

117TH CONGRESS
1ST SESSION

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

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.**

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

6 **SEC. 2. PREMERGER NOTIFICATION FILING FEES.**

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

1 (1) in subsection (b)—

2 (A) in paragraph (1)—

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

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

7 (iii) by striking “2004” and inserting
8 “2022”; and

9 (iv) by striking “2003” and inserting
10 “2021”;

11 (B) in paragraph (2)—

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

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

16 (iii) by striking “but less” and insert-
17 ing “but is less”; and

18 (iv) by striking “and” at the end;

19 (C) in paragraph (3)—

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

22 (ii) by striking the period at the end
23 and inserting “but is less than
24 \$1,000,000,000 (as so adjusted and pub-
25 lished);”; and

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

2 “(4) \$400,000 if the aggregate total amount
3 determined under section 7A(a)(2) of the Clayton
4 Act (15 U.S.C. 18a(a)(2)) is not less than
5 \$1,000,000,000 (as so adjusted and published) but
6 is less than \$2,000,000,000 (as so adjusted and
7 published);

8 “(5) \$800,000 if the aggregate total amount
9 determined under section 7A(a)(2) of the Clayton
10 Act (15 U.S.C. 18a(a)(2)) is not less than
11 \$2,000,000,000 (as so adjusted and published) but
12 is less than \$5,000,000,000 (as so adjusted and
13 published); and

14 “(6) \$2,250,000 if the aggregate total amount
15 determined under section 7A(a)(2) of the Clayton
16 Act (15 U.S.C. 18a(a)(2)) is not less than
17 \$5,000,000,000 (as so adjusted and published).”;
18 and

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

20 “(c)(1) For each fiscal year commencing after Sep-
21 tember 30, 2022, the filing fees in this section shall be
22 increased each year by an amount equal to the percentage
23 increase, if any, in the Consumer Price Index, as deter-
24 mined by the Department of Labor or its successor, for

1 the year then ended over the level so established for the
2 year ending September 30, 2021.

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

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

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

11 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

12 There is authorized to be appropriated for fiscal year
13 2022—

14 (1) \$252,000,000 for the Antitrust Division of
15 the Department of Justice; and

16 (2) \$418,000,000 for the Federal Trade Com-
17 mission.

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