

AMENDMENT TO H.R. 5645
OFFERED BY MR. GOODLATTE OF VIRGINIA

Page 2, line 9, strike “7” and insert “15”.

Page 3, strike lines 2 through 10, and insert the following:

1 (A) in subsection (a) by inserting “or a
2 proceeding brought by the Federal Trade Com-
3 mission under section 15” after “United States
4 under the antitrust laws”; and

5 (B) in subsection (i) by inserting “or a
6 proceeding instituted by the Federal Trade
7 Commission under section 15” after “antitrust
8 laws”;

Page 3, strike lines 11 through 22, and insert the following:

9 (3) Section 11 of the Clayton Act (15 U.S.C.
10 21) is amended—

11 (A) in subsection (b) by striking “When-
12 ever” and inserting “Except as provided in sub-
13 section (m), whenever”, and

14 (B) by adding at the end the following:

1 “(m) The Federal Trade Commission may not use the
2 procedures for administrative adjudication set forth in
3 subsection (b) of this section to prevent the consummation
4 of a proposed merger, acquisition, joint venture, or similar
5 transaction that is subject to section 7, unless the com-
6 plaint is accompanied by a consent agreement between the
7 Commission and a party to the transaction that resolves
8 all the violations alleged in the complaint. The Federal
9 Trade Commission may institute proceedings in a district
10 court under section 15 to prevent the consummation of
11 such a transaction. In any such proceeding the district
12 court shall apply the same standard for granting injunc-
13 tive relieve as applicable to a proceeding brought by the
14 United States attorneys under section 15. The Federal
15 Trade Commission may issue an administrative complaint
16 under this section if the complaint is accompanied by a
17 consent agreement between the Federal Trade Commis-
18 sion and a party to the transaction settling the alleged
19 violations.”;

Page 3, line 23, strike “(including” and insert “or”.

Page 4, beginning on line 1, strike “with respect to
a violation of section 7)” and insert “under section 15”.

Page 4, strike lines 3 through 5, and insert the fol-
lowing:

1 (5) in section 15, by inserting “and the duty of
2 the Federal Trade Commission with respect to the
3 consummation of a proposed merger, acquisition,
4 joint venture, or similar transaction that is subject
5 to section 7 and not yet consummated,” after “Gen-
6 eral”.

Page 5, strike lines 12 through 14, and insert the
following:

7 (4) in section 16(a)(2)—
8 (A) in subparagraph (D) by striking “or”
9 at the end,
10 (B) in subparagraph (E) by adding “or” at
11 the end, and
12 (C) by adding at the end the following:
13 “(F) under section 15 of the Clayton Act
14 (15 U.S.C. 25);”.

