QUESTIONS FOR THE RECORD
MAKAN DELRAHIM
NOMINEE TO BE ASSISTANT ATTORNEY GENERAL
OF THE ANTITRUST DIVISION

QUESTIONS FROM SENATOR CRAPO

For companies to accurately assess the potential regulatory risks to a proposed transaction, it is important that they know they will receive consistent and fair treatment before whichever Federal agency reviews their transaction. Otherwise, potential regulatory uncertainty may cause companies to decide not to proceed even though the transaction is pro-competitive and would benefit consumers and the economy through increased investment and job creation.

1. If confirmed to serve as an Assistant Attorney General, will you ensure that the Antitrust Division at the Department of Justice conducts fair and transparent merger investigations?

   RESPONSE: Consistent and fair treatment of companies proposing transactions should be a hallmark of law enforcement and, if confirmed, I will strive to ensure the Antitrust Division achieves that goal in all of its reviews. I agree that regulatory uncertainty has the potential to deter or delay procompetitive transactions. The Antitrust Division has for many decades published Merger Guidelines to help reduce uncertainty for companies seeking to merge and I believe those guidelines provide a useful framework for merger reviews.

2. Will you work to ensure that that the standards and procedures used by the agency to evaluate a transaction are applied consistently?

   RESPONSE: I agree that the standards and procedures used by an agency should be applied consistently. If confirmed, I will pursue such consistency.