

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3825
OFFERED BY MR. BISHOP OF NORTH
CAROLINA**

Pg. 2, line 23, strike “(a) IN GENERAL.—” and all that follows through pg. 3, line 13, and redesignate accordingly.

Pg. 4, line 18, insert the following:

1 (d) IN GENERAL.—Notwithstanding any other provi-
2 sion of law, any civil action pending or hereafter brought
3 by the Federal Trade Commission or the Department of
4 Justice, or a state attorney general pursuant to 15 U.S.C.
5 15c, to enforce the antitrust laws or this Act against a
6 covered platform shall proceed only in the manner de-
7 scribed in this paragraph.

8 (1) PROHIBITION ON ADMINISTRATIVE ADJU-
9 DICATION.—Notwithstanding any other provision of
10 law, the Federal Trade Commission and the Depart-
11 ment of Justice shall not undertake an administra-
12 tive adjudication to enforce the antitrust laws or this
13 Act against a covered platform and shall only en-
14 force the antitrust laws or this Act against a covered

1 platform by bringing a civil action in any judicial
2 district proper under section 22 of Title 15, United
3 States Code.

4 (2) PROHIBITION ON PRELITIGATION ENFORCE-
5 MENT AND SETTLEMENT.—When enforcing the anti-
6 trust laws or this Act against a covered platform,
7 the Federal Trade Commission or the Department of
8 Justice shall not enter into an agreement with the
9 defendant to settle or preclude the proceedings re-
10 ferred to in paragraph (d).

11 (3) PRIORITY CONSIDERATION.—When a civil
12 action referred to in paragraph (d) is filed, the court
13 of the district where the action is filed shall give the
14 case precedence over others, hear the case on the
15 earliest practicable day, and otherwise expedite the
16 case in every practicable way.

17 (4) THREE-JUDGE PANEL.—A suit in equity to
18 enforce the antitrust laws or this Act filed by the
19 Federal Trade Commission or the Department of
20 Justice against a covered platform shall be heard by
21 a panel of three judges of the district court where
22 the case has been filed.

23 (5) BENCH TRIAL.—A suit in equity to enforce
24 the antitrust laws or this Act filed by the Federal
25 Trade Commission or the Department of Justice

1 against a covered platform shall be tried to the court
2 without the intervention of a jury.

3 (6) APPEAL.—An appeal of a final order issued
4 by a district court in a civil action referred to in
5 paragraph (d) shall lie directly to the Supreme
6 Court. The appeal and any cross appeal shall be
7 filed with the Supreme Court within 60 days of the
8 entry of the district court’s order and docketed in
9 the time and manner prescribed by the rules of the
10 Supreme Court. The Supreme Court shall either dis-
11 pose of or take the case within 60 days of the appeal
12 being docketed. If the Supreme Court takes the
13 case, the Supreme Court shall hear the case within
14 60 days of the issuance of a writ of certiorari, or,
15 if the Supreme Court is in recess, within 60 days of
16 the start of the Supreme Court’s next term.

17 (7) OPT OUT.—A state attorney general bring-
18 ing a civil action to enforce the antitrust laws pursu-
19 ant to 15 U.S.C. 15c may opt out of the expedited
20 procedures contained in this paragraph by filing a
21 declaration with the clerk of the district court where
22 the action has been filed.

Beginning on page 10, strike line 9 and all that fol-
lows through line 4 on page 11.

