

April 15, 2024

The Honorable Tom Cole  
Chairman  
House Committee on Appropriations  
H-307, the Capitol  
Washington, D.C. 20515

The Honorable Rosa DeLauro  
Ranking Member  
House Appropriations Committee  
1036 Longworth House Office Building  
Washington, D.C. 20515

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

The Honorable Susan Collins  
Ranking Member  
Senate Appropriations Committee  
S-146, the Capitol  
Washington, D.C. 20510

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

We the undersigned business associations and coalitions write to urge you to adequately fund our antitrust enforcement agencies in the upcoming FY 2025 Appropriations process so that they can engage in robust enforcement of U.S. antitrust laws. The Department of Justice Antitrust Division (“Antitrust Division”) and the Federal Trade Commission (“FTC”) have a responsibility to promote competition by stopping anticompetitive mergers and anticompetitive conduct. However, they will not be able to fulfill this mission if they do not have sufficient resources, and we strongly urge you to ensure that these agencies have adequate funding to protect our economy.

The current funding for the Antitrust Division and the FTC is not enough for them to deal with increasingly complex and resource-intensive enforcement actions against some of the largest and most powerful companies in the world. The DOJ’s FY2024 budget is \$233 million, which leaves their funding “essentially flat once adjusted for inflation” when compared to the previous year.<sup>1</sup> The FTC is also facing a reduced budget, with funding \$4.3 million *below* the agency’s 2023 budget.<sup>2</sup> This is unacceptable, as these agencies are already chronically underfunded, and it cuts against the intent of the Merger Filing Fee Modernization Act, a bipartisan law enacted in 2022 that is meant to sustainably fund the enforcement agencies through revenue derived from merger filing fee collections. A 2019 study by the Center for Equitable Growth found that “[s]ince 2010, GDP has increased 37 percent, but appropriations for the Antitrust Division at the Justice Department and the FTC have increased only 3 percent.”<sup>3</sup> This means that antitrust enforcement funding is not even close to keeping pace with the growth

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<sup>1</sup> David Dayen, *Congress Poised to Kneecap Antitrust Division*, THE AM. PROSPECT (Mar. 5, 2024), <https://prospect.org/politics/2024-03-05-congress-poised-kneecap-antitrust-division/>.

<sup>2</sup> *Further Consolidated Appropriations Act, 2024*, H. APPROPRIATIONS REPUBLICANS, at 16 (Mar. 2024), <https://appropriations.house.gov/sites/republicans.appropriations.house.gov/files/Second%20FY24%20Package%20-%20Further%20Consolidated%20Appropriations%20Act%2C%202024.pdf> (“The FTC is provided \$425.7 million, which is \$4.3 million below the agency’s 2023 enacted level.”).

<sup>3</sup> MICHAEL KADES, WASH. CTR. FOR EQUITABLE GROWTH, THE STATE OF U.S. FEDERAL ANTITRUST ENFORCEMENT (2019), <https://equitablegrowth.org/research-paper/the-state-of-u-s-federal-antitrust-enforcement/?longform=true>.

of our economy, and likely means that countless bad actors have gone and will go unpunished, bolstering a system that rewards monopolies and crushes competition. Therefore, we urge the Appropriations Committees to fund the Antitrust Division and the FTC's competition mission at the President's FY2025 budget request of \$288 million and \$273 million, respectively.

It is imperative that we give our antitrust agencies far more funding than they currently receive so that they can do the work of protecting competition from monopolistic conduct and blocking anticompetitive mergers. And despite the historical lack of funding, we are also in a renewed era of commitment to antitrust enforcement, with major cases across some of the most consolidated industries, such as agriculture and food, technology, healthcare, and more, being announced every week. When we most need antitrust enforcement to protect and promote competition, a lack of funding forces these agencies to try to do more with much less. And at some point, they will be forced simply to do less.

Our country cannot afford to let up on antitrust enforcement. Consumers are facing skyrocketing prices, and businesses are facing existential threats in the market due to the monopolistic behavior of dominant companies. We respectfully request that you take urgent action to ensure that the FTC and the Antitrust Division have the funding they need to restore robust competition to our economy.

Sincerely,

AAHOA (Asian American Hotel Owners Association)  
American Academy of Emergency Medicine  
American Booksellers Association  
American Independent Business Alliance  
American Specialty Toy Retailing Association  
Association for Independent Medicine  
Cambridge Local First  
Coalition for App Fairness  
Coalition for Patient-Centered Care  
Colorado Convenience Store Association  
Colorado/Wyoming Petroleum Marketers  
Corn Growers Association of North Carolina  
Energy Marketers of America  
Illinois Corn Grocers Association  
Independent Natural Food Retailers Association  
Independent Restaurant Coalition  
Iowa Corn Growers Association  
Local First Arizona  
Local First La Plata  
Louisville Independent Business Alliance  
Love Live Local  
Lowcountry Local First  
Main Street Alliance

Missouri Grocers Association  
National Community Pharmacists Association  
National Grocers Association  
New Atlantic Independent Booksellers Association  
North American Hardware and Paint Association  
North Dakota Grocers Association  
Ohio Corn and Wheat Association  
Oklahoma Grocers Association  
Provender Alliance  
Responsible Online Commerce Coalition  
Retail Grocers Association of Kansas and Missouri  
Rocky Mountain Food Industry Association  
Small Business Majority  
Texas Corn Producers  
Texas Food & Fuel Association  
Washington Food Industry Association  
Wisconsin Grocers Association  
Workplace Solutions Association