



Antitrust Division (ATR)

FY 2023 Budget Request At A Glance

FY 2022 President's Budget:	\$201.2 million (830 positions; 412 attorneys)
Current Services Adjustments:	+\$5.9 million
Program Changes:	+\$65.9 million
FY 2023 Budget Request:	\$273.0 million (1,022 positions; 481 attorneys)
Change From FY 2022 President's Budget:	+\$71.8 million (+35.7%) (+192 positions; +69 attorneys)

Mission:

The mission of the Antitrust Division (ATR) is to promote economic competition through enforcing and providing guidance on antitrust laws and principles.

Organization:

The ATR is headed by an Assistant Attorney General (AAG), who is appointed by the President and confirmed by the Senate. The AAG is assisted by six Deputy Assistant Attorneys General, including career and non-career employees. In addition to its Washington, DC, offices and sections, the ATR has three offices strategically located across the United States that primarily handle criminal matters and serve as liaisons to the U.S. Attorneys, State attorneys general, and other law enforcement agencies.

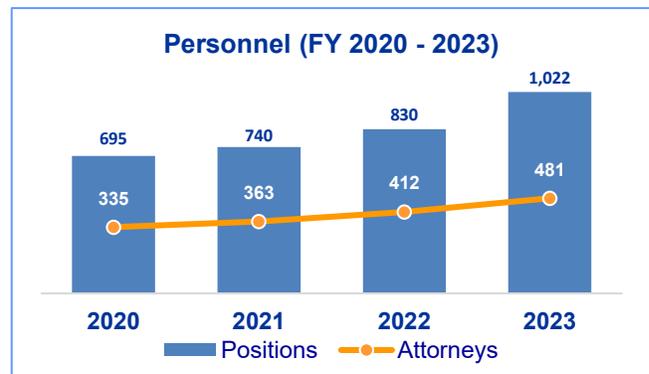
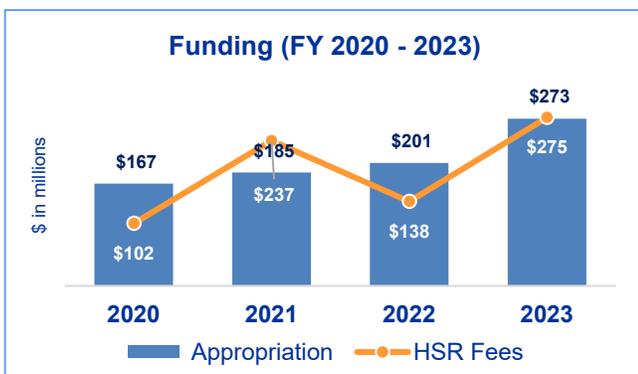
Resources:

The FY 2023 budget request for the ATR totals \$273.0 million, which is a 35.7 percent increase over the FY 2022 President's Budget, and a 41.6 percent increase over the FY 2022 Enacted.

Personnel:

The ATR's direct authorized positions for FY 2023 total 1,022 positions, including an increase of 192 positions over the FY 2022 President's Budget of 830 direct authorized positions.

Approximately two-thirds of ATR funding is derived from the Hart-Scott-Rodino (HSR) premerger filing fees paid by companies planning to merge. For FY 2023, the ATR expects HSR fee collections of \$274.5 million. The filing fee revenue of approximately \$549.0 million is divided evenly between the ATR and the Federal Trade Commission.



FY 2022 – FY 2023 HSR fees are estimated.

FY 2023 Strategy:

The ATR will continue its efforts to respond to fundamental changes in the economy and promote competition across to ensure that American consumers, workers, and businesses are able to benefit from vibrant and appropriately competitive marketplaces, which lead to lower prices, improved quality, greater choice of products and services, innovation, and higher salaries and better working conditions.

The Division's Civil Merger program will continue to sharply focus on review of premerger notifications and challenge problematic transactions as and when necessary. The Civil Non-Merger program will maintain a vigilant watch for anticompetitive conduct. Industries and markets that the ATR will continue to focus on are wide-ranging and include telecommunications, agriculture, health care, banking, and consumer finance. In addition, the Division will continue with its major investigations of the conduct of market-leading online platforms, including a complaint filed against Google in October 2020 alleging monopolistic behavior in general internet search and search advertising markets, scheduled for trial in September 2023.

Vigorous enforcement of criminal antitrust laws will continue to be prioritized by the Division's Criminal Program. The ATR has a long history of aggressive prosecution of culpable individuals and companies and expects this trend to continue in FY 2023. The Division will continue to uncover and prosecute cartels and other criminal activity across the spectrum of the Nation's economy, from safeguarding competition for American workers, which leads to competitive wages, benefits, and standards of employment, to rooting out collusion in critical markets from food and farmland to health care, and vital supply chain industries. To that end, in February 2022, the Division, along with the Federal Bureau of Investigation (FBI), announced an initiative to deter, detect, and prosecute those who would seek to use supply chain disruptions as cover for unlawful collusive conduct. Among other recent initiatives, the Procurement Collusion Strike Force (PCSF), launched in November 2019, has made an immediate impact on protecting the integrity of the procurement process, including saving taxpayer dollars. The PCSF is an interagency partnership among the ATR, multiple U.S. Attorneys' Offices, the FBI, and various Federal Offices of Inspector General and was formed to deter, detect, investigate, and prosecute antitrust and related crimes that affect government procurement, grant, and program funding.

Competition advocacy – to government entities, private firms and organizations, and the general public – will continue to be an important initiative in the Division with broad focus on competition law. Pursuit of many international initiatives, including enforcement and policy cooperation, bilateral/multilateral activities, and technical assistance will be an important focus as these efforts help protect U.S. consumers and workers by strengthening enforcement and promoting international convergence around sound antitrust principles. In addition, the President's July 9, 2021, Executive Order on Promoting Competition in the American Economy has placed the Division's competition advocacy and interagency collaboration work squarely in the spotlight.

FY 2023 Program Changes:

Increased Antitrust Enforcement: \$27.4 million and 247 positions (112 attorneys)

The ATR is requesting additional resources to achieve an increased antitrust enforcement staffing state that will enable the Division to fully address its historically high investigative, litigative, and program support workload. The growing volume and complexity of its investigations and litigation have outstripped the ATR's ability to fully meet its mission. This funding will allow the ATR to meet the challenges presented by the complex workload of the civil and criminal enforcement programs. The request also includes support staff and provides office space for the positions. The current services for this initiative are \$207.1 million and 750 positions (369 attorneys).

Modernizing Antitrust Information Technology: \$38.5 million and 25 positions (0 attorneys)

The ATR is hindered by an outdated IT infrastructure that strains to support litigation against sophisticated defendants. The ATR litigation has rapidly increased in both complexity and volume. The resulting IT erosion is no longer sustainable and threatens the ability of the ATR to execute its mission. The existing infrastructure cannot sustain the Division's current level of operations, much less the anticipated increase that will come as investigations produce larger and larger volumes of data and the Division hires additional personnel. This request will resolve enterprise-wide systemic shortcomings that limit the Division's ability to execute its mission. The current services for this initiative are \$38.3 million and 44 positions.

Antitrust Division
(Dollars in Thousands)

	Antitrust Division		
	Pos	FTE	Amount
2021 Appropriation	[740]	659	184,524
2022 Continuing Resolution	[740]	659	184,524
Expected Change from FY 2022 CR	[90]	94	16,652
2022 President's Budget	[830]	753	201,176
2023 Request	[1,022]	887	273,006
Change 2023 from 2022 President's Budget	[192]	134	71,830
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	[-80]	-3	8,510
Domestic Rent & Facilities	0	0	-5,639
Other Adjustments	0	0	3,065
Total Base Adjustments	[-80]	-3	5,936
2023 Current Services	[750]	750	207,112
Program Changes			
Increases:			
Increased Antitrust Enforcement	[247]	124	27,400
Modernizing Antitrust Information Technology	[25]	13	38,494
Subtotal, Program Increases	[272]	137	65,894
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	[272]	137	65,894
2023 Request	[1,022]	887	273,006

Antitrust Division
(Dollars in Thousands)

Comparison by activity and program	2022 President's Budget			2023 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Antitrust Division	830	753	201,176	750	750	207,112
Total	830	753	201,176	750	750	207,112
<i>Sub-Allotments and Direct Collections (FYI)</i>		23			0	
FTE Grand Total		776			750	

Comparison by activity and program	2023 Total Program Changes			2023 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Antitrust Division	272	137	65,894	1,022	887	273,007
Total	272	137	65,894	1,022	887	273,006
<i>Sub-Allotments and Direct Collections (FYI)</i>		0			0	
FTE Grand Total		137			887	