

AMENDMENT TO
RULES COMMITTEE PRINT 117-31
OFFERED BY MR. FITZGERALD OF WISCONSIN

Page 1689, after line 4, insert the following:

1 **SEC. 80203. MERGERS INVOLVING FOREIGN GOVERNMENT**

2 **SUBSIDIES.**

3 (a) ACCOUNTING FOR FOREIGN GOVERNMENT SUB-
4 SIDIES.—A person required to file a notification required
5 by section 7A of the Clayton Act (15 U.S.C. 18a) that
6 received a subsidy from a foreign state shall include in
7 such notification a detailed accounting of each such sub-
8 sidy.

9 (b) AUTHORITY OF ANTITRUST REGULATORS.—The
10 Federal Trade Commission, with the concurrence of the
11 Assistant Attorney General in charge of the Antitrust Di-
12 vision of the Department of Justice and by rule in accord-
13 ance with section 553 of title 5, consistent with purposes
14 of this section shall require that the notification required
15 under subsection (a) be in such form and contain such
16 documentary material and information relevant to a pro-
17 posed acquisition as is necessary and appropriate to enable
18 the Federal Trade Commission and the Assistant Attorney
19 General in charge of the Antitrust Division of the Depart-

1 ment of Justice to determine whether such acquisition
2 may, if consummated, violate the antitrust laws.

3 (c) DEFINITIONS.—For the purposes of this section:

4 (1) FOREIGN STATE.—The term “foreign state”
5 shall have the meaning given it in section 1603(a)
6 of title 28, United States Code.

7 (2) SUBSIDY.—The term “subsidy” includes a
8 direct subsidy, a grant, a loan (including a below-
9 market loan), a loan guarantee, a tax concession, a
10 preferential governmental procurement policy, or
11 other form of economic support including ownership
12 or control by a foreign state.

13 (d) EFFECTIVE DATE.—This section shall take effect
14 on the date on which the rule described in subsection (b)
15 takes effect.

