



March 27, 2024

## **Bureaucratic Screw-ups Stall New FTC Commissioners**

By Paul Steidler

When the President and the US Senate want something from the bureaucracy, it usually happens immediately, but not in the case of getting new commissioners to serve on the Federal Trade Commission (FTC).

The delays in the swearing-in of Melissa Holyoak and Andrew Ferguson to be on the FTC more than two weeks after the US Senate confirmed them are disturbing. At best, this illustrates an unacceptable bureaucratic breakdown in which some heads should roll.

Here is the timeline of recent events:

- On March 7, the US Senate overwhelmingly confirmed Holyoak and Ferguson to serve as commissioners, marking the first time Republicans would serve as FTC Commissioners since March 31, 2023.
- Holyoak was sworn in on March 25. According to the FTC's website, Ferguson has still not been sworn in, as of this writing.
- Normally, new commissioners at the FTC are sworn in on the day of the vote or shortly afterwards. On average, it only took four days to swear in its three Democrat commissioners once they were confirmed, including weekends.

During an open public meeting at the FTC on March 21, the agency said onboarding issues prevented the two new commissioners from attending that meeting. No time frame was given for when they would appear.

The Lexington Institute then posted a tweet stream about the unusual and troubling delay.

The next day, March 22, *MLEX* published an exclusive story that announced that Holyoak and Ferguson, "...are set to begin their terms at the agency on Monday after Chair Lina Khan asked for bureaucratic paperwork, pertaining to their security clearances to be waived, MLEX has learned."

Congress should ask why the delay occurred and make sure steps are taken so it does not happen again.

Some additional background: On July 3, 2023, President Joseph R. Biden nominated Ferguson and Holyoak to serve on the #FederalTradeCommission. They would be the

first Republicans to serve at the FTC since Christine Wilson resigned, effective March 31, 2023. President Biden also nominated Commissioner Rebecca Kelly Slaughter to another term. She could continue serving at the FTC while her nomination was being considered.

In December, Republican infighting delayed a Senate confirmation vote on the nominees, with Senator Josh Hawley (R-MO) instituting a hold on nominee Andrew Ferguson.

On March 8, #FTC Chair #LinaKhan issued a press release, graciously welcoming Ferguson and #Holyoak to the Commission.

About the Author: Paul Steidler is a Senior Fellow with the Lexington Institute, a public policy think tank based in Arlington, Virginia.