

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3843
OFFERED BY MR. NADLER OF NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

4 SEC. 2. PREMERGER NOTIFICATION FILING FEES.

5 Section 605 of Public Law 101–162 (15 U.S.C. 18a
6 note) is amended—

7 (1) in subsection (b)—

8 (A) in paragraph (1)—

9 (i) by striking “\$45,000” and insert-
10 ing “\$30,000”;

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

13 (iii) by striking “2004” and inserting
14 “2022”; and

15 (iv) by striking “2003” and inserting
16 “2021”;

17 (B) in paragraph (2)—

1 (i) by striking “\$125,000” and insert-
2 ing “\$100,000”;

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

5 (iii) by striking “but less” and insert-
6 ing “but is less”; and

7 (iv) by striking “and” at the end;

8 (C) in paragraph (3)—

9 (i) by striking “\$280,000” and insert-
10 ing “\$250,000”; and

11 (ii) by striking the period at the end
12 and inserting “but is less than
13 \$1,000,000,000 (as so adjusted and pub-
14 lished);”; and

15 (D) by adding at the end the following:

16 “(4) \$400,000 if the aggregate total amount
17 determined under section 7A(a)(2) of the Clayton
18 Act (15 U.S.C. 18a(a)(2)) is not less than
19 \$1,000,000,000 (as so adjusted and published) but
20 is less than \$2,000,000,000 (as so adjusted and
21 published);

22 “(5) \$800,000 if the aggregate total amount
23 determined under section 7A(a)(2) of the Clayton
24 Act (15 U.S.C. 18a(a)(2)) is not less than
25 \$2,000,000,000 (as so adjusted and published) but

1 is less than \$5,000,000,000 (as so adjusted and
2 published); and

3 “(6) \$2,250,000 if the aggregate total amount
4 determined under section 7A(a)(2) of the Clayton
5 Act (15 U.S.C. 18a(a)(2)) is not less than
6 \$5,000,000,000 (as so adjusted and published).”;
7 and

8 (2) by adding at the end the following:

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

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

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

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

1 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated for fiscal year
3 2022—

4 (1) \$252,000,000 for the Antitrust Division of
5 the Department of Justice; and

6 (2) \$418,000,000 for the Federal Trade Com-
7 mission.

Amend the title so as to read: “A bill to protect competition and promote antitrust enforcement by adjusting premerger filing fees to increase antitrust enforcement resources.”.

