

117TH CONGRESS
1ST SESSION

S. 228

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2021

Ms. KLOBUCHAR (for herself and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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—

9 (1) in subsection (b)—

10 (A) in paragraph (1)—

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

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

5 (iii) by striking “2004” and inserting
6 “2022”; and

7 (iv) by striking “2003” and inserting
8 “2021”;

9 (B) in paragraph (2)—

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

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

14 (iii) by striking “but less” and insert-
15 ing “but is less”; and

16 (iv) by striking “and” at the end;

17 (C) in paragraph (3)—

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

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

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

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

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

13 “(6) \$2,250,000 if the aggregate total amount
14 determined under section 7A(a)(2) of the Clayton
15 Act (15 U.S.C. 18a(a)(2)) is not less than
16 \$5,000,000,000 (as so adjusted and published).”;
17 and

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

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

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

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

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

9 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

10 There is authorized to be appropriated for fiscal year
11 2022—

12 (1) \$252,000,000 for the Antitrust Division of
13 the Department of Justice; and

14 (2) \$418,000,000 for the Federal Trade Com-
15 mission.

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