

119TH CONGRESS  
1ST SESSION

# H. R. 384

To transfer antitrust enforcement from the Federal Trade Commission to the Attorney General, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 2025

Mr. CLINE (for himself, Mr. FITZGERALD, and Ms. HAGEMAN) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To transfer antitrust enforcement from the Federal Trade Commission to the Attorney General, 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.

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

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

11 **SEC. 3. DEFINITIONS.**

12          In this Act:

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

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

16                   and

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

19           (2) **EFFECTIVE DATE.**—The term “effective  
20          date” means the date described in section 6.

21           (3) **FTC.**—The term “FTC” means the Fed-  
22          eral Trade Commission.

23           (4) **FTC ANTITRUST ACTION.**—The term “FTC  
24          antitrust action” means any investigation, litigation,

1 administrative proceeding, or other action at the  
2 FTC that—

3 (A) is supervised by an FTC antitrust  
4 unit; or

5 (B) relates to 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) FTC ANTITRUST ASSETS.—The term “FTC  
10 antitrust assets”—

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

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

17 (6) FTC ANTITRUST EMPLOYEE.—The term  
18 “FTC antitrust employee” means an individual who  
19 on the day before the effective date is employed by  
20 the FTC and assigned to an FTC antitrust unit.

21 (7) FTC ANTITRUST FUNDING.—The term  
22 “FTC antitrust funding” means all amounts appro-  
23 priated before the effective date by an Act of Con-  
24 gress to the FTC that are designated, by Congress  
25 or the FTC for an FTC antitrust unit.

1 (8) FTC ANTITRUST UNIT.—The term “FTC  
2 antitrust unit” means—

3 (A) the Bureau of Competition of the  
4 FTC; and

5 (B) each division of the Bureau of Eco-  
6 nomics of the FTC that is designated to work  
7 on FTC antitrust actions.

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

11 (A) the date that is 1 year after the effec-  
12 tive date; or

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

22 **SEC. 4. TRANSFER OF ANTITRUST ENFORCEMENT FUNC-**  
23 **TIONS FROM THE FTC TO THE ATTORNEY**  
24 **GENERAL.**

25 (a) TRANSFER OF ACTIONS.—

1           (1) IN GENERAL.—There shall be transferred to  
2 the Attorney General all FTC antitrust actions,  
3 FTC antitrust employees, FTC antitrust assets, and  
4 FTC antitrust funding on the earlier of—

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

7                   (B) the end of the transition period.

8           (2) REQUIREMENT.—The Attorney General,  
9 taking care to minimize disruption to ongoing en-  
10 forcement matters and in consultation as necessary  
11 with the Office of Personnel Management, the Gen-  
12 eral Services Administration, and the Chairman of  
13 the FTC, shall—

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

17                   (B) determine the dates certain, which  
18 may not be earlier than the effective date or  
19 later than the end of the transition period, on  
20 which the transfers under paragraph (1) shall  
21 occur.

22           (3) PERSONNEL.—

23                   (A) ASSIGNMENT.—An FTC antitrust em-  
24 ployee transferred to the Attorney General

1 under this Act shall be assigned to the Anti-  
2 trust Division of the Department of Justice.

3 (B) OFFICE SPACE.—On the request of the  
4 Attorney General, and in consultation as nec-  
5 essary with the General Services Administra-  
6 tion, the FTC shall allow the Attorney General  
7 to use any office space or leased facilities pre-  
8 viously used by FTC antitrust employees until  
9 such time as the Attorney General may provide  
10 office space or facilities. After the transfer of  
11 FTC antitrust funding to the Attorney General,  
12 the Attorney General shall compensate the FTC  
13 for the costs of the use of such office space or  
14 leased facilities.

15 (C) RESTRUCTURING.—Notwithstanding  
16 any other provision of law, the Attorney Gen-  
17 eral is authorized to restructure the Antitrust  
18 Division of the Department of Justice before  
19 the expiration of the transition period, as the  
20 Attorney General determines is appropriate, to  
21 carry out the purposes of this Act and accom-  
22 plish the efficient enforcement of the antitrust  
23 laws.

24 (4) ANTITRUST ACTIONS.—

1           (A) IN GENERAL.—As soon as is reason-  
2 ably practicable during the transition period, all  
3 open investigations, studies, litigations, matters,  
4 or other proceedings being supervised by an  
5 FTC antitrust unit and relating to the antitrust  
6 laws or unfair methods of competition under  
7 section 5 of the Federal Trade Commission Act  
8 (15 U.S.C. 45), as in effect on the day before  
9 the effective date, shall be transferred to and  
10 assumed by the Attorney General.

11           (B) HANDLING OF ADMINISTRATIVE AC-  
12 TIONS.—FTC antitrust actions that were initi-  
13 ated by the FTC and were unresolved as of the  
14 first day of the transition period, shall be—

15                 (i) continued as the Attorney General  
16 determines is appropriate; and

17                 (ii) the FTC shall have the power to  
18 deputize former FTC antitrust employees,  
19 with the consent of the Attorney General,  
20 to continue any FTC antitrust actions as  
21 described in clause (i).

22           (C) INTERVENTION.—Any FTC antitrust  
23 actions before a court of the United States as  
24 of the first day of the transition period, that  
25 were initiated by the FTC and were unresolved

1 as of the first day of the transition period, shall  
2 be—

3 (i) continued as the Attorney General  
4 determines is appropriate; and

5 (ii) that the FTC shall have the power  
6 to deputize former FTC antitrust employ-  
7 ees, with the consent of the Attorney Gen-  
8 eral, to continue any FTC antitrust actions  
9 as described in clause (i).

10 (D) CONSENT DECREES.—

11 (i) IN GENERAL.—At the end of the  
12 transition period, the Attorney General  
13 shall have sole authority to receive all re-  
14 ports as required under, enforce violations  
15 of, approve modifications to, or rescind any  
16 consent decree entered into by the FTC  
17 before the effective date that concerns con-  
18 duct alleged to violate the antitrust laws or  
19 unfair methods of competition under sec-  
20 tion 5 of the Federal Trade Commission  
21 Act (15 U.S.C. 45), as in effect on the day  
22 before the effective date.

23 (ii) ADMINISTRATIVE ENFORCE-  
24 MENT.—If deemed necessary by the FTC  
25 and the Attorney General, the FTC shall

1 have the power to deputize former FTC  
2 antitrust employees, with the consent of  
3 the Attorney General, to enforce and nego-  
4 tiate modifications of FTC consent decrees  
5 in effect on the day before the effective  
6 date in the FTC's administrative process.

7 (5) AUTHORITY TO CONDUCT INVESTIGATIVE  
8 STUDIES.—

9 (A) REPORTS OF PERSONS, PARTNER-  
10 SHIPS, AND CORPORATIONS.—

11 (i) IN GENERAL.—The Attorney Gen-  
12 eral may require, by general or special or-  
13 ders, persons, partnerships, and corpora-  
14 tions, engaged in or whose business affects  
15 commerce to file with the Attorney General  
16 in such form as the Attorney General may  
17 prescribe annual or special reports or an-  
18 swers in writing to specific questions, fur-  
19 nishing to the Attorney General such infor-  
20 mation as the Attorney General may re-  
21 quire as to the organization, business, con-  
22 duct, practices, management, and relation  
23 to other corporations, partnerships, and in-  
24 dividuals of the respective persons, part-

1           nerships, and corporations filing such re-  
2           ports or answers in writing.

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

5                   (I) be made under oath or other-  
6                   wise as the Attorney General may pre-  
7                   scribe;

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

11                  (III) be filed with the Attorney  
12                  General within such reasonable period  
13                  as the Attorney General may pre-  
14                  scribe, unless additional time be  
15                  granted in any case by the Attorney  
16                  General.

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

19           (i) IN GENERAL.—Except as provided  
20           in clause (ii), the Attorney General—

21                   (I) shall make public from time  
22                   to time such portions of the informa-  
23                   tion obtained by the Attorney General  
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 Attorney General in such form and  
8 manner as may be best adapted for  
9 public information 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 Attorney  
15 General shall not make public any  
16 trade secret or any commercial or fi-  
17 nancial information that is obtained  
18 from any person and that is privileged  
19 or confidential.

20 (II) EXCEPTION.—The Attorney  
21 General 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-

1 cer or employee of any State law  
2 enforcement agency on the prior  
3 certification of an officer of any  
4 such Federal or State law en-  
5 forcement agency that such infor-  
6 mation will be maintained in con-  
7 fidence and will be used only for  
8 official law enforcement purposes;  
9 or

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

19 (6) BENEFIT OF ANTITRUST DIVISION.—All  
20 FTC antitrust assets and FTC antitrust funding  
21 transferred under this subsection shall be for the ex-  
22 clusive use and benefit of the Antitrust Division of  
23 the Department of Justice, except to the extent the  
24 FTC deputizes former FTC antitrust employees,  
25 with the consent of the Attorney General, to con-

1       tinue any FTC antitrust actions that are ongoing  
2       and unresolved before the effective date.

3       (b) TRANSITION PERIOD.—

4             (1) IN GENERAL.—Except as provided in para-  
5       graph (2), beginning on the effective date, the FTC  
6       may not—

7             (A) hire or assign an employee to an FTC  
8       antitrust unit;

9             (B) open a new investigation or matter  
10       within an FTC antitrust unit or relating to the  
11       antitrust laws or unfair methods of competition  
12       under section 5 of the Federal Trade Commis-  
13       sion Act;

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

18            (D) initiate a new FTC antitrust action.

19            (2) ENFORCEMENT ON BEHALF OF THE ATTOR-  
20       NEY GENERAL.—Notwithstanding paragraph (1),  
21       during the transition period, the Attorney General  
22       may deputize an FTC antitrust employee to inves-  
23       tigate or prosecute an alleged violation of the anti-  
24       trust laws on behalf of the Attorney General before

1 the completion of the transfer of personnel under  
2 subsection (a).

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 Attorney General shall  
8 have the same rights and obligations with re-  
9 spect to confidential information submitted to  
10 the FTC as FTC antitrust employees on the  
11 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 Attorney General, in con-  
18 sultation with the Chairman of the FTC, shall—

19 (1) review any agreements between the FTC  
20 and any other Federal agency or any foreign law en-  
21 forcement agency; and

22 (2) before the end of the transition period, seek  
23 to amend, transfer, or rescind such agreements as  
24 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 the Clayton Act.

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

9       (a) REQUIREMENTS TO CONSULT WITH OR SEEK  
10 THE CONCURRENCE.—For any provision of law requiring  
11 an executive branch agency or independent agency to con-  
12 sult with or seek the concurrence of the FTC or the Chair-  
13 man of the FTC, where such requirement relates to the  
14 antitrust laws or unfair methods of competition under sec-  
15 tion 5 of the Federal Trade Commission Act (15 U.S.C.  
16 45), as in effect on the day before the effective date, that  
17 requirement shall be transferred from the FTC or the  
18 Chairman of the FTC to the Attorney General.

19       (b) PREMERGER NOTIFICATION FILINGS.—

20               (1) FTC PREMERGER NOTIFICATION FIL-  
21       INGS.—For any provision of law requiring notifica-  
22       tion to the FTC, where such requirement relates to  
23       the antitrust laws or unfair methods of competition  
24       under section 5 of the Federal Trade Commission  
25       Act (15 U.S.C. 45), as in effect on the day before

1 the effective date, that requirement for notification  
2 to the FTC shall be waived.

3 (2) DEPARTMENT OF JUSTICE PREMERGER NO-  
4 TIFICATION FILINGS.—Nothing in paragraph (b)  
5 may be construed as implying any change to the re-  
6 quirement for any required notification to the Attor-  
7 ney General.

8 (c) EXISTING LITIGATION OR APPEALS.—Notwith-  
9 standing any other provision of law, the Attorney General  
10 shall not deny resources to the FTC or otherwise disrupt  
11 existing litigation or appeals that are ongoing on the day  
12 before the effective date.

13 (d) FUTURE ACTIONS OF ATTORNEY GENERAL.—  
14 Notwithstanding any other provision of law, nothing in  
15 this Act may be construed to limit the powers of the Attor-  
16 ney General to enforce the antitrust laws.

17 (e) FUTURE ACTIONS OF THE FTC.—Notwith-  
18 standing any other provision of law, the FTC shall not  
19 open new investigations or begin enforcement actions that  
20 relates to the antitrust laws or unfair methods of competi-  
21 tion under section 5 of the Federal Trade Commission Act  
22 (15 U.S.C. 45), except as explicitly allowed in this Act  
23 with the approval of the Attorney General and relating  
24 to an investigation, litigation, appeal, or consent decree

1 that was ongoing or in place on the day before the effective  
2 date.

3 **SEC. 6. EFFECTIVE DATE.**

4 Except as provided otherwise, this Act shall take ef-  
5 fect on the start of the first fiscal year that is at least  
6 90 days after the date of enactment of this Act.

○