



Office of Commissioner  
Andrew N. Ferguson

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

**Dissenting Statement of Commissioner Andrew N. Ferguson**  
**Joined by Commissioner Melissa Holyoak**  
**Regarding the Business Opportunity and Earnings Claim Rulemaking Notices**  
Matter Numbers R111003 & R511993

January 13, 2025

I dissent from these three notices and advance notices of proposed rulemaking. As I have said repeatedly, the time for the Biden-Harris FTC to issue or propose new rules ended the morning after the presidential election.<sup>1</sup> The voters decisively rejected the Biden-Harris FTC's onerous regulatory agenda at the ballot box. Some of these proposed rules may be in the public interest and within our legal authority. But whether they are lawful, and whether they are prudent and sound policy choices, are decisions that belong to the incoming Trump Administration and not to lame-duck Biden functionaries. Fortunately, because these are notices of future rulemaking, the Trump Administration will decide whether they will ever become final rules.

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<sup>1</sup> Dissenting Statement of Comm'r Andrew N. Ferguson, Regarding the Telemarketing Sales Rule, Matter No. R411001 (Nov. 27, 2024).