

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Regulatory Agenda

AGENCY: Federal Trade Commission.

ACTION: Regulatory agenda.

SUMMARY: The Federal Trade Commission (FTC or Commission) is publishing its regulatory agenda in accordance with section 22(d)(1) of the Federal Trade Commission Act, 15 U.S.C. 57b–3(d)(1) and the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 to 612, as amended by the Small Business Regulatory Enforcement Fairness Act. The Commission’s agenda follows guidelines and procedures issued September 15, 2025, by the Office of Management and Budget in accordance with the provisions of Executive Order 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993) and Executive Order 14192, “Unleashing Prosperity Through Deregulation,” 90 FR 9065 (Feb. 6, 2025).

The Government-wide Unified Agenda of Federal Regulatory and Deregulatory Actions includes a list of all regulatory actions under development or review and is scheduled for publication in its entirety on www.reginfo.gov and www.regulations.gov in a format that offers users a greatly enhanced ability to obtain information from the agenda database.

The RFA requires publication in the **Federal Register** of agenda entries for rules that are likely to have a significant impact on a substantial number of small entities (5 U.S.C. 602) and any such rules that the agency has identified for periodic review under section 610 of the

RFA. For the 2026 agenda, the Commission has no rule that meets the RFA’s publication requirements.

The Commission has identified rulemakings that are likely to have some impact on small entities, but do not meet the RFA’s publication requirements. The current rulemakings that are likely to have some impact on small entities are: (1) the Energy Labeling Rule, 16 CFR 305; (2) the Alternative Fuel Rule, 16 CFR 309; (3) the removal of the vacated 2024 amendments to the Negative Option Rule, 16 CFR 425; (4) the Cooling-Off Rule, 16 CFR 429; (5) the Amplifier Rule, 16 CFR 432; (6) the Business Opportunity Rule, 16 CFR 437; (7) the Impersonation Rule, 16 CFR 461; (8) the withdrawal of the final rule for the vacated Combating Auto Retail Scams Rule (16 CFR 463); (9) the proposed Earnings Claims Trade Regulation Rule, to be codified at 16 CFR 462; (10) Unfair or Deceptive Fees Trade Regulation Rule, 16 CFR 464; and (11) the removal of the vacated Non-Compete Clause Rule from 16 CFR 910. The Commission’s rulemaking review process carefully considers regulatory burdens and streamlines rules when feasible and appropriate.

The majority of the rulemakings listed in the agenda are being conducted as part of the Commission’s systematic review of all of its regulations and guides on a rotating basis. Under the Commission’s program, rules are reviewed on a 10-year schedule. In each rule review, the Commission requests public comments on, among other things, the economic impact and benefits of the rule; possible conflict between the rule and state, local, or other federal laws or regulations; and

the effect on the rule of any technological, economic, or other industry changes. These reviews incorporate and expand upon the review required by the RFA and regulatory reform initiatives directing agencies to conduct a review of all regulations and eliminate or revise those that are outdated or otherwise in need of reform.

Except for notice of completed actions, the information in this agenda represents the judgment of Commission staff, based upon information now available. Each projected date of action reflects FTC staff’s assessment that the specified event will occur this year. No final determination by the staff or the Commission respecting the need for or the substance of a rule should be inferred from the notation of projected events in this agenda. In most instances, the dates of future events are listed by month, not by a specific day. The information in this agenda may change as new information, changes of circumstances, or changes in the law occur.

FOR FURTHER INFORMATION CONTACT: For information about specific regulatory actions listed in the agenda, call, email, or write the contact person listed for each particular proceeding. General comments or questions about the agenda should be directed to G. Richard Gold; Attorney, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, telephone: (202) 326–3355; email: rgold@ftc.gov.

By direction of the Commission.

April J. Tabor,
Secretary.

FEDERAL TRADE COMMISSION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
477	Non-Compete Clause Rule	3084–AB74

Federal Trade Commission (FTC)	Completed Actions
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477. NON-COMPETE CLAUSE RULE

Legal Authority: 15 U.S.C. 41 to 58
Abstract: On January 19, 2023, the Commission proposed the Non-Compete Clause Rule. 88 FRS 3482 (Jan. 19, 2023). The comment period as extended closed on April 19, 2023, 88 FR 20441 (Apr. 6, 2023), and the Commission received over 26,000 public comments. The Commission issued a final rule on May 7, 2024. 89 FR 38342 (May 7, 2024). The Non-Compete Clause Rule

provides that it is an unfair method of competition and therefore a violation of section 5 of the Federal Trade Commission Act for persons to, among other things, enter into or attempt to enter into non-compete clauses with workers on or after the final rule’s effective date. On August 15, 2024, a federal district court in Florida issued a decision granting a stay and enjoining the FTC’s enforcement of the Rule against the plaintiff in that case. On August 20, 2024, a federal district court in Texas issued a similar order, which had a nationwide effect of stopping the FTC from enforcing the rule on

September 4, 2024, the rule’s effective date. On March 7, 2025, the federal government filed motions for a 120-day stay of its challenges in the U.S. Court of Appeals for the Fifth and Eleventh Circuits. On September 5, 2025, the Commission voted 3–1 to dismiss its appeals in *Ryan, LLC v. FTC*, No. 24–10951 (5th Cir.), and *Properties of the Villages v. FTC*, No. 24–13102 (11th Cir.) and accede to the vacatur of the Non-Compete Rule. On February 12, 2026, the Commission issued a final rule removing the Non-Compete Rule codified at 16 CFR part 910 from the Code of Federal Regulations (CFR”) to

conform the rule to the courts' decisions in *Ryan* and *Properties of the Villages*. 91 FR 6507 (Feb. 12, 2026).

Timetable:

Action	Date	FR Cite
NPRM	01/19/23	88 FR 3482
NPRM Comment Period Extended.	04/06/23	88 FR 20441
NPRM Extended Comment Period End.	04/19/23	

Action	Date	FR Cite
Final Rule	05/07/24	89 FR 38342
Final Rule Effective Date—stayed.	09/04/24	
Motion to Stay Ruling for 120 Days.	03/21/25	
FTC Accedes to Vacatur of Rule.	09/05/25	
Withdrawal of Non-Compete Rule.	02/12/26	91 FR 6507

Regulatory Flexibility Analysis Required: Yes

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RIN: 3084–AB74

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