

118TH CONGRESS
1ST SESSION

H. R. 5424

To amend the Small Business Economic Policy Act of 1980 to examine how the competitiveness of small businesses is affected by the enforcement of Federal antitrust laws, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2023

Ms. SCHOLTEN (for herself, Mr. LUETKEMEYER, Ms. VELÁZQUEZ, and Ms. TENNEY) introduced the following bill; which was referred to the Committee on Small Business

A BILL

To amend the Small Business Economic Policy Act of 1980 to examine how the competitiveness of small businesses is affected by the enforcement of Federal antitrust laws, and for other purposes.

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 “Main Street Competes
5 Act”.

1 **SEC. 2. CONGRESSIONAL DECLARATION OF SMALL BUSI-**
2 **NESS ECONOMIC POLICY.**

3 Section 302(a) of the Small Business Economic Pol-
4 icy Act of 1980 (15 U.S.C. 631a(a)) is amended—

5 (1) by striking “and provide” and inserting
6 “provide”; and

7 (2) by striking the period at the end and insert-
8 ing “; and promote competitive markets, consumer
9 choice, and business ownership through enforcement
10 of Federal antitrust laws in the case of anticompeti-
11 tive conduct that harms small businesses and the
12 growth of small businesses.”.

13 **SEC. 3. STATE OF SMALL BUSINESSES.**

14 (a) IN GENERAL.—Section 303 of the Small Business
15 Economic Policy Act of 1980 (15 U.S.C. 631b) is amend-
16 ed to read as follows:

17 **“SEC. 303. REPORT ON THE STATE OF SMALL BUSINESS**
18 **CONCERNS.**

19 “(a) SPECIFIED ENTITY REPORT.—Not later than
20 180 days after the end of fiscal year 2023 and each fiscal
21 year thereafter, the head of each specified entity shall sub-
22 mit to the Chief Counsel for Advocacy of the Office of
23 Advocacy of the Small Business Administration a report
24 including—

25 “(1) an analysis of how enforcement by the
26 specified entity of Federal antitrust laws promoted

1 competition during the preceding fiscal year by de-
2 terring and remedying anticompetitive conduct that
3 harms small businesses and the growth of small
4 businesses;

5 “(2) the number of complaints of alleged anti-
6 trust violations filed by small businesses with the
7 specified entity during such fiscal year,
8 disaggregated by category of the alleged antitrust
9 violation, type of offense, and the specific Federal
10 antitrust laws allegedly violated;

11 “(3) the number of inquiries, investigations,
12 and enforcement actions undertaken by the specified
13 entity in response to complaints filed by small busi-
14 nesses with the specified entity during such fiscal
15 year; and

16 “(4) the number of inquiries, investigations,
17 and enforcement actions undertaken by the specified
18 entity during such fiscal year pursuant to an alleged
19 antitrust violation, opened for a reason other than
20 described in paragraph (3), to deter and remedy
21 anticompetitive conduct that harms small businesses
22 and the growth of small businesses.

23 “(b) OFFICE OF ADVOCACY REPORT.—Not later than
24 180 days after receipt of the report required by subsection
25 (a), the Chief Counsel for Advocacy shall submit to the

1 Committee on Small Business of the House of Representa-
2 tives and the Committee on Small Business and Entrepre-
3 neurship of Senate a report that includes—

4 “(1) a summary of the report submitted under
5 subsection (a);

6 “(2) an analysis of the data in such report,
7 disaggregated by industry category;

8 “(3) an evaluation of the issues identified in
9 such report relating to—

10 “(A) anticompetitive conduct that harmed
11 small businesses and the growth of small busi-
12 nesses; and

13 “(B) administrative actions that promoted
14 competition and growth of small businesses;

15 “(4) as appropriate, recommendations for ad-
16 ministrative actions that could—

17 “(A) promote competition;

18 “(B) deter anticompetitive conduct that
19 harmed small business and the growth of small
20 businesses; and

21 “(C) remedy such anticompetitive conduct;
22 and

23 “(5) as appropriate, recommendations for legis-
24 lative actions that could—

25 “(A) promote competition;

1 “(B) deter anticompetitive conduct that
2 harmed small business and the growth of small
3 businesses; and

4 “(C) remedy such anticompetitive con-
5 duct.”.

6 (b) DEFINITIONS.—The Small Business Economic
7 Policy Act of 1980 (Public Law 96–302; 94 Stat. 848;
8 15 U.S.C. 631a et seq.) is amended by adding at the end
9 the following new section:

10 **“SEC. 304. DEFINITIONS.**

11 “‘In this title:

12 “(1) ANTITRUST VIOLATION.—The term ‘anti-
13 trust violation’ means any violation of Federal anti-
14 trust laws.

15 “(2) FEDERAL ANTITRUST LAWS.—The term
16 ‘Federal antitrust laws’ has the meaning given the
17 term ‘antitrust laws’ in subsection (a) of the first
18 section of the Clayton Act (15 U.S.C. 12(a)), except
19 that such term shall also include section 5 of the
20 Federal Trade Commission Act (15 U.S.C. 45) to
21 the extent that such section 5 applies to unfair
22 methods of competition.

23 “(3) SMALL BUSINESS.—The term ‘small busi-
24 ness’ has the meaning given ‘small business concern’

1 under section 3 of the Small Business Act (15
2 U.S.C. 632).

3 “(4) SPECIFIED ENTITY.—The term ‘specified
4 entity’ means—

5 “(A) the Department of Justice; and

6 “(B) the Federal Trade Commission.”.

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