H. R. 3843

To promote antitrust enforcement and protect competition through adjusting premerger filing fees, and increasing antitrust enforcement resources.

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2021

Mr. Neguse (for himself, Mrs. Spartz, Mr. Cicilline, Mr. Buck, Mr. Nadler, and Mr. Roy) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Merger Filing Fee Modernization Act of 2021”.

SEC. 2. PREMERGER NOTIFICATION FILING FEES.

Section 605 of Public Law 101–162 (15 U.S.C. 18a note) is amended—
(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “$45,000” and inserting “$30,000”;

(ii) by striking “$100,000,000” and inserting “$161,500,000”;

(iii) by striking “2004” and inserting “2022”; and

(iv) by striking “2003” and inserting “2021”;

(B) in paragraph (2)—

(i) by striking “$125,000” and inserting “$100,000”;

(ii) by striking “$100,000,000” and inserting “$161,500,000”;

(iii) by striking “but less” and inserting “but is less”; and

(iv) by striking “and” at the end;

(C) in paragraph (3)—

(i) by striking “$280,000” and inserting “$250,000”; and

(ii) by striking the period at the end

and inserting “but is less than $1,000,000,000 (as so adjusted and pub-

lished)”; and
(D) by adding at the end the following:

“(4) $400,000 if the aggregate total amount determined under section 7A(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is not less than $1,000,000,000 (as so adjusted and published) but is less than $2,000,000,000 (as so adjusted and published);

“(5) $800,000 if the aggregate total amount determined under section 7A(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is not less than $2,000,000,000 (as so adjusted and published) but is less than $5,000,000,000 (as so adjusted and published); and

“(6) $2,250,000 if the aggregate total amount determined under section 7A(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is not less than $5,000,000,000 (as so adjusted and published).”;

and

(2) by adding at the end the following:

“(c)(1) For each fiscal year commencing after September 30, 2022, the filing fees in this section shall be increased each year by an amount equal to the percentage increase, if any, in the Consumer Price Index, as determined by the Department of Labor or its successor, for
the year then ended over the level so established for the year ending September 30, 2021.

“(2) As soon as practicable, but not later than January 31 of each year, the Federal Trade Commission shall publish the adjusted amounts required by paragraph (1).

“(3) The Federal Trade Commission shall not adjust amounts required by paragraph (1) if the percentage increase described in paragraph (1) is less than 1 percent.

“(4) An amount adjusted under this section shall be rounded to the nearest multiple of $5,000.”.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal year 2022—

(1) $252,000,000 for the Antitrust Division of the Department of Justice; and

(2) $418,000,000 for the Federal Trade Commission.