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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R.

To amend the Small Business Economic Policy Act of 1980 to examine how the competitiveness of small businesses is affected by the enforcement of Federal antitrust laws, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Small Business Economic Policy Act of 1980 to examine how the competitiveness of small businesses is affected by the enforcement of Federal antitrust laws, and for other purposes.

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.**

4 This Act may be cited as the “Main Street Competes
5 Act”.

1 **SEC. 2. CONGRESSIONAL DECLARATION OF SMALL BUSI-**
2 **NESS ECONOMIC POLICY.**

3 Section 302(a) of the Small Business Economic Pol-
4 icy Act of 1980 (15 U.S.C. 631a(a)) is amended—

5 (1) by striking “and provide” and inserting
6 “provide”; and

7 (2) by striking the period at the end and insert-
8 ing “; and promote competitive markets, consumer
9 choice, and business ownership through enforcement
10 of Federal antitrust laws in the case of anticompeti-
11 tive conduct and illegal mergers that harms small
12 businesses and the growth of small businesses.”.

13 **SEC. 3. STATE OF SMALL BUSINESSES.**

14 (a) IN GENERAL.—Section 303 of the Small Business
15 Economic Policy Act of 1980 (15 U.S.C. 631b) is amend-
16 ed to read as follows:

17 **“SEC. 303. REPORT ON THE STATE OF SMALL BUSINESS**
18 **CONCERNS.**

19 “(a) SPECIFIED ENTITY REPORT.—Not later than
20 180 days after the end of the fiscal year in which the Main
21 Street Competes Act is enacted, and every two fiscal years
22 thereafter, the head of each specified entity shall submit
23 to the Chief Counsel for Advocacy of the Office of Advo-
24 cacy of the Small Business Administration a report includ-
25 ing—

1 “(1) an analysis of how enforcement by the
2 specified entity of Federal antitrust laws promoted
3 competition during the preceding fiscal year by de-
4 terring and remedying anticompetitive conduct, in-
5 cluding illegal mergers, that harms small businesses
6 and the growth of small businesses;

7 “(2) the number of complaints of alleged anti-
8 trust violations filed by self-identified small busi-
9 nesses with the specified entity during such fiscal
10 year, disaggregated by type of offense and the spe-
11 cific Federal antitrust laws allegedly violated;

12 “(3) the number of inquiries, investigations,
13 and enforcement actions undertaken by the specified
14 entity in response to complaints filed by small busi-
15 nesses with the specified entity during such fiscal
16 year; and

17 “(4) the number of inquiries, investigations,
18 and enforcement actions undertaken by the specified
19 entity during such fiscal year pursuant to an alleged
20 antitrust violation, opened for a reason other than a
21 complaint filed by a small business as described in
22 paragraph (3), to deter and remedy anticompetitive
23 conduct that harms small businesses and the growth
24 of small businesses.

1 “(b) OFFICE OF ADVOCACY REPORT.—Not later than
2 180 days after receipt of the report required by subsection
3 (a), the Chief Counsel for Advocacy shall submit to the
4 Committee on Small Business of the House of Representa-
5 tives and the Committee on Small Business and Entrepre-
6 neurship of Senate a report that includes—

7 “(1) a summary of the report submitted under
8 subsection (a);

9 “(2) an analysis of the data in such report,
10 disaggregated by industry category;

11 “(3) an evaluation of the issues identified in
12 such report relating to—

13 “(A) anticompetitive conduct, including il-
14 legal mergers, that harmed small businesses
15 and the growth of small businesses; and

16 “(B) administrative actions that promoted
17 competition and growth of small businesses;

18 “(4) as appropriate, recommendations for ad-
19 ministrative actions that could—

20 “(A) promote competition;

21 “(B) deter anticompetitive conduct, includ-
22 ing illegal mergers, that harmed small business
23 and the growth of small businesses; and

24 “(C) remedy such anticompetitive conduct;
25 and

1 “(5) as appropriate, recommendations for legis-
2 lative actions that could—

3 “(A) promote competition;

4 “(B) deter anticompetitive conduct, includ-
5 ing illegal mergers, that harmed small business
6 and the growth of small businesses; and

7 “(C) remedy such anticompetitive con-
8 duct.”.

9 (b) DEFINITIONS.—The Small Business Economic
10 Policy Act of 1980 (Public Law 96–302; 94 Stat. 848;
11 15 U.S.C. 631a et seq.) is amended by adding at the end
12 the following new section:

13 **“SEC. 304. DEFINITIONS.**

14 “In this title:

15 “(1) ANTITRUST VIOLATION.—The term ‘anti-
16 trust violation’ means any violation of Federal anti-
17 trust laws.

18 “(2) FEDERAL ANTITRUST LAWS.—The term
19 ‘Federal antitrust laws’ has the meaning given the
20 term ‘antitrust laws’ in subsection (a) of the first
21 section of the Clayton Act (15 U.S.C. 12(a)), except
22 that such term shall also include section 5 of the
23 Federal Trade Commission Act (15 U.S.C. 45) to
24 the extent that such section 5 applies to unfair
25 methods of competition.

1 “(3) SMALL BUSINESS.—The term ‘small busi-
2 ness’ has the meaning given the term ‘small business
3 concern’ under section 3 of the Small Business Act
4 (15 U.S.C. 632).

5 “(4) SPECIFIED ENTITY.—The term ‘specified
6 entity’ means—

7 “(A) the Department of Justice; and

8 “(B) the Federal Trade Commission.”.