## UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION

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longer requires an informed and deliberated decision by all commissioners; unilateral approval from the Chair or his or her chosen commissioner is sufficient.<sup>4</sup>

In the past few months, the Commission has discarded a number of longstanding, bipartisan (and sound) policies and practices, justifying some of these actions with the claim that the agency is overwhelmed by merger filings.<sup>5</sup> In fact, several of these changes made merger review *less* efficient. In any event, an increase in agency workload is precisely the wrong context in which to remove the ability of all commissioners to ensure that our work is done in an efficient, effective, and fair manner.

<sup>&</sup>lt;sup>4</sup> Chair Khan and Commissioner Slaughter call omnibus resolutions "a mainstay" at the FTC, and note that 56 such resolutions were in place when Chair Khan joined the agency. They omit two important facts. First, the scope of those prior delegations generally was much narrower than the 15 at issue here. Second, virtually all of the prior delegations applied only to consumer protection investigations, which are generally much less complex, burdensome, and costly than antitrust investigations.

<sup>&</sup>lt;sup>5</sup> Dissenting Statement of Commissioners Noah Joshua Phillips and Christine S. Wilson on the "Statement of the Commission on the Withdrawal of the Statement of Enforcement Principles Regarding 'Unfair Methods of Competition' Under Section 5 of the FTC Act" (July 9, 2021), <a href="https://www.ftc.gov/system/files/documents/public\_statements/1591710/p210100phillipswilsondissentsec5enforcementprinciples.pdf">https://www.ftc.gov/system/files/documents/public\_statements/1591710/p210100phillipswilsondissentsec5enforcementprinciples.pdf</a>; Press Release, Fed. Trade Comm'n, FTC Rescinds 2015 Policy that Limited Its Enforcement Ability Under the FTC Act (July 1, 2021), <a href="https://www.ftc.gov/news-events/press-releases/2021/07/ftc-rescinds-2015-policy-limited-its-enforcement-ability-under">https://www.ftc.gov/news-events/press-releases/2021/07/ftc-rescinds-2015-policy-limited-its-enforcement-ability-under</a>; Dissenting Statement of Commissioner Noah Joshua Phillips Regarding the Commission's Withdrawal of the 1995 Policy Statement Concerning Prior Approval and Prior Notice Provisions in Merger Cases (July 21, 2021), <a href="https://www.ftc.gov/system/files/documents/public\_statements/1592398/dissenting\_statement\_of\_commissioner\_ph\_illips\_regarding\_the\_commissions\_withdrawal\_of\_the\_1995.pdf">https://www.ftc.gov/system/files/documents/public\_statements/1592398/dissenting\_statement\_of\_commissioner\_ph\_illips\_regarding\_the\_commissions\_withdrawal\_of\_the\_1995.pdf</a>; Oral Remarks of Commissioner Christine S. Wilson at the Open Commission Meeting on July 21, 2021, 8-11, <a href="https://www.ftc.gov/system/files/documents/public\_statements/1592366/commissioner\_christine\_s\_wilson\_oral\_remarks\_at\_open\_comm\_mtg\_final.pdf">https://www.ftc.gov/system/files/documents/public\_statements/1592366/commissioner\_christine\_s\_wilson\_oral\_remarks\_at\_open\_comm\_mtg\_final.pdf</a>; Press Release, Fed. Trade Comm'n, FTC Rescinds 1995 Policy Statement that Limited the Agency's Ability to Deter Problematic Mergers (July 21, 2021), <a href