

April 15, 2024

The Honorable Patty Murray  
Chair  
Senate Appropriations Committee  
S-128, U.S. Capitol  
Washington, D.C. 20510

The Honorable Susan Collins  
Ranking Member  
Senate Appropriations Committee  
1036 Longworth House Office Building  
Washington, DC 20515

The Honorable Tom Cole  
Chair  
House Appropriations Committee  
H-307, U.S. Capitol  
Washington, DC 20515

The Honorable Rosa DeLauro  
Ranking Member  
House Appropriations Committee  
1036 Longworth House Building  
Washington, DC 20515

Chair Murray, Ranking Member Collins, Chair Cole, and Ranking Member DeLauro:

The 36 undersigned groups write to urge Congress to ensure that both the Commerce, Science, and Justice (CJS) and the Financial Services and General Government (FSGG) Appropriations bills provide the Federal Trade Commission (FTC) and Department of Justice’s Antitrust Division (ATR) with the tools they need to robustly enforce our antitrust laws in Fiscal Year 2025 (FY25). **FY25 CJS and FSGG Appropriations legislation must provide funding to our enforcers at or above the President’s Budget Request, avoid the inclusion of any language that might inhibit robust antitrust enforcement, and remove the harmful policy rider from the Fiscal Year 2024 (FY24) CJS bill that places unnecessary restrictions on ATR’s access to merger filing fees and essentially nullifies the Merger Filing Fee Modernization Act (MFFMA).**

We commend the administration’s bold and necessary “whole of government” approach to enforcing our antitrust laws and reining in monopolistic corporations.<sup>1</sup> Over the last few decades, industries across the American economy have grown more concentrated, granting the nation’s largest corporations significant market power.<sup>2</sup> They have used this market power to drastically increase their own profit margins while increasing prices for consumers, limiting economic mobility and wages for workers, and making it difficult for small businesses to succeed.<sup>3</sup>

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<sup>1</sup> Exec. Order No. 14,036 3 C.F.R., “Executive Order on Promoting Competition in the American Economy,” (July 2021) [Executive Order on Promoting Competition in the American Economy | The White House](#).

<sup>2</sup> Mary K. Hendrickson, et. al., “The Food System: Concentration and Its Impacts,” Farm Action (May 2021) [The Food System: Concentration and Its Impacts](#); Library of Congress, H.Prt.8, 117th Cong. (2024), [Majority Staff Report and Recommendations](#).

<sup>3</sup> Federal Reserve Bank of San Francisco, “Supply Chain Disruptions, Trade Costs, and Labor Markets” (January 2023) [Supply Chain Disruptions, Trade Costs, and Labor Markets](#); Tania Babina et. al., “Antitrust Enforcement Increases Economic Activity,” National Bureau of Economic Research (Aug. 2023) [Antitrust Enforcement Increases Economic Activity](#); Open Markets Institute Statement for Antitrust Subcomm. Hearing on “Online Platforms and Market Power, Part 2: Innovation and Entrepreneurship,” (July 2019) [Statement](#).

To counter this drastic increase in monopoly power and support a competitive economy, our antitrust enforcers have laid out a robust enforcement agenda over the last three years. The FTC and ATR have challenged dozens of potentially illegal mergers, brought cases against corporations and executives for engaging in anticompetitive conduct, and issued important rules to foster competition. They have also supported work from other agencies like the United States Department of Agriculture and the Department of Transportation as they build more competitive markets.<sup>4</sup> So far, this approach has paid dividends, with our regulators and enforcers securing important victories month after month.<sup>5</sup> This approach has been enormously popular – Americans across the political spectrum strongly oppose abusive monopolies and support enforcement of our antitrust laws.<sup>6</sup>

Our antitrust enforcers require adequate funding to deliver on their stated mission and robust agenda, especially as they face potentially anticompetitive conduct from some of the wealthiest and most powerful corporations in history. Both the FTC and ATR have faced decades of stagnant funding, which, when adjusted for inflation, effectively translates to significant budget reductions. In real terms, the enforcement agencies had fewer resources in 2018 than they did in 2001.<sup>7</sup> While there has been reinvestment in our enforcers over the last five years, they need our support to fully meet the moment and hold monopolists accountable.<sup>8</sup>

We are concerned that FY24 Appropriations did not provide our enforcers with the resources they need to address the rise in consolidated corporate power in the United States. While we appreciate the modest increase ATR received, their FY24 budget is essentially flat when adjusted for inflation and FTC will have fewer resources than in FY23 after their \$4.3 million cut. Even more concerning, FY24 CJS legislation included language that unnecessarily limits ATR’s ability to access fees generated from the MFFMA, legislation passed in the 117th Congress by a sweeping bipartisan majority which would provide more resources for our enforcers by adjusting fees for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act.<sup>9</sup>

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<sup>4</sup> Brian German, “Final Rule Makes Adjustments to Packers and Stockyards Act,” AgNet West, (Mar. 2024) [Final Rule Makes Adjustments to Packers and Stockyards Act](#); Josh Sisco, “Biden administration moves to block JetBlue’s \$3.8B Spirit takeover,” Politico (Mar. 2023) [Biden administration moves to block JetBlue’s \\$3.8B Spirit takeover](#).

<sup>5</sup> American Economic Liberties Project, “Antitrust Enforcers Win Big Ahead of the Holidays,” (Dec. 2023) [Antitrust Enforcers Win Big Ahead of the Holidays](#).

<sup>6</sup> Taylor Orth, “Most Americans oppose monopolies and support Antitrust Laws,” YouGov (Nov. 2023) [Most Americans oppose monopolies and support antitrust laws | YouGov](#).

<sup>7</sup> Michael Kades, “The State of U.S. Federal Antitrust Enforcement,” Washington Center for Equitable Growth, (Sept. 2019) [The State of U.S. Federal Antitrust Enforcement](#).

<sup>8</sup> Federal Trade Commission, “Budget, Performance, and Financial Reporting,” (Accessed Apr. 2024) [Budget, Performance, and Financial Reporting](#).

<sup>9</sup> David Dayen, “Congress Poised to Kneecap Antitrust Division,” The American Prospect, (Mar. 2024) [Congress Poised to Kneecap Antitrust Division](#).

While we understand that our government faces a challenging fiscal environment, we urge Congress to increase funding for both bodies in FY25. Congressional Appropriators must ensure that our enforcers have the resources to challenge illegal behavior, build a competitive economy across all industries, and protect consumers and workers.

**We request that you provide \$288 million for ATR and \$535 million for FTC per the President’s budget request, prevent the inclusion of any policy language in any appropriations legislation that would prevent any agency tasked with promoting competition from fulfilling their mission, and restore the bipartisan MFFMA by removing the language included in the FY24 CJS legislation preventing ATR from accessing necessary merger filing fees.<sup>10</sup>**

Sincerely,

20/20 Vision	National Sustainable Agriculture Coalition
Accountable Tech	Main Street Alliance
Athena	Open Markets Institute
American Economic Liberties Project	Our Revolution
Americans for Financial Reform	P Street
Artist Rights Alliance	People Power United
Campaign for Family Farms and the Environment	People's Action
Center for Democracy & Technology	People's Parity Project
Committee to Support the Antitrust Laws	Public Citizen
Common Sense Media	Public Knowledge
Consumer Reports	R-CALF USA
Demand Progress	Revolving Door Project
Economic Security Project Action	Rural Advancement Foundation International
Electronic Frontier Foundation	Rural Coalition
Farm Action Fund	Service Employees International Union
Future of Music Coalition	Teamsters
Institute for Local Self-Reliance	The Tech Oversight Project
National Farmers Union	United Food and Commercial Workers Union

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<sup>10</sup> Office of Management and Budget, “Appendix, Budget of the U.S. Government Fiscal Year 2025,” (Mar. 2024) [Appendix, Budget of the U.S. Government Fiscal Year 2025](#).