

September 27, 2022

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

Dear Speaker Pelosi and Leader McCarthy:

We are writing to urge you to vote “yes” on H.R. 3843, the Merger Filing Fee Modernization Act of 2022. This bill will strengthen enforcement of our antitrust laws by helping to inject much-needed funds to the antitrust enforcement agencies, the Department of Justice’s Antitrust Division and the Federal Trade Commission, and allow them to properly fulfill their role safeguarding the economy and consumers from anticompetitive conduct and harmful mergers. We task our antitrust enforcers with a duty to protect us, and it is only right we give them adequate resources to do so.

This legislation contains a package of important bipartisan and bicameral proposals:

Title I: Modernizing Merger Filing Fee Collections: The parties to a merger over a certain size pay a nominal fee to the agencies when they seek merger review and this will remain the case after the Merger Filing Fee Modernization Act. The current fee structure is outdated; it has not kept pace with the growth of the economy or with inflation. The number of mergers has skyrocketed: notifications doubled from 2010 to 2020. The bipartisan, bicameral Merger Filing Fees Modernization Act would lower fees for the smallest mergers. Fees would be raised on only the very largest mergers or acquisitions involving companies that can easily and equitably pay the increase. The bill also indexes the fees to inflation, to help them keep up with a growing economy over time.

Additionally, the bill contains a reporting requirement, so Congress will have information on how the bill has affected agency budgets and its overall efficacy in strengthening sound and effective enforcement of our antitrust laws.

Title II: Disclosure of Subsidies by Foreign Adversaries: This will require merger notification filings to include information about any subsidies the merging parties have received from countries or entities that are “strategic or economic threats to the United States.”

Title III: Venue for State Antitrust Enforcement: This bill would give state attorneys general the same ability that federal antitrust enforcers have to stay in the court of their choosing when bringing a federal antitrust suit rather than have a defendant seek to move a case to a more favorable venue.

While we believe much more must be done this year, this bipartisan, bicameral legislation represents a critical first step for Congress to reverse the course of lax antitrust enforcement that has proved to be destructive to small businesses, workers, communities, and innovation. While we continue to support the broader antitrust reforms put forward in the House and Senate, we recognize that antitrust enforcers should urgently have the resources they need, and it is imperative that the legislative package included in H.R. 3843 move forward in the House.

This carefully crafted bill is bipartisan and not controversial. Enacting it now will give a much-needed funding boost to antitrust enforcement and the open, vibrant marketplace it promotes and protects, benefitting us all: consumers, workers, entrepreneurs, and communities. We ask you to vote yes on H.R. 3843, the Merger Filing Fee Modernization Act of 2022.

Sincerely,

Public Knowledge	Farm Action Fund
Consumer Reports	Fight for the Future
Accountable Tech	Free Press Action
American Economic Liberties Project	Future of Music Coalition
American Family Voices	Institute for Local Self-Reliance
Artist Rights Alliance	International Brotherhood of Teamsters
Asian Pacific American Labor Alliance, AFL-CIO	New York Communities for Change
Athena	Open Markets Institute
Campaign for Family Farms and the Environment	Our Revolution
Center for Democracy & Technology	P Street/Progressive Change Campaign Committee
Center for Digital Democracy	People's Parity Project
Center for Economic and Policy Research	Public Citizen
Common Sense Media	Revolving Door Project
Consumer Action	Service Employees International Union
Demand Progress	The Democratic Coalition
Demos	The Tech Oversight Project
Economic Security Project Action	UltraViolet Action
Electronic Frontier Foundation (EFF)	Writers Guild of America West (WGAW)
Electronic Privacy Information Center (EPIC)	

cc: The Honorable Jerold Nadler, Chairman, House Judiciary Committee
The Honorable Jim Jordan, Ranking Member, House Judiciary Committee
Members, United States House of Representatives