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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

# H. R.

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To transfer antitrust enforcement functions from the Federal Trade Commission to the Department of Justice, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To transfer antitrust enforcement functions from the Federal Trade Commission to the Department of Justice, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “One Agency Act”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

1           (1) It is the policy of the United States to pro-  
2           mote the vigorous, effective, and efficient enforce-  
3           ment of the antitrust laws.

4           (2) The overlapping antitrust enforcement ju-  
5           risdiction of the Department of Justice and the Fed-  
6           eral Trade Commission has wasted taxpayer re-  
7           sources, hampered enforcement efforts, and caused  
8           uncertainty for businesses and consumers in the  
9           United States.

10          (3) It is preferable that primary Federal re-  
11          sponsibility for enforcing the antitrust laws of the  
12          United States be given to a single agency, and the  
13          Department of Justice is best suited to do so.

14 **SEC. 3. DEFINITIONS.**

15          In this Act:

16           (1) **ANTITRUST LAWS.**—The term “antitrust  
17           laws” means—

18                   (A) the Sherman Act (15 U.S.C. 1 et seq.);

19                   and

20                   (B) the Clayton Act (15 U.S.C. 12 et  
21                   seq.).

22           (2) **ASSISTANT ATTORNEY GENERAL.**—The  
23           term “Assistant Attorney General” means the As-  
24           sistant Attorney General for the Antitrust Division  
25           of the Department of Justice.

1           (3) COMMISSION.—The term “Commission”  
2 means the Federal Trade Commission.

3           (4) EFFECTIVE DATE.—The term “effective  
4 date” means the date described in section 7.

5           (5) FTC ANTITRUST ACTION.—The term “FTC  
6 antitrust action” means any litigation or administra-  
7 tive proceeding initiated by the Commission that—

8               (A) is supervised by an FTC Antitrust  
9 Unit; or

10               (B) relates to the antitrust laws or section  
11 5 of the Federal Trade Commission Act (15  
12 U.S.C. 45), as in effect on the day before the  
13 effective date.

14           (6) FTC ANTITRUST ASSETS.—The term “FTC  
15 antitrust assets”—

16               (A) means all electronic or tangible records  
17 and files relating to matters supervised, as well  
18 as any physical assets or equipment owned and  
19 used or retained, by an FTC Antitrust Unit;  
20 and

21               (B) does not include any office space or  
22 leased facilities or equipment.

23           (7) FTC ANTITRUST EMPLOYEE.—The term  
24 “FTC antitrust employee” means an individual who  
25 on the day before the effective date is employed by

1 the Federal Trade Commission and assigned to an  
2 FTC Antitrust Unit.

3 (8) FTC ANTITRUST FUNCTION.—The term  
4 “FTC antitrust function” means a function of the  
5 Commission relating to the antitrust laws or unfair  
6 methods of competition under section 5 of the Fed-  
7 eral Trade Commission Act (15 U.S.C. 45), as in ef-  
8 fect on the day before the effective date.

9 (9) FTC ANTITRUST FUNDING.—The term  
10 “FTC antitrust funding” means—

11 (A) all amounts appropriated before the ef-  
12 fective date by an Act of Congress to the Fed-  
13 eral Trade Commission that are designated, by  
14 Congress or the Commission, for an FTC Anti-  
15 trust Unit; and

16 (B) all fees collected by the Federal Trade  
17 Commission before the effective date under sec-  
18 tion 7A of the Clayton Act (15 U.S.C. 18a) and  
19 rules issued under that section.

20 (10) FTC ANTITRUST UNIT.—The term “FTC  
21 Antitrust Unit” means—

22 (A) the Bureau of Competition of the  
23 Commission; and

1 (B) each division of the Bureau of Eco-  
2 nomics of the Commission that is designated to  
3 work on FTC antitrust actions.

4 (11) FUNCTION.—The term “function” means  
5 any duty, obligation, power, authority, responsibility,  
6 right, privilege, activity, or program.

7 (12) TRANSITION PERIOD.—The term “transi-  
8 tion period” means the period beginning on the ef-  
9 fective date of this Act and ending on the later of—

10 (A) the date that is 1 year after the effec-  
11 tive date of this Act; or

12 (B) the date that is 180 days after the  
13 date described in subparagraph (A), which may  
14 be extended by the Assistant Attorney General  
15 once for an additional 180 days, if the Assist-  
16 ant Attorney General determines that a period  
17 longer than the period described in subpara-  
18 graph (A) is necessary to avoid harm to the in-  
19 terests of the United States or the effective en-  
20 forcement of the antitrust laws.

21 **SEC. 4. TRANSFER OF ANTITRUST ENFORCEMENT FUNC-**  
22 **TIONS FROM THE FEDERAL TRADE COMMIS-**  
23 **SION TO THE DEPARTMENT OF JUSTICE.**

24 (a) TRANSFER OF FUNCTIONS.—

1           (1) IN GENERAL.—Except as provided in para-  
2           graph (3)(D), there shall be transferred to the De-  
3           partment of Justice all FTC antitrust functions,  
4           FTC antitrust employees, FTC antitrust assets, and  
5           FTC antitrust funding on the earlier of—

6                   (A) the date determined by the Assistant  
7                   Attorney General under paragraph (2)(B); or

8                   (B) the end of the transition period.

9           (2) REQUIREMENT.—The Assistant Attorney  
10           General, taking care to minimize disruption to ongo-  
11           ing enforcement matters and in consultation as nec-  
12           essary with the Attorney General, the Office of Per-  
13           sonnel Management, the General Services Adminis-  
14           tration, and the Chairman of the Commission,  
15           shall—

16                   (A) take all necessary actions to complete  
17                   implementation of this Act before the end of the  
18                   transition period; and

19                   (B) determine the dates certain, which  
20                   may not be earlier than the effective date nor  
21                   later than the end of the transition period, on  
22                   which the transfers under paragraph (1) shall  
23                   occur.

24           (3) PERSONNEL.—

1           (A) ASSIGNMENT.—An FTC antitrust em-  
2           ployee transferred to the Department of Justice  
3           under this Act shall be assigned to the Anti-  
4           trust Division of the Department of Justice.

5           (B) EFFECT ON PERSONNEL.—Except as  
6           provided in subparagraph (C), the transfer  
7           under this Act of an FTC antitrust employee  
8           shall not cause the employee to be separated or  
9           reduced in grade or compensation for 1 year  
10          after the transfer date.

11          (C) EXECUTIVE SCHEDULE.—Notwith-  
12          standing subparagraph (B), the Assistant At-  
13          torney General may appoint an FTC antitrust  
14          employee in a Senior Executive Service position,  
15          as defined in section 3132 of title 5, United  
16          States Code, to a position within the Antitrust  
17          Division rate payable for a position at level 15,  
18          step 10 of the General Schedule.

19          (D) VOLUNTARY NONTRANSFER OF PER-  
20          SONNEL.—Notwithstanding paragraph (1), an  
21          FTC antitrust employee may, with the consent  
22          of the Chairman of the Commission, elect to re-  
23          main an employee of the Commission assigned  
24          to a non-FTC Antitrust Unit.

1           (E) OFFICE SPACE.—Upon request from  
2           the Assistant Attorney General, and in con-  
3           sultation as necessary with the General Services  
4           Administration, the Commission shall allow the  
5           Department of Justice to use any office space  
6           or leased facilities previously used by FTC anti-  
7           trust employees until such time as the Depart-  
8           ment of Justice may provide its own office  
9           space or facilities. After the transfer of FTC  
10          antitrust funding to the Department of Justice,  
11          the Department of Justice shall compensate the  
12          Commission for the costs of the use of such of-  
13          fice space or leased facilities.

14          (F) RESTRUCTURING.—Notwithstanding  
15          any other provision of law, the Assistant Attor-  
16          ney General is authorized to restructure the  
17          Antitrust Division before the expiration of the  
18          transition period, as the Assistant Attorney  
19          General determines is appropriate, to carry out  
20          the purposes of this Act and accomplish the ef-  
21          ficient enforcement of the antitrust laws.

22          (4) ANTITRUST ACTIONS.—

23                 (A) IN GENERAL.—As soon as is reason-  
24                 ably practicable during the transition period, all  
25                 open investigations, litigations, matters, or



1 other proceedings being supervised by an FTC  
2 antitrust unit and relating to the antitrust laws  
3 or unfair methods of competition under section  
4 5 of the Federal Trade Commission Act (15  
5 U.S.C. 45), as in effect on the day before the  
6 effective date, shall be transferred to and as-  
7 sumed by the Department of Justice.

8 (B) HANDLING OF CERTAIN ADMINISTRA-  
9 TIVE PROCEEDINGS.—Administrative pro-  
10 ceedings that were initiated by the Commission,  
11 were unresolved as of the first day of the tran-  
12 sition period, and relate to enforcement of the  
13 antitrust laws or unfair methods of competition  
14 under section 5 of the Federal Trade Commis-  
15 sion Act (15 U.S.C. 45), as in effect on the day  
16 before the effective date, shall be treated in the  
17 following manner:

18 (i) Any such proceeding pending be-  
19 fore an administrative law judge shall be  
20 dismissed without prejudice and the matter  
21 shall be referred to the Assistant Attorney  
22 General.

23 (ii) For any such proceeding pending  
24 on appeal before the Commission, the ad-  
25 ministrative appeal shall cease, the ruling

1 of the administrative law judge shall be  
2 treated as the final decision of the Com-  
3 mission, and the Court of Appeals for the  
4 District of Columbia Circuit shall have ju-  
5 risdiction over any appeal therefrom.

6 (C) INTERVENTION.—

7 (i) IN GENERAL.—In any FTC anti-  
8 trust action before a court of the United  
9 States as of the first day of the transition  
10 period, the court shall allow the Depart-  
11 ment of Justice to—

12 (I) intervene and assume rep-  
13 resentation of the Federal Govern-  
14 ment from the Commission; and

15 (II) amend any complaint origi-  
16 nally brought by the Commission for  
17 the purpose of alleging violations of  
18 statutes other than the Federal Trade  
19 Commission Act as necessary and  
20 where appropriate.

21 (ii) SCHEDULING ORDER UPON RE-  
22 QUEST.—Upon the request of the Commis-  
23 sion or the Department of Justice, and in  
24 consultation with all parties to the matter,  
25 the court shall issue an order making such

1 scheduling adjustments as necessary to fa-  
2 cilitate the transfer of prosecutorial re-  
3 sponsibilities under this subparagraph.

4 (D) CONSENT DECREES.—At the end of  
5 the transition period, the Department of Justice  
6 shall have sole authority to enforce violations  
7 of, approve modifications to, or rescind any con-  
8 sent decree entered into by the Commission be-  
9 fore the effective date that concerns conduct al-  
10 leged to violate the antitrust laws or unfair  
11 methods of competition under section 5 of the  
12 Federal Trade Commission Act (15 U.S.C. 45),  
13 as in effect on the day before the effective date.

14 (5) AUTHORITY TO CONDUCT INVESTIGATIVE  
15 STUDIES.—

16 (A) REPORTS OF PERSONS, PARTNER-  
17 SHIPS, AND CORPORATIONS.—

18 (i) IN GENERAL.—The Department of  
19 Justice may require, by general or special  
20 orders, persons, partnerships, and corpora-  
21 tions, engaged in or whose business affects  
22 commerce to file with the Department in  
23 such form as the Department may pre-  
24 scribe annual or special reports or answers  
25 in writing to specific questions, furnishing

1 to the Department such information as the  
2 Department may require as to the organi-  
3 zation, business, conduct, practices, man-  
4 agement, and relation to other corpora-  
5 tions, partnerships, and individuals of the  
6 respective persons, partnerships, and cor-  
7 porations filing such reports or answers in  
8 writing.

9 (ii) OATH.—Reports and answers re-  
10 quired under clause (i) shall—

11 (I) be made under oath or other-  
12 wise as the Department may pre-  
13 scribe;

14 (II) pertain solely to competition  
15 or the application of the antitrust  
16 laws; and

17 (III) be filed with the Depart-  
18 ment within such reasonable period as  
19 the Department may prescribe, unless  
20 additional time be granted in any case  
21 by the Department.

22 (B) PUBLICATION OF INFORMATION OR  
23 REPORTS.—

24 (i) IN GENERAL.—Except as provided  
25 in clause (ii), the Department of Justice—

1 (I) shall make public from time  
2 to time such portions of the informa-  
3 tion obtained by the Department  
4 under this paragraph as are in the  
5 public interest;

6 (II) may make annual and spe-  
7 cial reports to Congress that include  
8 recommendations for additional legis-  
9 lation; and

10 (III) shall provide for the publi-  
11 cation of reports and decisions of the  
12 Department in such form and manner  
13 as may be best adapted for public in-  
14 formation and use.

15 (ii) PROHIBITION AGAINST PUBLICA-  
16 TION OF PRIVILEGED OR CONFIDENTIAL  
17 INFORMATION.—

18 (I) IN GENERAL.—Except as pro-  
19 vided in subclause (II), the Depart-  
20 ment of Justice shall not make public  
21 any trade secret or any commercial or  
22 financial information that is obtained  
23 from any person and that is privileged  
24 or confidential.

1 (II) EXCEPTION.—The Depart-  
2 ment may disclose information de-  
3 scribed in subclause (I) to—

4 (aa) officers and employees  
5 of appropriate Federal law en-  
6 forcement agencies or to any offi-  
7 cer or employee of any State law  
8 enforcement agency upon the  
9 prior certification of an officer of  
10 any such Federal or State law  
11 enforcement agency that such in-  
12 formation will be maintained in  
13 confidence and will be used only  
14 for official law enforcement pur-  
15 poses; or

16 (bb) any officer or employee  
17 of any foreign law enforcement  
18 agency under the same cir-  
19 cumstances that making material  
20 available to foreign law enforce-  
21 ment agencies is permitted under  
22 section 21(b) of the Federal  
23 Trade Commission Act (15  
24 U.S.C. 57b–2(b)).

1           (6) BENEFIT OF ANTITRUST DIVISION.—All  
2           FTC antitrust assets and FTC antitrust funding  
3           transferred under this subsection shall be for the ex-  
4           clusive use and benefit of the Antitrust Division of  
5           the Department of Justice.

6           (b) TRANSITION PERIOD.—

7           (1) IN GENERAL.—Except as provided in para-  
8           graph (2), beginning on the effective date, the Com-  
9           mission may not—

10           (A) hire or assign an employee to an FTC  
11           Antitrust Unit;

12           (B) open a new investigation or matter  
13           within an FTC Antitrust Unit or relating to  
14           antitrust enforcement;

15           (C) without the approval of the Assistant  
16           Attorney General, enter into a consent decree,  
17           enter into a settlement agreement, or otherwise  
18           resolve an FTC antitrust action; or

19           (D) initiate a new FTC antitrust action.

20           (2) ENFORCEMENT ON BEHALF OF THE DE-  
21           PARTMENT OF JUSTICE.—Notwithstanding para-  
22           graph (1), during the transition period, the Assist-  
23           ant Attorney General may deputize an FTC Anti-  
24           trust Employee to investigate or prosecute an al-  
25           leged violation of the antitrust laws on behalf of the

1 Department of Justice before the completion of the  
2 transfer of personnel under subsection (a)(3).

3 (3) SAME RIGHTS AND OBLIGATIONS.—

4 (A) IN GENERAL.—Notwithstanding any  
5 other provision of law, during the transition pe-  
6 riod all Department of Justice employees under  
7 the supervision of the Assistant Attorney Gen-  
8 eral shall have the same rights and obligations  
9 with respect to confidential information sub-  
10 mitted to the Commission as FTC antitrust em-  
11 ployees on the day before the effective date.

12 (B) RULE OF CONSTRUCTION.—Nothing in  
13 this paragraph may be construed as implying  
14 any change to the rights and obligations de-  
15 scribed in subparagraph (A) as a result of this  
16 Act.

17 (c) AGREEMENTS.—The Assistant Attorney General,  
18 in consultation with the Chairman of the Commission,  
19 shall—

20 (1) review any agreements between the Com-  
21 mission and any other Federal agency or any foreign  
22 law enforcement agency; and

23 (2) before the end of the transition period, seek  
24 to amend, transfer, or rescind such agreements as  
25 necessary and appropriate to carry out this Act, en-



1       deavoring to complete such amendment, transfer, or  
2       rescindment with all due haste.

3       (d) RULES.—The Attorney General shall, pursuant  
4 to section 7A of the Clayton Act (15 U.S.C. 18a) and in  
5 accordance with section 553 of title 5, United States Code,  
6 prescribe or amend any rules as necessary to carry out  
7 this Act.

8       **SEC. 5. REMOVAL OF REVIEW AUTHORITY FROM FEDERAL**  
9                               **COMMUNICATIONS COMMISSION AND STATE**  
10                              **ENTITIES.**

11       (a) DEFINITIONS.—In this section—

12               (1) the term “covered transaction” means any  
13 acquisition, assignment, or transfer of control of—

14                       (A) any license, authorization, or line sub-  
15 ject to the jurisdiction of the Communications  
16 Act of 1934 (47 U.S.C. 151 et seq.); or

17                       (B) any authorization, certificate, fran-  
18 chise, or other instrument issued by a State  
19 commission or franchising authority; and

20               (2) the terms “State commission” and “fran-  
21 chising authority” have the meanings given those  
22 terms in sections 3 and 602, respectively, of the  
23 Communications Act of 1934 (47 U.S.C. 153, 522).

24       (b) REVIEW OF COMMUNICATIONS TRANSACTIONS.—

1           (1) SOLE RESPONSIBILITY OF DEPARTMENT OF  
2 JUSTICE.—Notwithstanding any provision of the  
3 Communications Act of 1934 (47 U.S.C. 151 et  
4 seq.) or any law or regulation of a State or political  
5 subdivision thereof, the review of the competitive im-  
6 pact of any proposed covered transaction shall be  
7 solely the responsibility of the Department of Justice  
8 pursuant to the antitrust laws, and neither the Fed-  
9 eral Communications Commission nor any State  
10 commission or franchising authority shall have any  
11 authority to conduct such review.

12           (2) CONSULTATION.—In reviewing the competi-  
13 tive impact of a proposed covered transaction, the  
14 Attorney General shall solicit and consider the views  
15 of the Federal Communications Commission.

16           (c) APPLICATION OF PUBLIC INTEREST STAND-  
17 ARDS.—

18           (1) IN GENERAL.—A determination of the Fed-  
19 eral Communications Commission described in para-  
20 graph (2) with respect to a proposed covered trans-  
21 action shall be limited to an assessment of whether  
22 the acquirer, assignee, or transferee meets the tech-  
23 nical, financial, character, and citizenship qualifica-  
24 tions that the Commission has prescribed by rule  
25 under the Communications Act of 1934 (47 U.S.C.

1 151 et seq.) to hold that license, authorization, or  
2 line.

3 (2) DETERMINATIONS.—A determination de-  
4 scribed in this paragraph is a determination pursu-  
5 ant to section 214(a) or 310(d) of the Communica-  
6 tions Act of 1934 (47 U.S.C. 214(a), 310(d)) as to  
7 whether a proposed covered transaction would serve  
8 the public interest, without regard to whether the  
9 determination is phrased as whether the present or  
10 future public convenience and necessity require or  
11 will require the transaction or whether the public in-  
12 terest, convenience, and necessity will be served by  
13 the transaction.

14 **SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.**

15 (a) CLAYTON ACT.—The Clayton Act (15 U.S.C. 12  
16 et seq.) is amended—

17 (1) in section 2 (15 U.S.C. 13)—

18 (A) in subsection (a), by striking “Federal  
19 Trade Commission” and inserting “Attorney  
20 General of the United States”; and

21 (B) in subsection (b), by striking “Com-  
22 mission” and inserting “Attorney General of  
23 the United States”;

24 (2) in section 5(a) (15 U.S.C. 16(a)), in the  
25 second sentence, by striking “, except that, in any

1 action or proceeding brought under the antitrust  
2 laws, collateral estoppel effect shall not be given to  
3 any finding made by the Federal Trade Commission  
4 under the antitrust laws or under section 5 of the  
5 Federal Trade Commission Act which could give rise  
6 to a claim for relief under the antitrust laws”;

7 (3) in section 7 (15 U.S.C. 18)—

8 (A) in the first undesignated paragraph, by  
9 striking “and no person subject to the jurisdic-  
10 tion of the Federal Trade Commission shall ac-  
11 quire the whole or any part of the assets of an-  
12 other person engaged also in commerce or in  
13 any activity affecting commerce”; and

14 (B) in the second undesignated paragraph,  
15 by striking “and no person subject to the juris-  
16 diction of the Federal Trade Commission shall  
17 acquire the whole or any part of the assets of  
18 one or more persons engaged in commerce or in  
19 any activity affecting commerce”;

20 (4) in section 7A (15 U.S.C. 18a)—

21 (A) in subsection (b)—

22 (i) in paragraph (1)(A), in the matter  
23 preceding clause (i), by striking “the Fed-  
24 eral Trade Commission and”; and

1 (ii) in paragraph (2), by striking  
2 “Federal Trade Commission and the”;

3 (B) in subsection (c)—

4 (i) in paragraph (6), by striking “the  
5 Federal Trade Commission and”;

6 (ii) in paragraph (8), by striking “the  
7 Federal Trade Commission and”;

8 (C) in subsection (d)—

9 (i) in the matter preceding paragraph  
10 (1), by striking “Federal Trade Commis-  
11 sion, with the concurrence of the Assistant  
12 Attorney General and” and inserting “At-  
13 torney General of the United States”; and

14 (ii) in paragraph (1), by striking “the  
15 Federal Trade Commission and”;

16 (D) in subsection (e)—

17 (i) in paragraph (1)—

18 (I) in subparagraph (A), by strik-  
19 ing “Federal Trade Commission or  
20 the”; and

21 (II) in subparagraph (B), by  
22 striking “and the Federal Trade Com-  
23 mission shall each” and inserting  
24 “shall”; and

25 (ii) in paragraph (2)—

1 (I) by striking “Federal Trade  
2 Commission or the”;

3 (II) by striking “its or’”;

4 (III) by striking “the Federal  
5 Trade Commission or” each place the  
6 term appears; and

7 (IV) by striking “, as the case  
8 may be,”;

9 (E) in subsection (f)—

10 (i) by striking “the Federal Trade  
11 Commission, alleging that a proposed ac-  
12 quisition violates section 7 of this Act or  
13 section 5 of the Federal Trade Commission  
14 Act, or an action is filed by”;

15 (ii) by striking “the Federal Trade  
16 Commission or”;

17 (F) in subsection (g)(2), in the matter fol-  
18 lowing subparagraph (C), by striking “the Fed-  
19 eral Trade Commission or”;

20 (G) in subsection (h), by striking “or the  
21 Federal Trade Commission”;

22 (H) in subsection (i)—

23 (i) in paragraph (1), by striking “the  
24 Federal Trade Commission or” each place  
25 the term appears; and

1 (ii) in paragraph (2)—

2 (I) by striking “or the Federal Trade Com-  
3 mission”; and

4 (J) by striking “, the Federal Trade Com-  
5 mission Act,”; and

6 (5) in section 8(a)(5) (15 U.S.C. 19(a)(5)), in  
7 the second sentence, by striking “Federal Trade  
8 Commission” and inserting “Attorney General of the  
9 United States”.

10 (b) CHARITABLE GIFT ANNUITY ANTITRUST RELIEF  
11 ACT OF 1995.—Section 3(1) of the Charitable Gift Annu-  
12 ity Antitrust Relief Act of 1995 (15 U.S.C. 37a(1)) is  
13 amended by striking “, except that such term includes sec-  
14 tion 5 of the Federal Trade Commission Act (15 U.S.C.  
15 45) to the extent that such section 5 applies to unfair  
16 methods of competition”.

17 (c) PENSION FUNDING EQUITY ACT OF 2004.—Sec-  
18 tion 207(b)(1)(A)(i) of the Pension Funding Equity Act  
19 of 2004 (15 U.S.C. 37b(b)(1)(A)(i)) is amended by strik-  
20 ing “, except that such term includes section 5 of the Fed-  
21 eral Trade Commission Act (15 U.S.C. 45) to the extent  
22 such section 5 applies to unfair methods of competition”.

23 (d) FEDERAL TRADE COMMISSION ACT.—The Fed-  
24 eral Trade Commission Act (15 U.S.C. 41 et seq.) is  
25 amended—

- 1 (1) in section 5 (15 U.S.C. 45)—
- 2 (A) in subsection (a)—
- 3 (i) in paragraph (1), by striking
- 4 “methods of competition in or affecting
- 5 commerce, and unfair”;
- 6 (ii) by striking paragraph (3); and
- 7 (iii) by redesignating paragraph (4) as
- 8 paragraph (3);
- 9 (B) in subsection (b)—
- 10 (i) in the first sentence, by striking
- 11 “unfair method of competition or”; and
- 12 (ii) in the fifth sentence—
- 13 (I) by striking “the method of
- 14 competition or”; and
- 15 (II) by striking “method of com-
- 16 petition or such”;
- 17 (C) in subsection (c)—
- 18 (i) in the first sentence—
- 19 (I) by striking “method of com-
- 20 petition or”; and
- 21 (II) by striking “method of com-
- 22 petition or the”; and
- 23 (ii) in the third sentence, by striking
- 24 “or to competitors”;
- 25 (D) by striking subsection (e);



1 (E) in subsection (g), by striking para-  
2 graph (4); and

3 (F) in subsection (n), in the first sentence,  
4 by striking “or to competition”;  
5 (2) in section 6 (15 U.S.C. 46)—

6 (A) by striking subsections (c) through (e)  
7 and (i);

8 (B) by redesignating—

9 (i) subsections (f), (g), and (h) as  
10 subsections (c) through (e), respectively;  
11 and

12 (ii) subsections (j) through (l) as sub-  
13 sections (f) through (h), respectively;

14 (C) in subsection (f)(1), as so redesign-  
15 ated, by striking “other than Federal antitrust  
16 laws (as defined in section 12(5) of the Inter-  
17 national Antitrust Enforcement Assistance Act  
18 of 1994 (15 U.S.C. 6211(5))),”; and

19 (D) in subsection (h)(2), as so redesign-  
20 ated, in the matter preceding subparagraph  
21 (A), by striking “or competition”;

22 (3) by repealing section 7 (15 U.S.C. 47);

23 (4) in section 11 (15 U.S.C. 51), by striking  
24 “antitrust Acts or the” each place the term appears;

1 (5) in section 18 (15 U.S.C. 57a(a)(2)), by  
2 striking the second sentence;

3 (6) in section 20 (15 U.S.C. 57b-1)—

4 (A) in subsection (a)—

5 (i) in paragraph (2), by striking “or  
6 in any antitrust violations”;

7 (ii) in paragraph (3), by striking “or  
8 any provisions relating to antitrust viola-  
9 tions”;

10 (iii) in paragraph (7), by striking “or  
11 any antitrust violation”; and

12 (iv) by striking paragraph (8);

13 (B) in subsection (c)(1), by striking “or to  
14 antitrust violations,”; and

15 (C) in subsection (j)(1), by striking “, any  
16 proceeding under section 11(b) of the Clayton  
17 Act (15 U.S.C. 21(b)),”;

18 (7) in section 21(b)(6) (15 U.S.C. 57b-  
19 2(b)(6)), in the matter following subparagraph (D),  
20 by striking “paragraphs (5) and (7)” and inserting  
21 “paragraphs (4) and (6)”;

22 (8) in section 21A (15 U.S.C. 57b-2a)—

23 (A) by striking subsection (f);

24 (B) by redesignating subsection (g) as sub-  
25 section (f);

1 (C) in subsection (f), as so redesignated,  
2 by striking “subsection (g)” each place the  
3 term appears and inserting “subsection (f)”;  
4 and

5 (D) in section 24 (15 U.S.C. 57b–5(a)), by  
6 striking “for any conduct which, because of the  
7 provisions of the Act entitled ‘An Act to author-  
8 ize association of producers of agricultural  
9 products’, approved February 18, 1922 (7  
10 U.S.C. 291 et seq., commonly known as the  
11 Capper-Volstead Act), is not a violation of any  
12 of the antitrust Acts or this Act”.

13 (e) WEBB-POMERENE ACT.—The Webb-Pomerene  
14 Act (15 U.S.C. 61 et seq.) is amended—

15 (1) by repealing section 4 (15 U.S.C. 64); and  
16 (2) in section 5—

17 (A) in the first undesignated paragraph—

18 (i) in the first sentence, by striking  
19 “Federal Trade Commission” and insert-  
20 ing “Attorney General of the United  
21 States”; and

22 (ii) in the second sentence, by striking  
23 “commission” each place the term appears  
24 and inserting “Attorney General of the  
25 United States”;

1 (B) in the second undesignated para-  
2 graph—

3 (i) in the first sentence, by striking  
4 “Federal Trade Commission” and insert-  
5 ing “Attorney General of the United  
6 States”; and

7 (ii) by striking the third sentence; and

8 (C) by striking the third undesignated  
9 paragraph.

10 (f) WOOL PRODUCTS LABELING ACT OF 1939.—The  
11 Wool Products Labeling Act of 1939 (15 U.S.C. 68 et  
12 seq.) is amended—

13 (1) by striking “an unfair method of competi-  
14 tion, and” each place the term appears; and

15 (2) in section 68g(b), by striking “an unfair  
16 method of competition and”.

17 (g) FUR PRODUCTS LABELING ACT.—The Fur Prod-  
18 ucts Labeling Act (15 U.S.C. 69 et seq.) is amended by  
19 striking “an unfair method of competition, and” each  
20 place the term appears.

21 (h) TEXTILE FIBER PRODUCTS IDENTIFICATION  
22 ACT.—The Textile Fiber Products Identification Act (15  
23 U.S.C. 70 et seq.) is amended—

24 (1) by striking “an unfair method of competi-  
25 tion, and” each place the term appears; and

1           (2) in section 3 (15 U.S.C. 70a), by striking  
2           “an unfair method of competition and” each place  
3           the term appears.

4           (i) ANTITRUST CIVIL PROCESS ACT.—Section 4(d) of  
5           the Antitrust Civil Process Act (15 U.S.C. 1313(d)) is  
6           amended—

7           (1) in paragraph (1), by striking “(1) Whoever”  
8           and inserting “Whoever”; and

9           (2) by striking paragraph (2).

10          (j) INTERNATIONAL ANTITRUST ENFORCEMENT AS-  
11          SISTANCE ACT OF 1994.—The International Antitrust  
12          Enforcement Assistance Act of 1994 (15 U.S.C. 6201 et  
13          seq.) is amended—

14          (1) in section 2 (15 U.S.C. 6201), in the matter  
15          preceding paragraph (1), by striking “and the Fed-  
16          eral Trade Commission”;

17          (2) in section 3(b) (15 U.S.C. 6202(b)), by  
18          striking “and the Commission may, using their re-  
19          spective authority to investigate possible violations of  
20          the Federal antitrust laws,” and inserting “may”;

21          (3) in section 5(1) (15 U.S.C. 6204(1)), by  
22          striking “or the Commission” each place the term  
23          appears;

24          (4) in section 6 (15 U.S.C. 6205)—

25                  (A) by striking “or the Commission”; and

1 (B) by striking “6(f)” and inserting  
2 “6(c)”;

3 (5) in section 7 (15 U.S.6206)—

4 (A) by striking “, with the concurrence of  
5 the Commission,” each place the term appears;  
6 and

7 (B) in subsection (c)(2)(B), by striking  
8 “and the Commission”;

9 (6) in section 8 (15 U.S.C. 6207)—

10 (A) by striking “Neither the Attorney Gen-  
11 eral nor the Commission may” each place the  
12 term appears and inserting “The Attorney Gen-  
13 eral may not”;

14 (B) in subsection (a), by striking “or the  
15 Commission, as the case may be,”;

16 (C) in subsection (b), by striking “or the  
17 Commission”; and

18 (D) in subsection (c)—

19 (i) by striking “or the Commission”;

20 and

21 (ii) by striking “or the Commission,  
22 as the case may be,”;

23 (7) in section 10 (15 U.S.C. 6209)—

24 (A) in subsection (a)—

- 1 (i) by striking “, the Commission,”;
- 2 and
- 3 (ii) by striking “(a) In General.—
- 4 The” and inserting “The”; and
- 5 (B) by striking subsection (b);
- 6 (8) in section 12 (15 U.S.C. 6211)—
- 7 (A) in paragraph (2)—
- 8 (i) in the matter preceding subpara-
- 9 graph (A)—
- 10 (I) by striking “and the Commis-
- 11 sion jointly determine” and inserting
- 12 “determines”;
- 13 (II) by striking “jointly”; and
- 14 (III) by striking “and the Com-
- 15 mission”;
- 16 (ii) in subparagraph (A)—
- 17 (I) by striking “and the Commis-
- 18 sion” each place the term appears;
- 19 and
- 20 (II) by striking “provide” and in-
- 21 serting “provides”;
- 22 (iii) in subparagraph (E)(ii), in the
- 23 matter preceding subclause (I), by striking
- 24 “or the Commission, as the case may be,”;
- 25 (iv) in subparagraph (F)—

1 (I) by striking “or the Commis-  
2 sion”; and

3 (II) by striking “or the Commis-  
4 sion, respectively,”; and

5 (v) in subparagraph (H)—

6 (I) in clause (i)—

7 (aa) by striking “or the  
8 Commission”; and

9 (bb) by striking “or the  
10 Commission, respectively,”; and

11 (II) in clause (ii), by striking “or  
12 the Commission” each place the term  
13 appears;

14 (B) by striking paragraph (4);

15 (C) by redesignating paragraphs (5)  
16 through (9) as paragraphs (4) through (8), re-  
17 spectively; and

18 (D) in paragraph (4), as so redesignated,  
19 by striking “but also includes section 5 of the  
20 Federal Trade Commission Act (15 U.S.C. 45)  
21 to the extent that such section 5 applies to un-  
22 fair methods of competition”; and

23 (9) in section 13 (15 U.S.C. 6212)—

24 (A) by striking “and the Commission are”  
25 and inserting “is”; and



1 (B) by striking “or the Commission, re-  
2 spectively,”.

3 (k) MEDICARE PRESCRIPTION DRUG, IMPROVEMENT,  
4 AND MODERNIZATION ACT OF 2003.—Subtitle B of title  
5 XI of the Medicare Prescription Drug, Improvement, and  
6 Modernization Act of 2003 (Public Law 108–173; 117  
7 Stat. 2461) is amended—

8 (1) in the subtitle heading, by striking “Federal  
9 Trade Commission” and inserting “Antitrust”;

10 (2) in section 1111 (21 U.S.C. 355 note)—

11 (A) by striking paragraph (8); and

12 (B) by redesignating paragraphs (9)  
13 through (12) as paragraphs (8) through (11),  
14 respectively;

15 (3) in section 1112(c) (21 U.S.C. 355 note), by  
16 striking “and the Commission” each place the term  
17 appears;

18 (4) in section 1113 (21 U.S.C. 355 note), by  
19 striking “and the Commission”;

20 (5) in section 1114 (21 U.S.C. 355 note), by  
21 striking “or the Commission”;

22 (6) in section 1115 (21 U.S.C. 355 note)—

23 (A) in subsection (a), by striking “, or  
24 brought by the Commission in accordance with  
25 the procedures established in section 16(a)(1)

1 of the Federal Trade Commission Act (15  
2 U.S.C. 56(a))”; and

3 (B) in subsection (b), by striking “or the  
4 Commission”;

5 (7) in section 1116 (21 U.S.C. 355 note), in  
6 the matter preceding paragraph (1), by striking  
7 “Commission, with the concurrence of the Assistant  
8 Attorney General” and inserting “Attorney Gen-  
9 eral”; and

10 (8) in section 1117 (21 U.S.C. 355 note), by  
11 striking “or the Commission” each place the term  
12 appears.

13 (l) OTHER LAWS.—For any other provision of law re-  
14 quiring the Assistant Attorney General or the Attorney  
15 General to consult with or seek the concurrence of the  
16 Commission or the Chairman of the Commission, where  
17 such requirement relates to the antitrust laws or unfair  
18 methods of competition under section 5 of the Federal  
19 Trade Commission Act (15 U.S.C. 45), as in effect on the  
20 day before the effective date, that requirement shall be  
21 waived.

22 **SEC. 7. EFFECTIVE DATE.**

23 Except where explicitly provided otherwise, this Act  
24 and the amendments made by this Act shall take effect

- 1 on the start of the first fiscal year that is at least 90 days
- 2 after the date of enactment of this Act.