0-01-P

FEDERAL TRADE COMMISSION

Civil Penalty Inflation Adjustments

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: In accordance with guidance from the Office of Management and Budget ("OMB"), the Federal Trade Commission ("FTC")'s civil penalty amounts will remain unchanged during 2026. The FTC will continue to apply the 2025 civil penalty levels.

DATES: Effective **[INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

FOR FURTHER INFORMATION CONTACT: Marie Choi, Attorney (202-326-3368), Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: The Federal Civil Penalties Inflation Adjustment Act Improvements Act ("FCPIAA") of 2015 directs Federal agencies to annually adjust each civil monetary penalty under their jurisdiction for inflation pursuant to a cost-of-living adjustment.[1] The cost-of-living adjustment is based on the percent change between the U.S. Department of Labor's Consumer Price Index for All-Urban Consumers ("CPI-U") for the month of October preceding the date of the adjustment, and the CPI-U for October of the prior year.[2]

Under the FCPIAA, the OMB Director must annually provide agencies with guidance on carrying out civil penalty inflation adjustments.[3] On April 17, 2026, the OMB Director issued Memorandum M-26-11, *Cancellation of Penalty Inflation*

[1] Pub. L. No. 114-74, 701, 129 Stat. 599 (2015). The Act amends the Federal Civil Penalties Inflation Adjustment Act, Pub. L. No. 101-410, 104 Stat. 890 (codified at 28 U.S.C. 2461 note).
[2] 28 U.S.C. 2461 note at (3), (5)(b).
[3] *Id*. (7)(a).

Adjustments for 2026, Regarding the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, which stated that the inflation adjustment for 2026 was cancelled. M-26-11 explained that due to the government shutdown, the Bureau of Labor Statistics ("BLS") was unable to produce the October 2025 CPI-U data, which is needed to make adjustments under the FCPIAA. Therefore, M-26-11 announced that there would be no updated cost-of-living adjustment multiplier for 2026 and that agencies would continue using the 2025 civil monetary penalty amounts.

The FTC is publishing this notice to announce that no civil penalty adjustments will be made in 2026. The FTC will continue to apply the 2025 penalty levels.[4]

The FCPIAA, as amended, directs agencies to adjust civil monetary penalties through rulemaking and to publish the required inflation adjustments in the *Federal Register*, notwithstanding section 553 of title 5 in the United States Code. Because this notice does not amend regulatory text, prior public notice and comment under the Administrative Procedure Act and a delayed effective date are not required. The requirements of the Regulatory Flexibility Act ("RFA") do not apply.[5] In addition, this notice does not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1995 as amended. 44 U.S.C. 3501 *et seq.*

By direction of the Commission.

April J. Tabor,

Secretary.

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[4] *See* 16 CFR 1.98.

[5] A regulatory flexibility analysis under the RFA is required only when an agency must publish a notice of proposed rulemaking for comment. *See* 5 U.S.C. 603.