

Promoting Competition And Fostering Opportunity For American Consumers



Antitrust reform doesn't have to be radical! Here are some targeted proposals that would help strengthen America's antitrust regime:

1. Provide greater resources to the federal antitrust enforcers to better enforce existing laws.

- Federal funding for antitrust enforcement has not kept pace with GDP growth since 1979. So, full-time staff have actually decreased since then.
- We should focus on providing agencies with the resources necessary to meaningfully enforce our current laws before enacting new ones.

2. Enshrine the consumer welfare standard into law and make clear that courts should also consider non-price factors.

- By enshrining the standard in law, Congress can close the perceived gap between judicial doctrine and statutory law.
- And codifying the standard would signal to all courts that they must, when appropriate, consider the effects of business decisions on product quality and innovation.

3. Expand the power of antitrust enforcers to bring suits against a wider variety of potential defendants including nonprofits, educational institutions, and state licensing boards.

- Currently, nonprofits, educational institutions, and state licensing boards are largely exempt from some forms of antitrust scrutiny.
- They often use this immunity to engage in anticompetitive conduct that harms consumers and distorts markets

4. Reduce redundancy among federal antitrust agencies by providing greater clarity over roles and responsibilities

- Currently, the FTC and DOJ arbitrarily decide which industries they will oversee creating confusion and governmental waste.
- Congress should clearly delineate the roles and responsibilities of both agencies, and require that they use the same enforcement guidelines.
- Congress should also abolish the FTC's in-house adjudicatory body and require the FTC to bring all lawsuits in an Article III court.