United States Senate
WASHINGTON, DC 20510

July 22, 2025

Andrew N. Ferguson
Chair
Federal Trade Commission
Washington, DC 20580

Dear Chair Ferguson:

We write regarding the Federal Trade Commission's (FTC) rulemaking to revise its Negative Option Rule to make it as easy for consumers to cancel a subscription as it was to sign up, frequently referred to as "click-to-cancel." A review of more than 16,000 comments from the public made clear what should be obvious: Businesses should not be allowed to trap consumers in costly subscriptions by making it difficult to unsubscribe—costing consumers valuable time and money while stifling competition. The FTC's vital click-to-cancel rule was set to go into effect on July 14, 2025. Yet, as you are aware, the Eighth Circuit Court of Appeals vacated the rule on procedural grounds. We urge the FTC to cure any perceived procedural defect and reissue the rule as quickly as possible to ensure consumers are protected from predatory subscription traps.

Putting this commonsense consumer protection in place is vital to foster competition, innovation, and fairness. In today's digital economy, more and more of what consumers purchase are offered as fee-for-service subscription programs, whether it be for video and music streaming services, ecommerce membership programs, gaming subscriptions, meal kit delivery services, cloud storage, home security monitoring, magazine or news subscriptions, fitness memberships, and many others. While these services are valued by many consumers, the costs for subscription services often add up to far more than consumers think, and it is often difficult for consumers to navigate the complicated process of cancelling those subscriptions. Other firms that allow consumers to subscribe to a service with the click of a button require consumers to talk to a customer service agent or jump through other hoops just to unsubscribe, even though many such businesses tell consumers they can cancel at any time. These practices have no countervailing benefit or redeeming justification. They just make life difficult and expensive.

These unfair practices also deter competition and stifle innovation. Subscription traps make it more difficult for consumers to switch providers, even if the alternative offers better, cheaper, or more innovative services. Allowing these practices incentivizes firms to spend time and resources locking consumers into their subscriptions rather than working to retain them with lower prices and better products. It also creates barriers to entry for innovative startups to break into markets because it is difficult for them to win consumers locked into competing subscriptions they cannot easily escape.

We urge the FTC to take all the steps necessary to reissue and finalize the Negative Option Rule so that consumers can cancel subscriptions quickly and easily.

Sincerely,

Amy Klobuchar
United States Senator

Chris Van Hollen
United States Senator

Ruben Gallego
United States Senator

Richard Blumenthal
United States Senator

Cory A. Booker
United States Senator

Kirsten Gillibrand
United States Senator

Jeffrey A. Merkley
United States Senator