

March 19, 2024

The Honorable Amy Klobuchar
United States Senate
425 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Klobuchar,

We write to thank you for your ongoing efforts to protect and expand funding for the Department of Justice Antitrust Division (“DOJ Antitrust Division,” or “the Division”). The DOJ Antitrust Division plays a crucial role in policing anti-competitive conduct that undermines competition and harms consumers. Although the funding that Congress has allocated to the Division has long been insufficient, the Division has nonetheless fought aggressively and successfully in recent years to curb monopolistic behavior.¹ Like many Americans, we were alarmed that critical funding for the DOJ Antitrust Division was quietly stripped during the appropriations process earlier this month. We stand with your efforts to restore full funding to the Division,² which is sorely needed in light of increasing demands on its capacity.

As you know, under the minibus recently passed by Congress, funding for the DOJ Antitrust Division will be capped at \$233 million for FY 2024. By capping appropriations - rather than allowing the Division full access to collected merger filing fees - Congress is departing from years of precedent and undermining the intent of the Merger Filing Fee Modernization Act you led to enactment in 2022.³ Fortunately, the Biden Administration has committed to working with lawmakers in the months ahead to restore the Antitrust Division’s full access to merger filing fees.⁴ As the Division gears up for a number of reportedly pending antitrust lawsuits, this progress is welcome and critical. In addition, Senator Jeanne Shaheen - Chair of the Commerce, Justice, Science, and Related Agencies Subcommittee of the Senate Committee on Appropriations - has conveyed her intent to fix this problem as well.⁵

While there is reason to be optimistic about these latest expressions of support, there is also plenty of reason to remain vigilant, to take nothing for granted, and to continue fighting on behalf of the Division for additional resources. In that context, your ongoing advocacy for

¹ Reuters, "JetBlue, Spirit Airlines call off \$3.8 bln merger on antitrust hurdle," David Shepardson and Aatreyee Dasgupta, March 4, 2024, <https://www.reuters.com/markets/deals/jetblue-terminates-38-bln-spirit-deal-2024-03-04/>

² Bloomberg, "Lawmakers Seek to Restore Antitrust Funding to Spending Bill," Leah Nylen, March 5, 2024, <https://www.bloomberg.com/news/articles/2024-03-06/lawmakers-seek-to-restore-antitrust-funding-to-spending-bill>

³ Letter to Sen. Patty Murray, Sen. Susan Collins, Rep. Kay Granger, and Rep. Rosa DeLauro on March 5, 2024, https://www.klobuchar.senate.gov/public/_cache/files/7/a/7ac1cb4b-843d-4038-a76f-184a6b3879b5/C9343D049AD1333ECC4E9DFF5D1C5858.3.5.2023-bipartisan-antitrust-approps-letter-final.pdf

⁴ The American Prospect, "White House Commits to Antitrust Division Budget Restoration," David Dayen, March 12, 2024, <https://prospect.org/power/2024-03-12-white-house-antitrust-division-budget-restoration/>

⁵ <https://www.c-span.org/video/?c5109379/user-clip-colloquy-sens-shaheen-klobuchar-doj-funding>

removing the cap, preventing diversion of merger filing fees, and increasing funding for antitrust enforcement has been and will continue to be critical, and we thank you sincerely for your continued leadership.⁶

Sincerely,

Accountable Tech
American Economic Liberties Project
Americans for Financial Reform
Athena
Center for Democracy & Technology
Center for Digital Democracy
Committee to Support the Antitrust Laws
Consumer Reports
Demand Progress
Economic Security Project Action
Farm Action Fund
Institute for Local Self-Reliance
Jobs with Justice National
Main Street Alliance
Open Markets Institute
Other 98%
P Street
Public Citizen
Public Knowledge
Surveillance Technology Oversight Project
Tech Oversight Project

⁶ Letter to Sen. Patty Murray, Sen. Susan Collins, Sen. Jeanne Shaheen, Sen. Jerry Moran, Rep. Kay Granger, Rep. Rosa DeLauro, Rep. Hal Rogers, and Rep. Matt Cartwright on March 5, 2024, <https://nadler.house.gov/uploadedfiles/c1f6fb2215e9d95f4d27315237e1dd55.2024.3.5-letter-to-appropriators.pdf>