To amend the Clayton Act and the Federal Trade Commission Act to provide that the Federal Trade Commission shall exercise authority with respect to mergers only under the Clayton Act and only in the same procedural manner as the Attorney General exercises such authority.

IN THE HOUSE OF REPRESENTATIVES

September 8, 2014

Mr. FARENTHOLD introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Clayton Act and the Federal Trade Commission Act to provide that the Federal Trade Commission shall exercise authority with respect to mergers only under the Clayton Act and only in the same procedural manner as the Attorney General exercises such authority.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Standard Merger and Acquisition Reviews Through Equal Rules Act of 2014”.

SEC. 2. AMENDMENTS TO THE CLAYTON ACT.

The Clayton Act (15 U.S.C. 12 et seq.) is amended—
(1) in section 4F—

(A) in the heading by inserting “OR THE
FEDERAL TRADE COMMISSION” after “UNITED
STATES”,

(B) in subsection (a)—

(i) by inserting “(or the Federal
Trade Commission with respect to a viola-
tion of section 7)” after “United States”,
and

(ii) by inserting “(or it)” after “he”
each place it appears, and

(C) in subsection (b) by inserting “(or the
Federal Trade Commission with respect to a
violation of section 7)” after “United States”,

(2) in section 5—

(A) in subsection (a) by inserting “(including
a proceeding brought by the Federal Trade
Commission with respect to a violation of sec-
tion 7)” after “United States”,

(B) in subsection (b) by inserting “(including
the Federal Trade Commission with respect
to a violation of section 7)” after “United
States” each place it appears,

(C) in subsection (c) by inserting “(including
the Federal Trade Commission with respect
to a violation of section 7)” after “United States” each place it appears,

(D) in subsection (d) by inserting “(including the Federal Trade Commission with respect to a violation of section 7)” after “United States” each place it appears,

(E) in subsection (e)(1) by inserting “(including the Federal Trade Commission with respect to a violation of section 7)” after “United States”,

(F) in subsection (f)(4) by inserting “(including the Federal Trade Commission with respect to a violation of section 7)” after “United States”,

(G) in subsection (g)—

(i) by inserting “(including the Federal Trade Commission with respect to a violation of section 7)” after “United States”,

(ii) by inserting “(or the Federal Trade Commission)” after “General”, and

(iii) by inserting “(or any officer or employee of the Federal Trade Commission)” after “Justice”, and
(H) in subsection (i) by inserting “(including the Federal Trade Commission with respect to a violation of section 7)” after “United States”;

(3) in section 11(a) by inserting “(excluding enforcing compliance with section 7)” after “commerce”,

(4) in section 13 by inserting “(including the Federal Trade Commission with respect to a violation of section 7)” after “United States” the 1st place it appears, and

(5) in section 15 by inserting “and the duty of the Federal Trade Commission with respect to a violation of section 7,” after “General,”.

SEC. 3. AMENDMENTS TO THE FEDERAL TRADE COMMISSION ACT.

The Federal Trade Commission Act (15 U.S.C. 41) is amended—

(1) in section 5(b)—

(A) by inserting “(excluding the consummation of a proposed merger, acquisition, joint venture, or similar transaction subject to section 7 of the Clayton Act)” after “unfair method of competition”, and
(B) by inserting “(excluding the consummation of a proposed merger, acquisition, joint venture, or similar transaction subject to section 7 of the Clayton Act)” after “method of competition” the 2d and 3d places it appears,

(2) in section 9 by inserting after the 4th undesignated paragraph the following:

“Upon the application of the commission with respect to any activity related to the consummation of a proposed merger, acquisition, joint venture, or similar transaction subject to section 7 of the Clayton Act that may result in any unfair method of competition, the district courts of the United States shall have jurisdiction to issue writs of mandamus commanding any person or corporation to comply with the provisions of this Act or any order of the commission made in pursuance thereof.”, and

(3) in section 13(b)(1) by inserting “(excluding section 7 of the Clayton Act and section 5(a)(1) with respect to the consummation of a proposed merger, acquisition, joint venture, or similar transaction subject to section 7 of the Clayton Act)” after “Commission”.

SEC. 4. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this
Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall not apply to any of the following that occurs before the date of enactment of this Act:


(2) A transaction with respect to which there is compliance with section 7A of the Clayton Act (15 U.S.C. 18a).

(3) A merger, acquisition, joint venture, or similar transaction that is consummated.