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7-1.100 - Antitrust Policy

The U.S. antitrust laws represent the legal embodiment of our nation's commitment to a free market economy in which the competitive process of the market ensures the most efficient allocation of our scarce resources and the maximization of consumer welfare.

The Antitrust Division's mission is to promote economic competition through enforcing and providing guidance on antitrust laws and principles. When it comes to enforcement, the Division's policy, in general, is to proceed by criminal investigation and prosecution in cases involving horizontal, "per se" unlawful agreements such as price fixing, bid rigging, and market allocation. Civil process and, if necessary, civil prosecution is used with respect to other suspected antitrust violations, including those that require analysis under the "rule of reason," as well as some offenses that historically have been labeled "per se" by the courts. There are a number of situations where, although the conduct may appear to be a "per se" violation of law, criminal investigation or prosecution may not be appropriate. These situations may include cases in which (1) the case law is unsettled or uncertain; or (2) there are truly novel issues of law or fact presented.

[updated February 2020]

7-1.200 - The Antitrust Division's Responsibilities

To ensure a consistent national, Department-wide policy on antitrust questions, the Assistant Attorney General for the Antitrust Division is responsible for supervising all federal antitrust investigations, pursuant to 28 C.F.R. Section 0.40.

The Antitrust Division accomplishes its mission in two principal ways. First, as an enforcement agency, it prosecutes violations criminally and civilly, primarily under the Sherman and Clayton Acts. Second, it advocates competition before congressional committees and federal regulatory agencies, articulating pro-competitive solutions for economic problems.

The experience of the Antitrust Division and of many United States Attorney's Offices is that, in the course of investigations supervised by United States Attorney's Offices, it is not uncommon for those offices to obtain evidence of conduct that constitutes criminal antitrust violations. United States Attorney's Offices should watch for manifestations of price fixing, bid rigging, or market allocation as such conduct would constitute a criminal violation of Section 1 of the

Sherman Act. See [An Antitrust Primer For Federal Law Enforcement Personnel](#). A United States Attorney with evidence of a possible antitrust violation should consult with the Antitrust Division to determine who should investigate and prosecute the case or that aspect of a case. See [JM 7-3.100](#) (Authorization to Investigate) for further information.

Similarly, it is not uncommon during the course of an antitrust investigation for the Antitrust Division to obtain evidence of conduct that constitutes a criminal offense under Title 18 of the United States Code. The Antitrust Division may refer Title 18 criminal investigations to a United States Attorney. Once a United States Attorney accepts a referral, s/he will be primarily responsible for the investigation and prosecution of that case.

United States Attorneys rarely initiate civil antitrust actions. A civil antitrust investigation generally involves a complex antitrust analysis, under a “rule of reason” standard, that requires substantial economic input and evaluation. If a United States Attorney is contemplating initiating a civil antitrust investigation, s/he should contact and consult with the Antitrust Division. See [JM 7-1.300](#) *et seq.* for contact information.

[updated February 2020]

7-1.300 - Organization of the Antitrust Division

7-1.310 Office of the Assistant Attorney General

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[added October 2017]

7-1.310 - Office of the Assistant Attorney General

The Assistant Attorney General in charge of the Antitrust Division is the Division's chief representative and is responsible for leadership and oversight of all the Division's programs and policies. The Assistant Attorney General is assisted by, among others, multiple Deputy Assistant Attorneys General, a Senior Director of Investigations and Litigation, three Directors of Enforcement and two Directors of Litigation, and a Chief Legal Advisor.

Specific names, titles, and telephone numbers for individuals in the Office of the Assistant Attorney General can be found here: <https://www.justice.gov/atr/antitrust-division-leadership-section-and-office-directory#oaag>

[updated February 2020]

7-1.320 - Criminal Offices and Sections

Five offices and sections are dedicated to the Antitrust Division's criminal enforcement efforts: three offices, located in Chicago, New York, and San Francisco, and two sections based in Washington DC (Washington Criminal I Section and Washington Criminal II Section). Each office and section plays a role in the Antitrust Division's criminal investigations and prosecutions arising in its respective territory, as well as investigates and prosecutes national and international matters in a wide range of industries. These offices and sections also serve as the Antitrust Division's liaison with United States Attorneys, state attorneys general, and other regional law enforcement agencies. For a map of the respective territories, see <https://www.justice.gov/atr/about-division/criminal-sections-and-offices>

Contact information for the Antitrust Division's Criminal Offices and Sections can be found here: <https://www.justice.gov/atr/antitrust-division-leadership-section-and-office-directory#sections>

[updated February 2020]

7-1.330 - Civil Sections

Six sections based in Washington DC are dedicated to the Antitrust Division's civil enforcement, competition advocacy, and competition policy efforts: Healthcare and Consumer Products Section, Defense, Industrials and Aerospace Section, Media, Entertainment, and Professional Services Section, Technology and Financial Services Section, Telecommunications and Broadband Section, and Transportation, Energy and Agriculture Section.

The Healthcare and Consumer Products Section focuses on the areas of health care, insurance, pulp, paper, timber, appliances, food products, beer, cosmetics and hair care, and bread.

The Defense, Industrials, and Aerospace Section focuses on the areas of defense, avionics and aeronautics, banking, industrial equipment, roads and highway construction, metals and mining, and waste industries.

The Media, Entertainment, and Professional Services Section focuses on the areas of motion pictures, music publishing, concert and event promotion, publishing, radio, television, newspapers, advertising, sports and recreation, credit cards, and real estate.

The Technology and Financial Services Section focuses on the areas of computer hardware and software, high-technology component manufacturing, financial services, securities industries, and professional associations.

The Telecommunications and Broadband Section focuses on the areas of the Internet, video programming distribution, mobile wireless voice and data services, satellite communications services, voice telephony, and business telecommunications services.

The Transportation, Energy, and Agriculture Section focuses on the areas of domestic and international aviation, business and leisure travel, railroads, trucking, ocean shipping, hotels, restaurants, travel services, electricity, oil field services, food products, crops, seeds, fish, livestock, and agricultural biotechnology.

Contact information for the Antitrust Division's Civil Sections can be found here: <https://www.justice.gov/atr/antitrust-division-leadership-section-and-office-directory#sections>

[updated February 2020]

7-1.340 - Economic Analysis Group

The Economic Analysis Group is comprised of three sections: Economic Litigation Section, Economic Regulatory Section, and Economic Policy Section. Antitrust Division economists work with attorneys in the Antitrust Division on all civil enforcement, regulatory proceeding, and competition advocacy matters.

Contact information for the Antitrust Division's economics sections can be found here: <https://www.justice.gov/atr/antitrust-division-leadership-section-and-office-directory#sections>

[updated February 2020]

7-1.350 - Specialized Sections

The Antitrust Division has three specialized sections focusing on appeals and policy: Appellate Section, International Section, and Competition Policy and Advocacy Section.

The Antitrust Division's Appellate Section represents the Division in all appeals to the United States Courts of Appeals and, in conjunction with the Office of the Solicitor General, all appeals before the United States Supreme Court.

The International Section assists other offices and sections in matters with international aspects and is primarily responsible, at the staff level, for the development of Antitrust Division policy on international antitrust enforcement and competition issues. The international Section also handles the Antitrust Division's relations and cooperation with

international organizations and non-U.S. antitrust enforcement agencies, including its compliance with notification and other obligations pursuant to various bilateral and multilateral agreements to which the United States is a party.

The Competition Policy and Advocacy Section is responsible for the development and implementation of the Antitrust Division's significant policy initiatives and the advancement of the Division's interests relating to Congress.

Contact information for the Antitrust Division's specialized sections can be found here: <https://www.justice.gov/atr/antitrust-division-leadership-section-and-office-directory#sections>

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