

HR 2745

Standard Merger and Acquisition Reviews Through Equal Rules Act of 2015

Congress: 114 (2015–2017, Ended)

Chamber: House

Policy Area: Commerce

Introduced: Jun 12, 2015

Current Status: Received in the Senate and Read twice and referred to the Committee on the Judiciary.

Latest Action: Received in the Senate and Read twice and referred to the Committee on the Judiciary. (Apr 4, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/house-bill/2745>

Sponsor

Name: Rep. Farenthold, Blake [R-TX-27]

Party: Republican • **State:** TX • **Chamber:** House

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Jun 12, 2015
Rep. Marino, Tom [R-PA-10]	R · PA		Jun 12, 2015
Rep. Collins, Doug [R-GA-9]	R · GA		Jun 18, 2015
Rep. Messer, Luke [R-IN-6]	R · IN		Feb 8, 2016
Rep. Bucshon, Larry [R-IN-8]	R · IN		Feb 23, 2016

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Discharged from	Sep 29, 2015
Judiciary Committee	Senate	Referred To	Apr 4, 2016

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
114 HRES 653	Procedurally related	Mar 22, 2016: Motion to reconsider laid on the table Agreed to without objection.
114 S 2102	Identical bill	Mar 9, 2016: Committee on the Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights. Hearings held.

(This measure has not been amended since it was introduced. The expanded summary of the House reported version is repeated here.)

Standard Merger and Acquisition Reviews Through Equal Rules Act of 2015

(Sec. 2) This bill amends the Clayton Act with respect to notice to a state by the Department of Justice (DOJ) about federal actions brought for violations of antitrust laws. Currently DOJ must:

- notify a state attorney general about an antitrust action regarding which DOJ has reason to believe that the state attorney general would also be entitled to bring an action based substantially on the same alleged violation of the antitrust laws; and
- upon request make available to the state attorney general, to the extent permitted by law, any investigative files or other materials which are or may be relevant or material to the actual or potential cause of action.

The Federal Trade Commission (FTC) shall exercise the same authority and procedures as DOJ under the Clayton Act if the FTC has brought an action under Section 7 of the same Act with respect to the prohibition against acquisition by one corporation of the stock of another (merger) that may substantially lessen competition or tend to create a monopoly.

Also in cases brought by the FTC that result in final judgments against a defendant, those judgments shall be *prima facie* evidence of antitrust violations under substantially similar facts in actions brought by other parties.

The statute of limitations shall be tolled during a proceeding brought by the FTC under Section 7, and for one year thereafter, for any private and state rights of action based on the conduct in question during the proceeding.

The FTC shall enforce compliance with section 7 in the same manner as DOJ in acting to prevent or restrain antitrust violations. The FTC shall enforce a consent order, however, in the same manner it does already.

(Sec. 3) The Federal Trade Commission Act (FTCA) is amended to exclude proposed mergers, acquisitions, joint ventures, or similar transactions from ordinary FTC proceedings, except in cases where the FTC approves an agreement with the parties to the transaction that contains a consent order.

U.S. district courts shall have jurisdiction to issue writs of mandamus commanding compliance with the FTCA or any FTC order, if the FTC applies to such courts with respect to any activity related to consummation of a merger, acquisition, joint venture, or similar transaction that may result in an unfair method of competition.

Actions Timeline

- **Apr 4, 2016:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Mar 23, 2016:** Considered under the provisions of rule H. Res. 653. (consideration: CR H1560-1569)
- **Mar 23, 2016:** Rule provides for consideration of H.R. 2745 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit. Measure will be considered read. Bill is closed to amendments. On any legislative day during the period from March 24, 2016, through April 11, 2016, the Journal of the proceedings of the previous day shall be considered as approved; and the Chair may at any time declare the house adjourned to meet at a date and time, within the limits of clause 4, section 5, of article I of the Constitution, to be announced by the Chair in declaring the adjournment.
- **Mar 23, 2016:** DEBATE - The House proceeded with one hour of debate on H.R. 2745.
- **Mar 23, 2016:** The previous question was ordered pursuant to the rule. (consideration: CR H1567)
- **Mar 23, 2016:** Mr. Doggett moved to recommit with instructions to the Committee on the Judiciary. (consideration: CR H1567-1568; text: CR H1567)
- **Mar 23, 2016:** DEBATE - The House proceeded with ten minutes of debate on the motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment to prohibit mergers that would increase the costs of pharmaceutical drugs.
- **Mar 23, 2016:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H1568)
- **Mar 23, 2016:** On motion to recommit with instructions Failed by the Yeas and Nays: 174 - 235 (Roll no. 136). (consideration: CR H1568)
- **Mar 23, 2016:** Passed/agreed to in House: On passage Passed by recorded vote: 235 - 171 (Roll no. 137).(text: CR H1560-1561)
- **Mar 23, 2016:** On passage Passed by recorded vote: 235 - 171 (Roll no. 137). (text: CR H1560-1561)
- **Mar 23, 2016:** Motion to reconsider laid on the table Agreed to without objection.
- **Mar 22, 2016:** Rule H. Res. 653 passed House.
- **Mar 21, 2016:** Rules Committee Resolution H. Res. 653 Reported to House. Rule provides for consideration of H.R. 2745 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit. Measure will be considered read. Bill is closed to amendments. On any legislative day during the period from March 24, 2016, through April 11, 2016, the Journal of the proceedings of the previous day shall be considered as approved; and the Chair may at any time declare the house adjourned to meet at a date and time, within the limits of clause 4, section 5, of article I of the Constitution, to be announced by the Chair in declaring the adjournment.
- **Mar 14, 2016:** Reported by the Committee on Judiciary. H. Rept. 114-449.
- **Mar 14, 2016:** Placed on the Union Calendar, Calendar No. 344.
- **Sep 30, 2015:** Committee Consideration and Mark-up Session Held.
- **Sep 30, 2015:** Ordered to be Reported by the Yeas and Nays: 18 - 10.
- **Sep 29, 2015:** Subcommittee on Regulatory Reform, Commercial And Antitrust Law Discharged.
- **Jul 1, 2015:** Referred to the Subcommittee on Regulatory Reform, Commercial And Antitrust Law.
- **Jun 12, 2015:** Introduced in House
- **Jun 12, 2015:** Referred to the House Committee on the Judiciary.