

ALERT

Most FTC Operations Suspended During Shutdown

December 31, 2018

As of Friday, December 28, the Federal Trade Commission's (FTC) funding has lapsed and it has implemented its shutdown contingency plan. Most agency operations have been suspended during the shutdown, which will affect companies with ongoing business before the FTC.

What will be affected?

Based on past experience and the agency's publicly available contingency plan, most parts of the agency will shut down and staff member contacts will be unavailable. Most staff work on rulemakings and the ongoing hearings on Competition and Consumer Protection in the 21st Century is likely to cease. Depending on how long the shutdown lasts, this could affect planning for the upcoming January 16, 2019 hearing on competition and consumer protection issues in broadband markets. Work on ongoing investigations will likely cease, though companies with pending deadlines likely to fall after the end of the shutdown will not necessarily have those deadlines tolled.

What may continue?

When it comes to ongoing litigation, agency officials will decide whether FTC staff will seek a stay to pause proceedings, in which case staff will continue working until a stay is granted. On the competition side, the agency will continue accepting premerger notification reports. But overall, much of the routine work of the agency will cease.

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