

116TH CONGRESS
2D SESSION

S. 4918

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2020

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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:

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

(2) The overlapping antitrust enforcement jurisdiction of the Department of Justice and the Federal Trade Commission has wasted taxpayer resources, hampered enforcement efforts, and caused uncertainty for businesses and consumers in the United States.

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

SEC. 3. DEFINITIONS.

In this Act:

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

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

and

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

(2) ASSISTANT ATTORNEY GENERAL.—The term “Assistant Attorney General” means the Assistant Attorney General for the Antitrust Division of the Department of Justice.

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

1 (4) EFFECTIVE DATE.—The term “effective
2 date” means the date described in section 6.

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

6 (A) is supervised by an FTC Antitrust
7 Unit; or

8 (B) relates to the antitrust laws or section
9 5 of the Federal Trade Commission Act (15
10 U.S.C. 45), as in effect on the day before the
11 effective date.

12 (6) FTC ANTITRUST ASSETS.—The term “FTC
13 antitrust assets”—

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

19 (B) does not include any office space or
20 leased facilities or equipment.

21 (7) FTC ANTITRUST EMPLOYEE.—The term
22 “FTC antitrust employee” means an individual who
23 on the day before the effective date is employed by
24 the Federal Trade Commission and assigned to an
25 FTC Antitrust Unit.

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

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

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

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

18 (10) FTC ANTITRUST UNIT.—The term “FTC
 19 Antitrust Unit” means—

20 (A) the Bureau of Competition of the
 21 Commission; and

22 (B) each division of the Bureau of Eco-
 23 nomics of the Commission that is designated to
 24 work on FTC antitrust actions.

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

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

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

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

18 **SEC. 4. TRANSFER OF ANTITRUST ENFORCEMENT FUNC-**
19 **TIONS FROM THE FEDERAL TRADE COMMIS-**
20 **SION TO THE DEPARTMENT OF JUSTICE.**

21 (a) TRANSFER OF FUNCTIONS.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (3)(D), there shall be transferred to the De-
24 partment of Justice all FTC antitrust functions,

1 FTC antitrust employees, FTC antitrust assets, and
2 FTC antitrust funding on the earlier of—

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

5 (B) the end of the transition period.

6 (2) REQUIREMENT.—The Assistant Attorney
7 General, taking care to minimize disruption to ongoing
8 enforcement matters and in consultation as necessary
9 with the Attorney General, the Office of Personnel
10 Management, the General Services Administration,
11 and the Chairman of the Commission,
12 shall—

13 (A) take all necessary actions to complete
14 implementation of this Act before the end of the
15 transition period; and

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

21 (3) PERSONNEL.—

22 (A) ASSIGNMENT.—An FTC antitrust employee
23 transferred to the Department of Justice
24 under this Act shall be assigned to the Anti-
25 trust Division of the Department of Justice.

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

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

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

21 (E) OFFICE SPACE.—Upon request from
22 the Assistant Attorney General, and in con-
23 sultation as necessary with the General Services
24 Administration, the Commission shall allow the
25 Department of Justice to use any office space

1 or leased facilities previously used by FTC anti-
2 trust employees until such time as the Depart-
3 ment of Justice may provide its own office
4 space or facilities. After the transfer of FTC
5 antitrust funding to the Department of Justice,
6 the Department of Justice shall compensate the
7 Commission for the costs of the use of such of-
8 fice space or leased facilities.

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

17 (4) ANTITRUST ACTIONS.—

18 (A) IN GENERAL.—As soon as is reason-
19 ably practicable during the transition period, all
20 open investigations, litigations, matters, or
21 other proceedings being supervised by an FTC
22 antitrust unit and relating to the antitrust laws
23 or unfair methods of competition under section
24 5 of the Federal Trade Commission Act (15
25 U.S.C. 45), as in effect on the day before the

1 effective date, shall be transferred to and as-
2 sumed by the Department of Justice.

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

13 (i) Any such proceeding pending be-
14 fore an administrative law judge shall be
15 dismissed without prejudice and the matter
16 shall be referred to the Assistant Attorney
17 General.

18 (ii) For any such proceeding pending
19 on appeal before the Commission, the ad-
20 ministrative appeal shall cease, the ruling
21 of the administrative law judge shall be
22 treated as the final decision of the Com-
23 mission, and the Court of Appeals for the
24 District of Columbia Circuit shall have ju-
25 risdiction over any appeal therefrom.

1 (C) INTERVENTION.—

2 (i) IN GENERAL.—In any FTC anti-
3 trust action before a court of the United
4 States as of the first day of the transition
5 period, the court shall allow the Depart-
6 ment of Justice to—

7 (I) intervene and assume rep-
8 resentation of the Federal Govern-
9 ment from the Commission; and

10 (II) amend any complaint origi-
11 nally brought by the Commission for
12 the purpose of alleging violations of
13 statutes other than the Federal Trade
14 Commission Act as necessary and
15 where appropriate.

16 (ii) SCHEDULING ORDER UPON RE-
17 QUEST.—Upon the request of the Commis-
18 sion or the Department of Justice, and in
19 consultation with all parties to the matter,
20 the court shall issue an order making such
21 scheduling adjustments as necessary to fa-
22 cilitate the transfer of prosecutorial re-
23 sponsibilities under this subparagraph.

24 (D) CONSENT DECREES.—At the end of
25 the transition period, the Department of Justice

1 shall have sole authority to enforce violations
2 of, approve modifications to, or rescind any con-
3 sent decree entered into by the Commission be-
4 fore the effective date that concerns conduct al-
5 leged to violate the antitrust laws or unfair
6 methods of competition under section 5 of the
7 Federal Trade Commission Act (15 U.S.C. 45),
8 as in effect on the day before the effective date.

9 (5) AUTHORITY TO CONDUCT INVESTIGATIVE
10 STUDIES.—

11 (A) REPORTS OF PERSONS, PARTNER-
12 SHIPS, AND CORPORATIONS.—

13 (i) IN GENERAL.—The Department of
14 Justice may require, by general or special
15 orders, persons, partnerships, and corpora-
16 tions, engaged in or whose business affects
17 commerce to file with the Department in
18 such form as the Department may pre-
19 scribe annual or special reports or answers
20 in writing to specific questions, furnishing
21 to the Department such information as the
22 Department may require as to the organi-
23 zation, business, conduct, practices, man-
24 agement, and relation to other corpora-
25 tions, partnerships, and individuals of the

1 respective persons, partnerships, and cor-
2 porations filing such reports or answers in
3 writing.

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

6 (I) be made under oath or other-
7 wise as the Department may pre-
8 scribe;

9 (II) pertain solely to competition
10 or the application of the antitrust
11 laws; and

12 (III) be filed with the Depart-
13 ment within such reasonable period as
14 the Department may prescribe, unless
15 additional time be granted in any case
16 by the Department.

17 (B) PUBLICATION OF INFORMATION OR
18 REPORTS.—

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

21 (I) shall make public from time
22 to time such portions of the informa-
23 tion obtained by the Department
24 under this paragraph as are in the
25 public interest;

1 (II) may make annual and spe-
2 cial reports to Congress that include
3 recommendations for additional legis-
4 lation; and

5 (III) shall provide for the publi-
6 cation of reports and decisions of the
7 Department in such form and manner
8 as may be best adapted for public in-
9 formation and use.

10 (ii) PROHIBITION AGAINST PUBLICA-
11 TION OF PRIVILEGED OR CONFIDENTIAL
12 INFORMATION.—

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

20 (II) EXCEPTION.—The Depart-
21 ment may disclose information de-
22 scribed in subclause (I) to—

23 (aa) officers and employees
24 of appropriate Federal law en-
25 forcement agencies or to any offi-

cer or employee of any State law enforcement agency upon the prior certification of an officer of any such Federal or State law enforcement agency that such information will be maintained in confidence and will be used only for official law enforcement purposes; or

(bb) any officer or employee of any foreign law enforcement agency under the same circumstances that making material available to foreign law enforcement agencies is permitted under section 21(b) of the Federal Trade Commission Act (15 U.S.C. 57b–2(b)).

(6) BENEFIT OF ANTITRUST DIVISION.—All FTC antitrust assets and FTC antitrust funding transferred under this subsection shall be for the exclusive use and benefit of the Antitrust Division of the Department of Justice.

(b) TRANSITION PERIOD.—

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

4 (A) hire or assign an employee to an FTC
 5 Antitrust Unit;

6 (B) open a new investigation or matter
 7 within an FTC Antitrust Unit or relating to
 8 antitrust enforcement;

9 (C) without the approval of the Assistant
 10 Attorney General, enter into a consent decree,
 11 enter into a settlement agreement, or otherwise
 12 resolve an FTC antitrust action; or

13 (D) initiate a new FTC antitrust action.

14 (2) ENFORCEMENT ON BEHALF OF THE DE-
 15 PARTMENT OF JUSTICE.—Notwithstanding para-
 16 graph (1), during the transition period, the Assist-
 17 ant Attorney General may deputize an FTC Anti-
 18 trust Employee to investigate or prosecute an al-
 19 leged violation of the antitrust laws on behalf of the
 20 Department of Justice before the completion of the
 21 transfer of personnel under subsection (a)(3).

22 (3) SAME RIGHTS AND OBLIGATIONS.—

23 (A) IN GENERAL.—Notwithstanding any
 24 other provision of law, during the transition pe-
 25 riod all Department of Justice employees under

1 the supervision of the Assistant Attorney Gen-
2 eral shall have the same rights and obligations
3 with respect to confidential information sub-
4 mitted to the Commission as FTC antitrust em-
5 ployees on the day before the effective date.

6 (B) RULE OF CONSTRUCTION.—Nothing in
7 this paragraph may be construed as implying
8 any change to the rights and obligations de-
9 scribed in subparagraph (A) as a result of this
10 Act.

11 (c) AGREEMENTS.—The Assistant Attorney General,
12 in consultation with the Chairman of the Commission,
13 shall—

14 (1) review any agreements between the Com-
15 mission and any other Federal agency or any foreign
16 law enforcement agency; and

17 (2) before the end of the transition period, seek
18 to amend, transfer, or rescind such agreements as
19 necessary and appropriate to carry out this Act, en-
20 deavoring to complete such amendment, transfer, or
21 rescindment with all due haste.

22 (d) RULES.—The Attorney General shall, pursuant
23 to section 7A of the Clayton Act (15 U.S.C. 18a) and in
24 accordance with section 553 of title 5, United States Code,

1 prescribe or amend any rules as necessary to carry out
 2 this Act.

3 **SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.**

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

6 (1) in section 2 (15 U.S.C. 13)—

7 (A) in subsection (a), by striking “Federal
 8 Trade Commission” and inserting “Attorney
 9 General of the United States”; and

10 (B) in subsection (b), by striking “Com-
 11 mission” and inserting “Attorney General of
 12 the United States”;

13 (2) in section 5(a) (15 U.S.C. 16(a)), in the
 14 second sentence, by striking “, except that, in any
 15 action or proceeding brought under the antitrust
 16 laws, collateral estoppel effect shall not be given to
 17 any finding made by the Federal Trade Commission
 18 under the antitrust laws or under section 5 of the
 19 Federal Trade Commission Act which could give rise
 20 to a claim for relief under the antitrust laws”;

21 (3) in section 7 (15 U.S.C. 18)—

22 (A) in the first undesignated paragraph, by
 23 striking “and no person subject to the jurisdic-
 24 tion of the Federal Trade Commission shall ac-
 25 quire the whole or any part of the assets of an-

1 other person engaged also in commerce or in
 2 any activity affecting commerce”; and

3 (B) in the second undesignated paragraph,
 4 by striking “and no person subject to the juris-
 5 diction of the Federal Trade Commission shall
 6 acquire the whole or any part of the assets of
 7 one or more persons engaged in commerce or in
 8 any activity affecting commerce”;

9 (4) in section 7A (15 U.S.C. 18a)—

10 (A) in subsection (b)—

11 (i) in paragraph (1)(A), in the matter
 12 preceding clause (i), by striking “the Fed-
 13 eral Trade Commission and”;

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

16 (B) in subsection (c)—

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

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

21 (C) in subsection (d)—

22 (i) in the matter preceding paragraph
 23 (1), by striking “Federal Trade Commis-
 24 sion, with the concurrence of the Assistant

1 Attorney General and” and inserting “At-
 2 torney General of the United States”; and

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

5 (D) in subsection (e)—

6 (i) in paragraph (1)—

7 (I) in subparagraph (A), by strik-
 8 ing “Federal Trade Commission or
 9 the”; and

10 (II) in subparagraph (B), by
 11 striking “and the Federal Trade Com-
 12 mission shall each” and inserting
 13 “shall”; and

14 (ii) in paragraph (2)—

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

17 (II) by striking “its or”;

18 (III) by striking “the Federal
 19 Trade Commission or” each place the
 20 term appears; and

21 (IV) by striking “, as the case
 22 may be,”;

23 (E) in subsection (f)—

24 (i) by striking “the Federal Trade
 25 Commission, alleging that a proposed ac-

1 quisition violates section 7 of this Act or
 2 section 5 of the Federal Trade Commission
 3 Act, or an action is filed by”; and

4 (ii) by striking “the Federal Trade
 5 Commission or”;

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

9 (G) in subsection (h), by striking “or the
 10 Federal Trade Commission”; and

11 (H) in subsection (i)—

12 (i) in paragraph (1), by striking “the
 13 Federal Trade Commission or” each place
 14 the term appears; and

15 (ii) in paragraph (2)—

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

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

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

24 (b) CHARITABLE GIFT ANNUITY ANTITRUST RELIEF
 25 ACT OF 1995.—Section 3(1) of the Charitable Gift Annu-

1 ity Antitrust Relief Act of 1995 (15 U.S.C. 37a(1)) is
 2 amended by striking “, except that such term includes sec-
 3 tion 5 of the Federal Trade Commission Act (15 U.S.C.
 4 45) to the extent that such section 5 applies to unfair
 5 methods of competition”.

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

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

15 (1) in section 5 (15 U.S.C. 45)—

16 (A) in subsection (a)—

17 (i) in paragraph (1), by striking
 18 “methods of competition in or affecting
 19 commerce, and unfair”;

20 (ii) by striking paragraph (3); and

21 (iii) by redesignating paragraph (4) as
 22 paragraph (3);

23 (B) in subsection (b)—

24 (i) in the first sentence, by striking
 25 “unfair method of competition or”; and

1 (ii) in the fifth sentence—

2 (I) by striking “the method of
3 competition or”; and

4 (II) by striking “method of com-
5 petition or such”;

6 (C) in subsection (c)—

7 (i) in the first sentence—

8 (I) by striking “method of com-
9 petition or”; and

10 (II) by striking “method of com-
11 petition or the”; and

12 (ii) in the third sentence, by striking
13 “or to competitors”;

14 (D) by striking subsection (e);

15 (E) in subsection (g), by striking para-
16 graph (4); and

17 (F) in subsection (n), in the first sentence,
18 by striking “or to competition”;

19 (2) in section 6 (15 U.S.C. 46)—

20 (A) by striking subsections (c) through (e)
21 and (i);

22 (B) by redesignating—

23 (i) subsections (f), (g), and (h) as
24 subsections (c) through (e), respectively;

25 and

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

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

8 (D) in subsection (h)(2), as so redesign-
 9 nated, in the matter preceding subparagraph
 10 (A), by striking “or competition”;

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

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

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

16 (6) in section 20 (15 U.S.C. 57b–1)—

17 (A) in subsection (a)—

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

20 (ii) in paragraph (3), by striking “or
 21 any provisions relating to antitrust viola-
 22 tions”;

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

25 (iv) by striking paragraph (8);

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

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

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

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

11 (A) by striking subsection (f);

12 (B) by redesignating subsection (g) as sub-
13 section (f);

14 (C) in subsection (f), as so redesignated,
15 by striking “subsection (g)” each place the
16 term appears and inserting “subsection (f)”;
17 and

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

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

3 (1) by repealing section 4 (15 U.S.C. 64); and

4 (2) in section 5—

5 (A) in the first undesignated paragraph—

6 (i) in the first sentence, by striking

7 “Federal Trade Commission” and insert-

8 ing “Attorney General of the United

9 States”; and

10 (ii) in the second sentence, by striking

11 “commission” each place the term appears

12 and inserting “Attorney General of the

13 United States”;

14 (B) in the second undesignated para-

15 graph—

16 (i) in the first sentence, by striking

17 “Federal Trade Commission” and insert-

18 ing “Attorney General of the United

19 States”; and

20 (ii) by striking the third sentence; and

21 (C) by striking the third undesignated

22 paragraph.

23 (f) WOOL PRODUCTS LABELING ACT OF 1939.—The

24 Wool Products Labeling Act of 1939 (15 U.S.C. 68 et

25 seq.) is amended—

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

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

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

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

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

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

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

20 (1) in paragraph (1), by striking “(1) Whoever”
21 and inserting “Whoever”; and

22 (2) by striking paragraph (2).

23 (j) INTERNATIONAL ANTITRUST ENFORCEMENT AS-
24 SISTANCE ACT OF 1994.—The International Antitrust

1 Enforcement Assistance Act of 1994 (15 U.S.C. 6201 et
2 seq.) is amended—

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

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

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

13 (4) in section 6 (15 U.S.C. 6205)—

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

15 (B) by striking “6(f)” and inserting
16 “6(c)”;

17 (5) in section 7 (15 U.S.C. 6206)—

18 (A) by striking “, with the concurrence of
19 the Commission,” each place the term appears;
20 and

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

23 (6) in section 8 (15 U.S.C. 6207)—

24 (A) by striking “Neither the Attorney Gen-
25 eral nor the Commission may” each place the

term appears and inserting “The Attorney General may not”;

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

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

(D) in subsection (c)—

(i) by striking “or the Commission”;

and

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

(7) in section 10 (15 U.S.C. 6209)—

(A) in subsection (a)—

(i) by striking “, the Commission,”;

and

(ii) by striking “(a) In General.— The” and inserting “The”; and

(B) by striking subsection (b);

(8) in section 12 (15 U.S.C. 6211)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “and the Commission jointly determine” and inserting “determines”;

1 (II) by striking “jointly”; and

2 (III) by striking “and the Com-
3 mission”;

4 (ii) in subparagraph (A)—

5 (I) by striking “and the Commis-
6 sion” each place the term appears;
7 and

8 (II) by striking “provide” and in-
9 serting “provides”;

10 (iii) in subparagraph (E)(ii), in the
11 matter preceding subclause (I), by striking
12 “or the Commission, as the case may be,”;

13 (iv) in subparagraph (F)—

14 (I) by striking “or the Commis-
15 sion”; and

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

18 (v) in subparagraph (H)—

19 (I) in clause (i)—

20 (aa) by striking “or the
21 Commission”; and

22 (bb) by striking “or the
23 Commission, respectively,”; and

1 (II) in clause (ii), by striking “or
 2 the Commission” each place the term
 3 appears;

4 (B) by striking paragraph (4);

5 (C) by redesignating paragraphs (5)
 6 through (9) as paragraphs (4) through (8), re-
 7 spectively; and

8 (D) in paragraph (4), as so redesignated,
 9 by striking “but also includes section 5 of the
 10 Federal Trade Commission Act (15 U.S.C. 45)
 11 to the extent that such section 5 applies to un-
 12 fair methods of competition”; and
 13 (9) in section 13 (15 U.S.C. 6212)—

14 (A) by striking “and the Commission are”
 15 and inserting “is”; and

16 (B) by striking “or the Commission, re-
 17 spectively,”.

18 (k) MEDICARE PRESCRIPTION DRUG, IMPROVEMENT,
 19 AND MODERNIZATION ACT OF 2003.—Subtitle B of title
 20 XI of the Medicare Prescription Drug, Improvement, and
 21 Modernization Act of 2003 (Public Law 108–173; 117
 22 Stat. 2461) is amended—

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

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

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

2 (B) by redesignating paragraphs (9)
3 through (12) as paragraphs (8) through (11),
4 respectively;

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

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

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

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

13 (A) in subsection (a), by striking “, or
14 brought by the Commission in accordance with
15 the procedures established in section 16(a)(1)
16 of the Federal Trade Commission Act (15
17 U.S.C. 56(a))”; and

18 (B) in subsection (b), by striking “or the
19 Commission”;

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

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

4 (l) OTHER LAWS.—For any other provision of law re-
5 quiring the Assistant Attorney General or the Attorney
6 General to consult with or seek the concurrence of the
7 Commission or the Chairman of the Commission, where
8 such requirement relates to the antitrust laws or unfair
9 methods of competition under section 5 of the Federal
10 Trade Commission Act (15 U.S.C. 45), as in effect on the
11 day before the effective date, that requirement shall be
12 waived.

13 **SEC. 6. EFFECTIVE DATE.**

14 Except where explicitly provided otherwise, this Act
15 and the amendments made by this Act shall take effect
16 on the start of the first fiscal year that is at least 90 days
17 after the date of enactment of this Act.

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