

119TH CONGRESS  
2D SESSION

# H. R. 8184

To strengthen the prohibition on price discrimination under the Clayton Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2026

Ms. PEREZ (for herself and Mr. RILEY of New York) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To strengthen the prohibition on price discrimination under the Clayton Act, 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 “Fair Prices for Local  
5       Businesses Act”.

6       **SEC. 2. CLAYTON ACT AMENDMENTS.**

7       (a) IN GENERAL.—The Clayton Act (15 U.S.C. 12  
8       et seq.) is amended—

9               (1) in section 2 (15 U.S.C. 13)—

10               (A) in subsection (a)—

1 (i) by striking “in commerce” each  
2 place it appears and inserting “in com-  
3 merce or in any activity affecting com-  
4 merce”;

5 (ii) by striking “commodities” each  
6 place it appears and inserting “products or  
7 services”;

8 (iii) by inserting “service provision,”  
9 after “sale,”;

10 (iv) by striking “goods, wares, or mer-  
11 chandise” and inserting “products or serv-  
12 ices”;

13 (v) by striking “goods” each place it  
14 appears and inserting “products or serv-  
15 ices”; and

16 (vi) by inserting “functional discounts  
17 or” after “due allowance for”;

18 (B) in subsection (b)—

19 (i) by inserting “including a person  
20 charged with inducing or receiving such  
21 discrimination,” after “person charged  
22 with a violation of this section,”; and

23 (ii) by striking “: *Provided, however,*  
24 That nothing herein contained shall pre-  
25 vent a seller rebutting the prima-facie case

1           thus made by showing that his lower price  
2           or the furnishing of services or facilities to  
3           any purchaser or purchasers was made in  
4           good faith to meet an equally low price of  
5           a competitor, or the services or facilities  
6           furnished by a competitor”;

7           (C) in subsection (c)—

8                 (i) by striking “in commerce” and in-  
9                 serting “in commerce or in any activity af-  
10                fecting commerce”; and

11               (ii) by striking “goods, wares, or mer-  
12                chandise” and inserting “products or serv-  
13                ices”;

14           (D) in subsection (d)—

15                 (i) by striking “in commerce” and in-  
16                 serting “in commerce or in any activity af-  
17                fecting commerce”; and

18               (ii) by striking “products or commod-  
19                ities” each place it appears and inserting  
20                “products or services”;

21           (E) in subsection (e)—

22                 (i) by inserting “engaged in commerce  
23                 or in any activity affecting commerce”  
24                 after “any person”; and

1                   (ii) by striking “commodity” each  
2                   place it appears and inserting “product or  
3                   service”;

4                   (F) by amending subsection (f) to read as  
5                   follows:

6           “(f)(1) Subject to paragraph (2), it shall be unlawful  
7           for any person engaged in commerce or in any activity  
8           affecting commerce, in the course of such commerce or  
9           in the course of any activity affecting commerce, to induce  
10          or receive the benefit of any violation of this section.

11          “(2) In the case of a person with annual retail sales  
12          that do not exceed \$100,000,000,000, paragraph (1) shall  
13          only apply if the person knowingly induced or received the  
14          benefit of the violation of this section.”; and

15                  (G) by adding at the end the following:

16          “(g) For purposes of this section—

17                  “(1) the term ‘purchase’ means to pay or grant  
18                  anything of value in exchange for a product or serv-  
19                  ice; and

20                  “(2) the term ‘purchaser’ means a person who  
21                  pays or grants anything of value in exchange for a  
22                  product or service, whether or not—

23                  “(A) title passes to the payor or grantor;  
24                  and

1 “(B) the payor or grantor exercises domin-  
2 ion or control over the product or service.”; and  
3 (2) in section 4 (15 U.S.C. 15)—

4 (A) in subsection (a), by inserting “and  
5 (c)” after “Except as provided in subsection  
6 (b)”;

7 (B) by redesignating subsection (c) as sub-  
8 section (d); and

9 (C) by inserting after subsection (b) the  
10 following:

11 “(c) In an action brought with respect to a violation  
12 of any subsection of section 2, the plaintiff, upon a show-  
13 ing of proof that the plaintiff has been unlawfully discrimi-  
14 nated against by the defendant—

15 “(1) shall conclusively be presumed to have sus-  
16 tained injury and damages equal to the monetary  
17 amount or equivalent of the unlawful discrimination;  
18 and

19 “(2) may establish damages in addition to the  
20 damages described in paragraph (1), if any, that the  
21 plaintiff sustained as a result of the discrimina-  
22 tion.”.

1       (b) APPLICABILITY.—The amendments made by this  
2 Act shall apply to transactions occurring on or after the  
3 date of enactment of this Act.

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