



U.S. CONGRESSMAN
MIKE JOHNSON

Proudly serving Louisiana's 4th District

The One Agency Act

*Reassigns the antitrust responsibilities of the Federal Trade Commission (FTC)
to the Department of Justice (DOJ) Antitrust Division*

Summary:

- Reassigns the FTC's resources and enforcement authority over competition law to the DOJ Antitrust Division, bringing all enforcement power within the purview of the Attorney General. FTC "know how" surrounding enforcement of existing law is not lost by shifting resources to the DOJ and the FTC retains its power to enforce consumer protection law.
- Eliminates the "clearance" process during which delays in enforcement occur while it is determined whether a case should be assigned to the FTC or the DOJ.
- Provides ample flexibility during the transition period and contains safeguards to prevent disruption to ongoing FTC litigation.

Additional Background:

Increases Efficiency & Reduces Bureaucracy — Firms seeking merger approval from the DOJ or the FTC, along with other types of competition cases that arise, must undergo a review period during which a determination is made whether to assign the matter to the DOJ or the FTC. These decisions are often made haphazardly, and in at least one case, made by an actual coin toss. The time and taxpayer dollars spent on making these determinations could be better spent pursuing new enforcement actions against anticompetitive actors or applying the law to emerging competition cases.

Reduces Counterproductivity — Status quo in some cases pits federal enforcement bodies against one another. In a recent case involving Qualcomm, the FTC and the DOJ actually argued against each other on appeal. Unifying enforcement eliminates the possibility for this conflict in the future and brings enforcement in line with the level of rigor and consistency needed to maintain America's position as the preeminent global economic power.

Levels the Playing Field — Well-resourced incumbent firms (such as Big Tech) are well aware of the advantages the dual enforcement regime provides them and have effectively utilized it to maintain power. Additionally, there is mounting evidence to suggest the FTC is susceptible to political bias. This was in the case during the Obama Administration, during which time the FTC closed an investigation into Google's conduct following a meeting with company representatives at the White House.

Strengthens Enforcement — Nothing about the current dual enforcement regime benefits a vigorous antitrust enforcement posture. As a practical matter, continuing this arcane system of enforcement is not sustainable and will continue to act as roadblock to strong enforcement for years to come.