A BILL

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

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3

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 published);”; 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.