

Congress of the United States

Washington, DC 20510

March 5, 2023

The Honorable Patty Murray
Chair
Committee on Appropriations
United States Senate

The Honorable Susan Collins
Ranking Member
Committee on Appropriations
United States Senate

The Honorable Kay Granger
Chair
Committee on Appropriations
United States House of Representatives

The Honorable Rosa DeLauro
Ranking Member
Committee on Appropriations
United States House of Representatives

Dear Chairs Murray and Granger and Ranking Members Collins and DeLauro:

We write in strong opposition to the funding levels for the Antitrust Division of the U.S. Department of Justice (DOJ) in the recently circulated 2024 appropriations package. While we appreciate the work of the Appropriations Committee, as written, the bill would undermine the intent of the *Merger Filing Fee Modernization Act*, which was supported in the Senate by a vote of 88-8 and was enacted in 2022 as part of the *Consolidated Appropriations Act of 2023*. The *Merger Filing Fee Modernization Act* restructured premerger filing fees, raising fees for the largest mergers and reducing them for smaller transactions, and was explicitly intended to provide additional funding, through access to the merger filing fees, to strengthen enforcement of the antitrust laws.

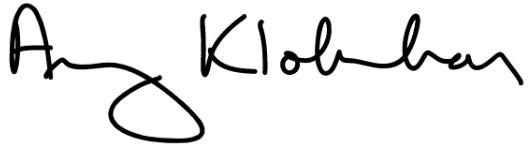
Unfortunately, the 2024 appropriations bill does not provide the Antitrust Division with full access to the premerger filing fees. Specifically, the bill prohibits the Antitrust Division from using filing fees collected in excess of \$233,000,000. This provision is in direct conflict with the *Merger Filing Fee Modernization Act* and forces any additional funding from the merger fees into a separate appropriations process before those funds can go to the Antitrust Division. This limitation will hamper the ability of the Antitrust Division to utilize those additional funds to enhance its enforcement activities.

While the American economy has grown significantly in size, the funding for our federal antitrust agencies has failed to keep pace. As an example, the Antitrust Division at the Department of Justice had 352 fewer employees in 2022 than it did in 1979. While there has long been a strong commitment to fully enforce our antitrust laws, we must ensure the DOJ has ample resources to take on cases that have become more complex and involve some of the largest companies the world has ever known.

We urge you to support the enforcement work of our antitrust agencies by committing to ensure the DOJ Antitrust Division can fully access the premerger filing fees as envisioned under the *Merger Filing Fee Modernization Act*. This will allow the Antitrust Division to use

those additional resources to more effectively to fulfill its mission to protect competition and consumers.

Sincerely,



Amy Klobuchar
United States Senator



Chuck Grassley
United States Senator



Joe Neguse
United States Representative



Ken Buck
United States Representative



Jerrold Nadler
United States Representative