



Office of Commissioner  
Rebecca Kelly Slaughter

UNITED STATES OF AMERICA  
**Federal Trade Commission**  
WASHINGTON, D.C. 20580

**Statement of Commissioner Rebecca Kelly Slaughter**

*Regarding the Motion to Delegate Authority to Chairman to Comply with January 2025  
Executive Orders on DEI Programs and Associated Guidance*  
Commission File No. P859900  
January 23, 2025

President Donald J. Trump, on the day of his second inauguration, designated my colleague, Commissioner Andrew N. Ferguson, to lead the Federal Trade Commission as its Chairman. Since President Trump first nominated me to serve on this Commission in 2018,<sup>1</sup> I have had the privilege of working alongside three chairs, in both Republican and Democratic administrations, and I learned first-hand some of the weight of Chairman Ferguson's new responsibilities during my time as the Acting Chair of the Commission in 2021. I extend my congratulations to Chairman Ferguson and look forward to working with him and his team to fulfill the Commission's vital mission for the American people.

As Senate-confirmed Commissioners of an independent agency, my colleagues and I swear an oath to uphold the laws and the Constitution of the United States of America, not to serve any individual or ideology. Effectuating that oath requires that I carefully study matters before the Commission, listen to the expert advice of the agency's tremendous staff, and understand the legal and policy implications of proposed actions before I cast my vote.

At [REDACTED] last night, Chairman Ferguson circulated a motion requesting that he be delegated unspecified authority to implement three of President Trump's Executive Orders concerning diversity, equity, inclusion, and accessibility,<sup>2</sup> with a vote demanded by [REDACTED]

[REDACTED] I still have  
unanswered questions

[REDACTED] about the scope of the delegation and whether it is even necessary;  
[REDACTED]

The Commission's rules of procedure provide that Commissioners shall have no less than four business days following the circulation of a motion to consider voting matters.<sup>3</sup> Indeed, my

<sup>1</sup> See Press Release, The White House, President Donald J. Trump Announces Intent to Nominate and Appoint Personnel to Key Administration Posts (Mar. 26, 2018), <https://trumpwhitehouse.archives.gov/presidential-actions/president-donald-j-trump-announces-intent-nominate-appoint-personnel-key-administration-posts/>.

<sup>2</sup> The Executive Orders were just issued. See Press Release, The White House, Fact Sheet: President Donald J. Trump Protects Civil Rights and Merit-Based Opportunity by Ending Illegal DEI (Jan. 22, 2025), <https://www.whitehouse.gov/briefings-statements/2025/01/fact-sheet-president-donald-j-trump-protects-civil-rights-and-merit-based-opportunity-by-ending-illegal-dei/>.

<sup>3</sup> See Fed. Trade Comm'n, Office of the Secretary, Procedures Manual (Mar. 2022), Part V(C)(4).

Republican colleagues have objected to the lack of adequate time when they have not received substantial time beyond what is required under the Commission's rules to evaluate recommendations before the Commission.<sup>4</sup> Chairman Ferguson requested a vote on this motion by [REDACTED] today, however, so as a courtesy to him I registered my vote on that deadline. I voted "not participating" because I lacked sufficient time to consider the matter and exchange ideas as well as sufficient information on which to base a decision.

Because I was provided only [REDACTED] in which to consider the Chairman's motion and still have outstanding questions, I am not able to opine decisively about its merits, but as a general matter I believe that the Chairman already possesses all the power necessary to take steps to effectuate Executive Orders; he has already announced many actions to implement the three in question.<sup>5</sup> In a statement last night, the Chairman said that some "DEI-related directives, documents, or programs—including the current strategic plan—may not necessarily be brought into compliance under the Chairman's existing authority."<sup>6</sup> While our Chairman frets that he may have some unidentified powerlessness in these matters, his counterpart at the Federal Communications Commission has moved decisively<sup>7</sup> without requesting any ambiguous delegation of authority from his colleagues on an unprecedented timeframe. The strategic plan adopted by a previous Commission does not tie the Chairman's hands or bind any private actor; I believe that, just as with other parts of the Commission's website that he has taken down, the Chairman has all the power he needs to scrub its existence and publicly disclaim it. He also has all the power he needs to propose a new strategic plan, which I will gladly consider in the ordinary course.

I still have outstanding questions about the scope and meaning of the Chairman's motion "to modify" the previous Commission's strategic plan "and to take any other action" he deems necessary to comply with these Executive Orders. I am aware of no other delegation of power in the history of the agency in which one individual is empowered to substantively modify a document that has been approved by a majority of the Commission, be it a complaint, order, rule, plan, or otherwise. I do not know what else the vague universe of "any other action" might entail,

---

<sup>4</sup> My Republican colleagues have also been concerned in the past about voting with insufficient time to evaluate important questions before the Commission. *See, e.g.*, Fed. Trade Comm'n, Dissenting Statement of Comm'r Melissa Holyoak Regarding Closed Commission Meeting, at 3 (Jan. 16, 2025) ("It is therefore important for the Commission to give appropriate and due consideration to every matter."), [https://www.ftc.gov/system/files/ftc\\_gov/pdf/holyoak-statement-re-january-16-closed-commission-meeting.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/holyoak-statement-re-january-16-closed-commission-meeting.pdf); Fed. Trade Comm'n, Dissenting Statement of Comm'r Wilson at Open Comm'n Meeting (July 1, 2021) (The Commissioner rued that she had under "five business days to assess their scope, content, and interaction with other existing Commission resolutions and initiatives. And I have not had the benefit of expert staff input on the legal and economic rationales for undertaking these sweeping measures, let alone their potential impacts and consequences."), [https://www.ftc.gov/system/files/documents/public\\_statements/1591554/p210100wilsoncommnmeetingdissent.pdf](https://www.ftc.gov/system/files/documents/public_statements/1591554/p210100wilsoncommnmeetingdissent.pdf).  
<sup>5</sup> *See* Press Release, Fed. Trade Comm'n, FTC Chairman Ferguson Announces that DEI is Over at the FTC (Jan. 22, 2025), <https://www.ftc.gov/news-events/news/press-releases/2025/01/ftc-chairman-ferguson-announces-dei-over-ftc> (cataloguing actions taken yesterday that include closing the Commission's Office of Workplace Inclusivity and Opportunity and placing its five employees on leave, terminating the volunteer Diversity Council, removing materials from the Commission's website, discovering that no FTC contracts "contained DEI ideology," ordering the heads of all bureaus and offices to follow the Executive Orders, ordering a review of all Commission orders to see if they promote DEI, and forbidding the Commission from "promoting DEI" in any activities).

<sup>6</sup> *Id.*

<sup>7</sup> *See* Press Release, Fed. Comm'n's Comm'n, Chairman Carr Ends FCC's Promotion of DEI (Jan. 21, 2025), <https://docs.fcc.gov/public/attachments/DOC-409054A1.pdf>.

and I am aware of no precedent for such an ambiguous and undefined delegation of authority. Such a radical departure from agency practice surely deserves more [REDACTED] consideration, especially considering the lawlessness it invites.<sup>8</sup>

The FTC staff's tireless dedication to protecting American consumers and ensuring that our markets remain free and competitive is unparalleled. And I have witnessed throughout my tenure how the diversity of perspectives and experiences that staff bring to their essential work has powerfully strengthened the Commission's ability to deliver for all Americans. I also believe, however, that, just as past chairs did, Chairman Ferguson has broad rights to manage the agency as he sees fit, consistent with our statutory obligations to protect employees from retaliation, unlawful discrimination, and violations of their constitutional rights. Chairman Ferguson gets his way today.<sup>9</sup> In future matters, I hope that he will return to the agency's proud tradition of regular order, adequate process and notice, consultation with career staff, and seeking bipartisan input and agreement.

---

<sup>8</sup> Will Chairman Ferguson invoke this delegation to purport to unilaterally alter the terms of existing Commission orders? I urge him not to engage in any such chicanery. *See also* Fed. Trade Comm'n, Dissenting Statement of Comm'r Alvaro M. Bedoya on the "Emergency" Motion to Delegate Authority to Chairman to Comply with the Executive Orders on DEI Programs and Associated Guidance 2 n.13 (Jan. 23, 2025) (explaining other ways an unbounded delegation could imperil the Commission's mission). It is also worth noting that our former colleagues and my dear friends, Republican Commissioners Noah Joshua Phillips and Christine S. Wilson, objected even to clear and specific delegations of investigatory authority on the grounds that such delegations "create less accountability and more room for mistakes, overreach, cost overruns, and even politically[]motivated decision making." Fed. Trade Comm'n, Dissenting Statement of Comm'rs Phillips and Wilson Regarding the Issuance of Eight Omnibus Resolutions, at 1 (Sept. 14, 2021), [https://www.ftc.gov/system/files/documents/public\\_statements/1596256/p859900njpcswomnibusdissent.pdf](https://www.ftc.gov/system/files/documents/public_statements/1596256/p859900njpcswomnibusdissent.pdf).

<sup>9</sup> Commissioners Phillips and Wilson registered their shared disapproval of the 2022–2026 Strategic Plan at issue with one vote of "not participating" and one vote of "no," which allowed the Commission to proceed with its work instead of remaining deadlocked on a non-substantive vote. *See* Fed. Trade Comm'n, Dissenting Statement of Comm'r Christine S. Wilson Regarding the Federal Trade Commission Strategic Plan for Fiscal Years 2022–2026 (Aug. 26, 2022), [https://www.ftc.gov/system/files/ftc\\_gov/pdf/Wilson%20dissenting%20statement%20-%20strategic%20plan%20for%20FY22-26%20-%20final.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/Wilson%20dissenting%20statement%20-%20strategic%20plan%20for%20FY22-26%20-%20final.pdf). Commissioners Bedoya, Khan, and I voted today to afford Chairman Ferguson the same courtesy.