

HR 659

Standard Merger and Acquisition Reviews Through Equal Rules Act of 2017

Congress: 115 (2017–2019, Ended)

Chamber: House

Policy Area: Commerce

Introduced: Jan 24, 2017

Current Status: Placed on the Union Calendar, Calendar No. 304.

Latest Action: Placed on the Union Calendar, Calendar No. 304. (Nov 15, 2017)

Official Text: <https://www.congress.gov/bill/115th-congress/house-bill/659>

Sponsor

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

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

Cosponsors (7 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Bucshon, Larry [R-IN-8]	R · IN		Jan 24, 2017
Rep. Collins, Doug [R-GA-9]	R · GA		Jan 24, 2017
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Jan 24, 2017
Rep. Marino, Tom [R-PA-10]	R · PA		Jan 24, 2017
Rep. Messer, Luke [R-IN-6]	R · IN		Jan 24, 2017
Rep. Peters, Scott H. [D-CA-52]	D · CA		Apr 5, 2017
Rep. Peterson, Collin C. [D-MN-7]	D · MN		Apr 5, 2017

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Referred to	Feb 8, 2017

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
115 S 2847	Related bill	May 15, 2018: Read twice and referred to the Committee on the Judiciary.
115 HR 5645	Related bill	May 10, 2018: Received in the Senate and Read twice and referred to the Committee on the Judiciary.

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

Standard Merger and Acquisition Reviews Through Equal Rules Act of 2017

(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 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 such Act, 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 the Act 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

- **Nov 15, 2017:** Reported by the Committee on Judiciary. H. Rept. 115-412.
- **Nov 15, 2017:** Placed on the Union Calendar, Calendar No. 304.
- **Apr 5, 2017:** Committee Consideration and Mark-up Session Held.
- **Apr 5, 2017:** Ordered to be Reported by the Yeas and Nays: 16 - 10.
- **Feb 8, 2017:** Referred to the Subcommittee on Regulatory Reform, Commercial And Antitrust Law.
- **Jan 24, 2017:** Introduced in House
- **Jan 24, 2017:** Referred to the House Committee on the Judiciary.