

Congress of the United States
Washington, DC 20515

March 8, 2024

The Honorable Joseph R. Biden, Jr.
President of the United States of America
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President,

We are writing to request that the President's budget include robust funding for the Antitrust Division of the Department of Justice for the 2025 Fiscal Year. This was the intent of the Merger Filing Fee Modernization Act of 2022, which passed Congress with substantial bipartisan support. We greatly appreciate your strong support for antitrust enforcement across all industries and prioritizing a competitive marketplace to better support American small businesses and the average consumer.

Unfortunately, there have been recent efforts in Congress to reduce funding for these already underfunded enforcement agencies. Under your Administration, regulators have brought a number of important antitrust cases forward, garnering national attention for their efforts and addressing monopolistic behavior in a variety of markets. From proposed mergers among large firms in the grocery and airline industries to the alleged coercive and anticompetitive behavior by technology firms like Meta and Alphabet, courts and regulators are increasingly being called upon to evaluate the legal and economic implications of corporate consolidation. This is a welcome trend, but without necessary resources it cannot continue. It is our hope that you will continue to uplift your work thus far by requesting significant funding for antitrust enforcers.

We applaud your historic budget requests in funding this division and your Administration's "commitment to vigorous marketplace competition through robust enforcement of antitrust law."

There is a monopoly crisis in America, with corporate concentration having risen substantially for decades without proper oversight. This crisis is often the culprit behind unstable supply chains, the enfeeblement of our industrial and defense industrial base, drug shortages, regional inequality, and a host of other social challenges of concern to all Americans. Your Executive Order on Competition acknowledges these issues and requires a whole-of-government response to restore competition to our markets. However, our agencies cannot accomplish their missions without sufficient funding, and nowhere is this more apparent than in the Antitrust Division of the Department of Justice.

As you are aware, one reason for the increase in market power in recent decades is that antitrust enforcement has slowed due to resource constraints. Despite having to contend with today's much larger U.S. economy, the Antitrust Division has fewer employees now than it did in 1979!

Recently, there has been a modest increase in funding for antitrust enforcement, but the Division is still massively outgunned, with one technology firm alone spending four times as much on legal fees in 2017 than the Antitrust Division spent in total that year. It is therefore critical that the Antitrust Division can have full access to the funds from the Merger Filing Fee Modernization Act as Congress intended to continue this necessary law enforcement work. The passage of the bipartisan Merger Filing Fee Modernization Act was critical in allowing the DOJ to proceed with its impending antitrust lawsuit against tech giant Apple, three years after its investigation began in 2019. Without full funding and access to the merger filing fees, our enforcers will be fighting with an arm tied behind their back.

We would encourage you to keep these dynamics in mind and support the appropriate level of funding for antitrust enforcement. Congress in 2022 clearly intended to provide our antitrust regulators with more resources under the Merger Filing Fee Modernization Act. We encourage you to stand in support of this law and its intent when submitting your budget request to Congress. Thank you for your leadership on this issue and your consideration of our request for continued significant funding for competition work.

Very respectfully,



Chris Deluzio
Member of Congress



Joe Neguse
Member of Congress

CC: The Honorable Shalanda Young, Director of the Office of Management and Budget
