

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 3843  
OFFERED BY MR. JOHNSON OF LOUISIANA**

Strike section 3 and insert the following (and make such technical and conforming changes as may be appropriate):

**1 SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

2       There is authorized to be appropriated for fiscal year  
3 2022 \$670,000,000 for the Antitrust Division of the De-  
4 partment of Justice.

**5       TITLE II—ONE AGENCY ACT**

**6 SEC. 201. SHORT TITLE.**

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

**8 SEC. 202. FINDINGS.**

9       Congress finds the following:

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

13           (2) The overlapping antitrust enforcement ju-  
14 risdiction of the Department of Justice and the Fed-  
15 eral Trade Commission has wasted taxpayer re-  
16 sources, hampered enforcement efforts, and caused

1       uncertainty for businesses and consumers in the  
2       United States.

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

7       **SEC. 203. DEFINITIONS.**

8       In this title:

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

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

12              and

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

15              (2) ASSISTANT ATTORNEY GENERAL.—The  
16      term “Assistant Attorney General” means the As-  
17      sistant Attorney General for the Antitrust Division  
18      of the Department of Justice.

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

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

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

1 (A) is supervised by an FTC Antitrust  
2 Unit; or

3 (B) relates to the antitrust laws or 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.

7 (6) FTC ANTITRUST ASSETS.—The term “FTC  
8 antitrust assets”—

9 (A) means all electronic or tangible records  
10 and files relating to matters supervised, as well  
11 as any physical assets or equipment owned and  
12 used or retained, by an FTC Antitrust Unit;  
13 and

14 (B) does not include any office space or  
15 leased facilities or equipment.

16 (7) FTC ANTITRUST EMPLOYEE.—The term  
17 “FTC antitrust employee” means an individual who  
18 on the day before the effective date is employed by  
19 the Federal Trade Commission and assigned to an  
20 FTC Antitrust Unit.

21 (8) FTC ANTITRUST FUNCTION.—The term  
22 “FTC antitrust function” means a function of the  
23 Commission relating to the antitrust laws or unfair  
24 methods of competition under section 5 of the Fed-

1           eral Trade Commission Act (15 U.S.C. 45), as in ef-  
2           fect on the day before the effective date.

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

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

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

14           (10) FTC ANTITRUST UNIT.—The term “FTC  
15           Antitrust Unit” means—

16                   (A) the Bureau of Competition of the  
17                   Commission; and

18                   (B) each division of the Bureau of Eco-  
19                   nomics of the Commission that is designated to  
20                   work on FTC antitrust actions.

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

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

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

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

15 **SEC. 204. TRANSFER OF ANTITRUST ENFORCEMENT FUNC-**  
16 **TIONS FROM THE FEDERAL TRADE COMMIS-**  
17 **SION TO THE DEPARTMENT OF JUSTICE.**

18           (a) TRANSFER OF FUNCTIONS.—

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

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

1 (B) the end of the transition period.

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

8  
9 (A) take all necessary actions to complete  
10 implementation of this title before the end of  
11 the transition period; and

12 (B) determine the dates certain, which  
13 may not be earlier than the effective date nor  
14 later than the end of the transition period, on  
15 which the transfers under paragraph (1) shall  
16 occur.

17 (3) PERSONNEL.—

18 (A) ASSIGNMENT.—An FTC antitrust employee  
19 transferred to the Department of Justice  
20 under this title shall be assigned to the Anti-  
21 trust Division of the Department of Justice.

22 (B) EFFECT ON PERSONNEL.—Except as  
23 provided in subparagraph (C), the transfer  
24 under this title of an FTC antitrust employee  
25 shall not cause the employee to be separated or

1 reduced in grade or compensation for 1 year  
2 after the transfer date.

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

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

17 (E) OFFICE SPACE.—Upon request from  
18 the Assistant Attorney General, and in con-  
19 sultation as necessary with the General Services  
20 Administration, the Commission shall allow the  
21 Department of Justice to use any office space  
22 or leased facilities previously used by FTC anti-  
23 trust employees until such time as the Depart-  
24 ment of Justice may provide its own office  
25 space or facilities. After the transfer of FTC

1 antitrust funding to the Department of Justice,  
2 the Department of Justice shall compensate the  
3 Commission for the costs of the use of such of-  
4 fice space or leased facilities.

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

13 (4) ANTITRUST ACTIONS.—

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

24 (B) HANDLING OF CERTAIN ADMINISTRA-  
25 TIVE PROCEEDINGS.—Administrative pro-



1           ceedings that were initiated by the Commission,  
2           were unresolved as of the first day of the tran-  
3           sition period, and relate to enforcement of the  
4           antitrust laws or unfair methods of competition  
5           under section 5 of the Federal Trade Commis-  
6           sion Act (15 U.S.C. 45), as in effect on the day  
7           before the effective date, shall be treated in the  
8           following manner:

9                   (i) Any such proceeding pending be-  
10                   fore an administrative law judge shall be  
11                   dismissed without prejudice and the matter  
12                   shall be referred to the Assistant Attorney  
13                   General.

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

22           (C) INTERVENTION.—

23                   (i) IN GENERAL.—In any FTC anti-  
24                   trust action before a court of the United  
25                   States as of the first day of the transition

1 period, the court shall allow the Depart-  
2 ment of Justice to—

3 (I) intervene and assume rep-  
4 resentation of the Federal Govern-  
5 ment from the Commission; and

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

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

20 (D) CONSENT DECREES.—At the end of  
21 the transition period, the Department of Justice  
22 shall have sole authority to enforce violations  
23 of, approve modifications to, or rescind any con-  
24 sent decree entered into by the Commission be-  
25 fore the effective date that concerns conduct al-

1           leged to violate the antitrust laws or unfair  
2           methods of competition under section 5 of the  
3           Federal Trade Commission Act (15 U.S.C. 45),  
4           as in effect on the day before the effective date.

5           (5) AUTHORITY TO CONDUCT INVESTIGATIVE  
6           STUDIES.—

7                   (A) REPORTS OF PERSONS, PARTNER-  
8                   SHIPS, AND CORPORATIONS.—

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

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

3 (I) be made under oath or other-  
4 wise as the Department may pre-  
5 scribe;

6 (II) pertain solely to competition  
7 or the application of the antitrust  
8 laws; and

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

14 (B) PUBLICATION OF INFORMATION OR  
15 REPORTS.—

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

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

23 (II) may make annual and spe-  
24 cial reports to Congress that include

1 recommendations for additional legis-  
2 lation; and

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

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

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

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

21 (aa) officers and employees  
22 of appropriate Federal law en-  
23 forcement agencies or to any offi-  
24 cer or employee of any State law  
25 enforcement agency upon the

1 prior certification of an officer of  
2 any such Federal or State law  
3 enforcement agency that such in-  
4 formation will be maintained in  
5 confidence and will be used only  
6 for official law enforcement pur-  
7 poses; or

8 (bb) any officer or employee  
9 of any foreign law enforcement  
10 agency under the same cir-  
11 cumstances that making material  
12 available to foreign law enforce-  
13 ment agencies is permitted under  
14 section 21(b) of the Federal  
15 Trade Commission Act (15  
16 U.S.C. 57b-2(b)).

17 (6) BENEFIT OF ANTITRUST DIVISION.—All  
18 FTC antitrust assets and FTC antitrust funding  
19 transferred under this subsection shall be for the ex-  
20 clusive use and benefit of the Antitrust Division of  
21 the Department of Justice.

22 (b) TRANSITION PERIOD.—

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

1 (A) hire or assign an employee to an FTC  
2 Antitrust Unit;

3 (B) open a new investigation or matter  
4 within an FTC Antitrust Unit or relating to  
5 antitrust enforcement;

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

10 (D) initiate a new FTC antitrust action.

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

19 (3) SAME RIGHTS AND OBLIGATIONS.—

20 (A) IN GENERAL.—Notwithstanding any  
21 other provision of law, during the transition pe-  
22 riod all Department of Justice employees under  
23 the supervision of the Assistant Attorney Gen-  
24 eral shall have the same rights and obligations  
25 with respect to confidential information sub-

1           mitted to the Commission as FTC antitrust em-  
2           ployees on the day before the effective date.

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

8           (c) AGREEMENTS.—The Assistant Attorney General,  
9           in consultation with the Chairman of the Commission,  
10          shall—

11           (1) review any agreements between the Com-  
12          mission and any other Federal agency or any foreign  
13          law enforcement agency; and

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

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



1 **SEC. 205. REMOVAL OF REVIEW AUTHORITY FROM FED-**  
2 **ERAL COMMUNICATIONS COMMISSION AND**  
3 **STATE ENTITIES.**

4 (a) DEFINITIONS.—In this section—

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

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

10 (B) any authorization, certificate, fran-  
11 chise, or other instrument issued by a State  
12 commission or franchising authority; and

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

17 (b) REVIEW OF COMMUNICATIONS TRANSACTIONS.—

18 (1) SOLE RESPONSIBILITY OF DEPARTMENT OF  
19 JUSTICE.—Notwithstanding any provision of the  
20 Communications Act of 1934 (47 U.S.C. 151 et  
21 seq.) or any law or regulation of a State or political  
22 subdivision thereof, the review of the competitive im-  
23 pact of any proposed covered transaction shall be  
24 solely the responsibility of the Department of Justice  
25 pursuant to the antitrust laws, and neither the Fed-  
26 eral Communications Commission nor any State

1 commission or franchising authority shall have any  
2 authority to conduct such review.

3 (2) CONSULTATION.—In reviewing the competi-  
4 tive impact of a proposed covered transaction, the  
5 Attorney General shall solicit and consider the views  
6 of the Federal Communications Commission.

7 (c) APPLICATION OF PUBLIC INTEREST STAND-  
8 ARDS.—

9 (1) IN GENERAL.—A determination of the Fed-  
10 eral Communications Commission described in para-  
11 graph (2) with respect to a proposed covered trans-  
12 action shall be limited to an assessment of whether  
13 the acquirer, assignee, or transferee meets the tech-  
14 nical, financial, character, and citizenship qualifica-  
15 tions that the Commission has prescribed by rule  
16 under the Communications Act of 1934 (47 U.S.C.  
17 151 et seq.) to hold that license, authorization, or  
18 line.

19 (2) DETERMINATIONS.—A determination de-  
20 scribed in this paragraph is a determination pursu-  
21 ant to section 214(a) or 310(d) of the Communica-  
22 tions Act of 1934 (47 U.S.C. 214(a), 310(d)) as to  
23 whether a proposed covered transaction would serve  
24 the public interest, without regard to whether the  
25 determination is phrased as whether the present or

1 future public convenience and necessity require or  
2 will require the transaction or whether the public in-  
3 terest, convenience, and necessity will be served by  
4 the transaction.

5 **SEC. 206. TECHNICAL AND CONFORMING AMENDMENTS.**

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

8 (1) in section 2 (15 U.S.C. 13)—

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

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

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

23 (3) in section 7 (15 U.S.C. 18)—

24 (A) in the first undesignated paragraph, by  
25 striking “and no person subject to the jurisdic-

1           tion of the Federal Trade Commission shall ac-  
2           quire the whole or any part of the assets of an-  
3           other person engaged also in commerce or in  
4           any activity affecting commerce”; and

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

11          (4) in section 7A (15 U.S.C. 18a)—

12           (A) in subsection (b)—

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

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

18           (B) in subsection (c)—

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

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

23           (C) in subsection (d)—

24           (i) in the matter preceding paragraph  
25           (1), by striking “Federal Trade Commis-

- 1                   sion, with the concurrence of the Assistant  
2                   Attorney General and” and inserting “At-  
3                   torney General of the United States”; and  
4                   (ii) in paragraph (1), by striking “the  
5                   Federal Trade Commission and”;  
6                   (D) in subsection (e)—  
7                   (i) in paragraph (1)—  
8                   (I) in subparagraph (A), by strik-  
9                   ing “Federal Trade Commission or  
10                  the”; and  
11                  (II) in subparagraph (B), by  
12                  striking “and the Federal Trade Com-  
13                  mission shall each” and inserting  
14                  “shall”; and  
15                  (ii) in paragraph (2)—  
16                  (I) by striking “Federal Trade  
17                  Commission or the”;  
18                  (II) by striking “its or”;  
19                  (III) by striking “the Federal  
20                  Trade Commission or” each place the  
21                  term appears; and  
22                  (IV) by striking “, as the case  
23                  may be,”;  
24                  (E) in subsection (f)—

1 (i) by striking “the Federal Trade  
2 Commission, alleging that a proposed ac-  
3 quisition violates section 7 of this Act or  
4 section 5 of the Federal Trade Commission  
5 Act, or an action is filed by”; and

6 (ii) by striking “the Federal Trade  
7 Commission or”;

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

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

13 (H) in subsection (i)—

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

17 (ii) in paragraph (2)—

18 (I) by striking “or the Federal  
19 Trade Commission”; and

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

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

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

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

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

17 (1) in section 5 (15 U.S.C. 45)—

18 (A) in subsection (a)—

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

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

23 (iii) by redesignating paragraph (4) as  
24 paragraph (3);

25 (B) in subsection (b)—

- 1 (i) in the first sentence, by striking  
2 “unfair method of competition or”; and  
3 (ii) in the fifth sentence—  
4 (I) by striking “the method of  
5 competition or”; and  
6 (II) by striking “method of com-  
7 petition or such”;  
8 (C) in subsection (c)—  
9 (i) in the first sentence—  
10 (I) by striking “method of com-  
11 petition or”; and  
12 (II) by striking “method of com-  
13 petition or the”; and  
14 (ii) in the third sentence, by striking  
15 “or to competitors”;  
16 (D) by striking subsection (e);  
17 (E) in subsection (g), by striking para-  
18 graph (4); and  
19 (F) in subsection (n), in the first sentence,  
20 by striking “or to competition”;  
21 (2) in section 6 (15 U.S.C. 46)—  
22 (A) by striking subsections (c) through (e)  
23 and (i);  
24 (B) by redesignating—



1 (i) subsections (f), (g), and (h) as  
2 subsections (c) through (e), respectively;  
3 and

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

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

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

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

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

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

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

20 (A) in subsection (a)—

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

23 (ii) in paragraph (3), by striking “or  
24 any provisions relating to antitrust viola-  
25 tions”;

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

3 (iv) by striking paragraph (8);

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

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

9 (7) in section 21(b)(6) (15 U.S.C. 57b–  
10 2(b)(6)), in the matter following subparagraph (D),  
11 by striking “paragraphs (5) and (7)” and inserting  
12 “paragraphs (4) and (6)”; and

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

14 (A) by striking subsection (f);

15 (B) by redesignating subsection (g) as sub-  
16 section (f);

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

21 (D) in section 24 (15 U.S.C. 57b–5(a)), by  
22 striking “for any conduct which, because of the  
23 provisions of the Act entitled ‘An Act to author-  
24 ize association of producers of agricultural  
25 products’, approved February 18, 1922 (7

1 U.S.C. 291 et seq., commonly known as the  
2 Capper-Volstead Act), is not a violation of any  
3 of the antitrust Acts or this Act”.

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

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

7 (2) in section 5—

8 (A) in the first undesignated paragraph—

9 (i) in the first sentence, by striking  
10 “Federal Trade Commission” and insert-  
11 ing “Attorney General of the United  
12 States”; and

13 (ii) in the second sentence, by striking  
14 “commission” each place the term appears  
15 and inserting “Attorney General of the  
16 United States”;

17 (B) in the second undesignated para-  
18 graph—

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

23 (ii) by striking the third sentence; and

24 (C) by striking the third undesignated  
25 paragraph.

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

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

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

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

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

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

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

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

23 (1) in paragraph (1), by striking “(1) Whoever”  
24 and inserting “Whoever”; and

25 (2) by striking paragraph (2).

1 (j) INTERNATIONAL ANTITRUST ENFORCEMENT AS-  
2 SISTANCE ACT OF 1994.—The International Antitrust  
3 Enforcement Assistance Act of 1994 (15 U.S.C. 6201 et  
4 seq.) is amended—

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

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

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

15 (4) in section 6 (15 U.S.C. 6205)—

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

17 (B) by striking “6(f)” and inserting  
18 “6(e)”;

19 (5) in section 7 (15 U.S.C. 6206)—

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

22 and

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

25 (6) in section 8 (15 U.S.C. 6207)—

1 (A) by striking “Neither the Attorney Gen-  
2 eral nor the Commission may” each place the  
3 term appears and inserting “The Attorney Gen-  
4 eral may not”;

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

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

9 (D) in subsection (c)—

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

11 and

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

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

15 (A) in subsection (a)—

16 (i) by striking “, the Commission,”;

17 and

18 (ii) BY STRIKING “(A) IN GENERAL.—

19 The and inserting “The”

20 (B) by striking subsection (b);

21 (8) in section 12 (15 U.S.C. 6211)—

22 (A) in paragraph (2)—

23 (i) in the matter preceding subpara-  
24 graph (A)—

1 (I) by striking “and the Commis-  
2 sion jointly determine” and inserting  
3 “determines”;

4 (II) by striking “jointly”; and

5 (III) by striking “and the Com-  
6 mission”;

7 (ii) in subparagraph (A)—

8 (I) by striking “and the Commis-  
9 sion” each place the term appears;  
10 and

11 (II) by striking “provide” and in-  
12 serting “provides”;

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

16 (iv) in subparagraph (F)—

17 (I) by striking “or the Commis-  
18 sion”; and

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

21 (v) in subparagraph (H)—

22 (I) in clause (i)—

23 (aa) by striking “or the  
24 Commission”; and

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

6 (B) by striking paragraph (4);

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

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

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

16 (A) by striking “and the Commission are”  
17 and inserting “is”; and

18 (B) by striking “or the Commission, re-  
19 spectively,”.

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



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

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

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

5 (B) by redesignating paragraphs (9)  
6 through (12) as paragraphs (8) through (11),  
7 respectively;

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

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

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

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

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

21 (B) in subsection (b), by striking “or the  
22 Commission”;

23 (7) in section 1116 (21 U.S.C. 355 note), in  
24 the matter preceding paragraph (1), by striking  
25 “Commission, with the concurrence of the Assistant

1 Attorney General” and inserting “Attorney Gen-  
2 eral”; and

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

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

15 **SEC. 207. EFFECTIVE DATE.**

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

