

[DISCUSSION DRAFT]

113TH CONGRESS
2^D SESSION

H. R. _____

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 Attorney General exercises such authority.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ (for ____ and ____) introduced the following bill; which was referred to the Committee on _____

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 Attorney General exercises such authority.

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 “Standard Merger and
5 Acquisition Reviews Through Equal Rules Act of 2014”.

1 **SEC. 2. AMENDMENTS TO THE CLAYTON ACT.**

2 The Clayton Act (15 U.S.C. 12 et seq.) is amended—

3 (1) in section 4F—

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

7 (B) in subsection (a)—

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

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

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

17 (2) in section 5—

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

22 (B) in subsection (b) by inserting “(includ-
23 ing the Federal Trade Commission with respect
24 to a violation of section 7)” after “United
25 States” each place it appears,

1 (C) in subsection (e) by inserting “(includ-
2 ing the Federal Trade Commission with respect
3 to a violation of section 7)” after “United
4 States” each place it appears,

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

9 (E) in subsection (e)(1) by inserting “(in-
10 cluding the Federal Trade Commission with re-
11 spect to a violation of section 7)” after “United
12 States”,

13 (F) in subsection (f)(4) by inserting “(in-
14 cluding the Federal Trade Commission with re-
15 spect to a violation of section 7)” after “United
16 States”,

17 (G) in subsection (g)—

18 (i) by inserting “(including the Fed-
19 eral Trade Commission with respect to a
20 violation of section 7)” after “United
21 States”,

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

1 (iii) by inserting “(or any officer or
2 employee of the Federal Trade Commis-
3 sion)” after “Justice”,

4 (H) in subsection (i) by inserting “(includ-
5 ing the Federal Trade Commission with respect
6 to a violation of section 7)” after “United
7 States”.

8 (3) in section 11(a) by inserting “(excluding en-
9 forcing compliance with section 7)” after “com-
10 merce”,

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

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

18 **SEC. 3. AMENDMENTS TO THE FEDERAL TRADE COMMIS-**
19 **SION ACT.**

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

22 (1) in section 5(b)—

23 (A) by inserting “(excluding an unfair
24 method of competition that would result from
25 the consummation of a merger, acquisition,

1 joint venture, or similar transaction)” after
2 “unfair method of competition”, and

3 (B) by inserting “(excluding any activity in
4 preparation for a merger, acquisition, joint ven-
5 ture, or similar transaction which if con-
6 summated, may result in any unfair method of
7 competition)” after “method of competition”
8 the 2d and 3d places it appears,

9 (2) in the 4th undesignated paragraph of sec-
10 tion 9 by inserting “or the Commission with respect
11 to any activity in preparation for a merger, acquisi-
12 tion, joint venture, or similar transaction which if
13 consummated, may result in any unfair method of
14 competition,” after “commission,” and

15 (3) in section 13(b)(1) by inserting “(excluding
16 section 7 of the Clayton Act and section 5(a)(1) with
17 respect to an unfair method of competition that
18 would result from the consummation of a merger,
19 acquisition, joint venture, or similar transaction)”
20 after “Commission”.

21 **SEC. 4. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

22 (a) EFFECTIVE DATE.—Except as provided in sub-
23 section (b), this Act and the amendments made by this
24 Act shall take effect on the date of the enactment of this
25 Act.

1 (b) APPLICATION OF AMENDMENTS.—The amend-
2 ments made by this Act shall not apply to any of the fol-
3 lowing that occurs before the date of enactment of this
4 Act::

5 (1) A violation of section 7 of the Clayton Act
6 (15 U.S.C. 18).

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

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