



U.S. DEPARTMENT OF JUSTICE
Antitrust Division

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Assistant Attorney General

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January 13, 2021

The President
The White House
Washington, DC 20510

Dear Mr. President,

I hereby tender my resignation as Assistant Attorney General for the Antitrust Division, Department of Justice, effective as of January 19, 2021.

It has been an honor to lead the dedicated men and women of the Antitrust Division, particularly during the current intense debate surrounding the antitrust laws and competition in the economy. During my tenure as Assistant Attorney General, the Division successfully enforced the competition laws and implemented transformative policy and organizational initiatives that will bear fruit for both American consumers and entrepreneurs for years to come. None of this would have been possible without the dedicated attorneys, economists, and staff of the Division.

Among the various accomplishments, we made the antitrust laws more transparent and certain to administer, including by: (1) effectuating the first revision of the Department of Justice's Vertical Merger Guidelines in 36 years; (2) instituting broad procedural reforms to streamline and make transparent all merger and acquisition reviews; and revising the Division's updated Merger Remedies Manual; (3) establishing the Division's policy to evaluate and credit corporate compliance programs in criminal charging decisions; (4) negotiating to fruition the first-ever multilateral agreement, with more than 70 antitrust enforcement agencies across the globe, to adhere to standards of procedural fairness in international competition enforcement; (5) launching an initiative to review over 1200 of the Division's consent decrees, leading to the termination of over 850 outdated decrees, including the successful termination of the Paramount consent decrees that regulated motion picture distribution for 70 years; (6) restructuring the review and investigation organization of the Antitrust Division for first time in 20 years, enhancing efficiency and strategically aligning resources in light of economic and technology trends; (7) launching the Antitrust Division's Small Business Help Center web portal; and (8) holding multiple public workshops to advance the Antitrust

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Division's understanding of significant evolving issues including the competitive dynamics of digital advertising markets, the impact of competition on venture capital investment in digital technologies, the incentives created by market dynamics and intellectual property rights in the life sciences field, the evaluation of competition in labor markets, and competition issues in music licensing.

Our enforcement efforts were also transformational. We: (1) created the highly successful government-wide Procurement Collusion Strike Force (PCSF), consisting of 22 U.S. Attorneys, the FBI, the Inspectors General of the Department of Defense, the CIA, and numerous other law enforcement partners, to combat procurement fraud and eliminate its massive costs to the government; (2) brought the first ever criminal enforcement actions against no-poach and wage-fixing agreements, to protect American workers and deter competitors from colluding to undermine labor markets; (3) launched the Antitrust Division's investigation of the leading digital platforms, which led to the Department's lawsuit against Google; (4) advocated for the permanent enactment by Congress of the Antitrust Criminal Penalty Enhancement and Reform Act (ACPERA) and the Criminal Antitrust Anti-Retaliation Act to provide whistleblower protections to employees who report criminal antitrust conduct; (5) established both the Office of Decree Enforcement and Compliance and the Civil Conduct Task Force to improve civil enforcement and corporate compliance; (6) implemented the first-ever use of arbitration proceedings in the Division's antitrust litigation of a multinational merger conserving taxpayer resources and issued permanent rules for the future use of arbitration; (7) launched an Amicus Program to appear on behalf of the United States in private antitrust cases as a highly cost-effective means of enforcement and transparency; and (8) transitioned the Antitrust Division's operations to a 100% virtual operation at the outset of the COVID-19 pandemic while meeting all statutory deadlines.

We also implemented initiatives to support and advance diversity, inclusion, and professional advancement at all levels of the Antitrust Division, including: (1) instituting a zero-tolerance sexual harassment policy; (2) issuing the first comprehensive internal parental leave guidance for new and expecting parents; (3) creating the Women's Subcommittee of the Division's Diversity Committee; (4) hosting regular engagements with the National Diversity Coalition; (5) establishing and naming the Division's auditorium and conference center after the first woman Assistant Attorney General, Anne K. Bingaman, appointed by President Clinton; (6) launching the Division's morale-boosting rotation program for career attorneys to recharge their skills and gain expertise in the international, policy and appellate sections; (7) introducing unprecedented transparency and inclusion in management operations through, among other changes, the creation of an anonymous "AAG Suggestion" email box, leading to implementation of various improvements; and (8) implementing voluntary training offerings for the Division's personnel through MIT's Graduate Sloan of Management to better understand

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the competitive implications for businesses of cutting edge technology developments in blockchain, machine learning and artificial intelligence.

I cherish the opportunity I had to return to the Antitrust Division these past three and a half years and to witness first hand the dedication to law and order by the men and women of the only government agency with a moral imperative in its name, Justice.

Sincerely,

A handwritten signature in blue ink, appearing to read "Makan Delrahim", written in a cursive style.

Makan Delrahim

cc: The Honorable Jeffrey A. Rosen, Acting Attorney General of the United States