competition advocacy tools to persuade international policymakers to adhere to the consumer welfare standard and avoid targeting U.S. companies for discriminatory treatment.

I. The Draft Strategic Plan Appropriately Focuses on the FTC's Core Mission Areas

As noted, the Chamber applauds the FTC for creating a Draft Plan that refocuses the FTC on its core mission areas and corrects many of the missteps of the prior regime. In particular, we appreciate that the Draft Plan commits to vigorous enforcement "without unduly burdening legitimate business activity." For decades, the reinstated clause appeared in the FTC's strategic plans under both Democratic and Republican administrations, signaling that the agency would calibrate its investigations, allegations, prohibitions, and remedies to target unlawful conduct while safeguarding legitimate business practices that fuel innovation and competition.

As the Chamber noted in 2021, under former Chair Lina Khan, the Commission inexplicably removed this language from the FTC's Strategic Plan for Fiscal Years 2022–2026—a provocative and concerning omission that foreshadowed a shift toward rulemaking, novel legal theories, and settlement terms that discounted costs to consumers, businesses, and the broader economy. Restoring the clause has

rebalanced the FTC's mission and reaffirmed its commitment to enforcing the law with careful attention to the consequences for honest business operations.

In keeping with this clause, we offer two ideas. First, we encourage the agency to consider adding performance metrics that adequately reflect growing costs of enforcement on the business community, such as the costs of filing the new HSR form and the speed of review. Moreover, both the public and the agency itself would benefit if the FTC measured the percentage of merger investigations that led to an order or abandonment of the proposed transaction, and, more generally, the percentage of investigations initiated by either Bureau that led to a court or administrative order (Objectives 1.1 and 2.1). Second, we encourage the agency to set as a strategic goal the repeal of the current Section 5 Guidelines, which are untethered from statute, and which have created significant uncertainty within the business community.

Finally, we also applaud the Draft Plan for stressing advocacy as a powerful tool to promote sound competition policy. At the state, federal, and even international levels, effective competition advocacy can serve as the proverbial “ounce of prevention” that can guide policymakers to design legal regimes with competition in mind. In keeping with the Trump Administration’s wider deregulatory initiatives, the FTC should continue to invest heavily in its competition advocacy efforts. Similarly, we agree that Objective 1.2 (“Provide Americans and businesses with research, information, and tools that offer guidance and mitigate harm.”) is vital to the protection of Americans from unfair or deceptive acts or practices in the marketplace.

II. The FTC Should Define Several Ambiguous Terms Consistent with the Consumer Welfare Standard

The Chamber encourages the agency to define the terms “fair competition” and “human flourishing” in ways that are consistent with the consumer welfare standard. As Goal 2, the Draft Plan states that the FTC will “Protect Americans from unfair methods of competition, prevent illegal monopolies, and promote *fair competition*.” (emphasis added). In its Vision statement, the FTC asserts that it wants “A strong American economy that promotes *human flourishing* through competition, economic freedom, and an informed public.” (emphasis added).

Both these terms are susceptible to multiple interpretations. The term “fair competition,” for example, is highly subjective and not amenable to easy administration. “Fairness” is an excellent virtue, but vague and subjective as an administrable standard. Trying to assign weights to vaguely defined notions of fairness would create confusion and could lead to arbitrary decisions that are not consistent with the rule of law. The manufacturer, the distributor, and the customer all will have very different notions of what constitutes a “fair” price. A firm and its rival

will have their own notions as to whether a particular competitive practice is “fair” or not.

Similarly, as part of a vision or goal, the promotion of “human flourishing” appears even less amenable to administration. Wider policy issues, such as concerns over smaller businesses and other social interests, are political conversations, not matters for sound competition policy. Competition policy protects competitive markets, but it is not designed to address other concerns. Any new and amorphous standards would necessarily introduce uncertainty and invite litigation and lobbying over whether a particular business practice or policy proposal would or would not promote “human flourishing.”

As such, we encourage the agency to define these terms consistent with the consumer welfare standard, which has long served as the touchstone of sound competition policy, or to delete references to these terms entirely. By doing so, the FTC’s current leadership would limit the ability of successive commissioners to use such terms to promote social agendas unrelated to competition and consumer welfare – for instance, a future chairman could assert that “human flourishing” necessitates a return to policies that promote diversity, equity, and inclusion.

More immediately, these changes would help to forestall international competition agencies and other policymakers from using competition policy as a protectionist weapon against U.S. companies. For many years, the Chamber has encouraged international policymakers to adopt objective standards, particularly the consumer welfare standard, to limit their discretion, provide certainty to the business community, and eliminate discrimination against U.S. companies. Should the FTC incorporate ambiguous terms into its Strategic Plan, however, international policymakers will have a precedent to follow suit and to use such ambiguity to target U.S. firms.

III. The FTC Should Revise its International Objective to Persuade International Policymakers to Adhere to the Consumer Welfare Standard and Avoid Targeting U.S. Companies

Currently, the Draft Plan identifies as a goal, “Engage internationally: In furtherance of U.S. interests, engage with international competition authorities and within multilateral fora to support FTC antitrust enforcement and policy priorities.” While we agree with this goal, we encourage the FTC to revise this statement to focus on persuading international policymakers to adhere to the consumer welfare standard and avoid targeting U.S. companies for discriminatory treatment.

Such a goal, of course, is consistent with both sound competition policy and U.S. interests. When operating abroad, U.S. firms must comply with local laws but should receive the same scrutiny and due process protections as any other company. As Chairman Ferguson has pointed out, however, in recent years the European Union

and other international policymakers have been targeting U.S. firms for discriminatory treatment and exorbitant penalties.

Moreover, such a goal would correct yet another one of the prior regime's inexplicable policies. Under former Chair Khan, the FTC improperly colluded with foreign competition agencies to target U.S. firms. By expressly laying out the goal of limiting international discrimination against U.S. firms, the FTC would send a powerful message to the international community that competition policy must focus on consumer welfare, rather than protectionism.

The U.S. Chamber appreciates the opportunity to comment to the Draft Plan, applauds many of its revisions, and would be happy to discuss these topics further.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Ashley Gum', with a stylized, flowing script.

W. Ashley Gum
Vice President, Consumer Policy
U.S. Chamber of Commerce