

119TH CONGRESS
2D SESSION

S. 4147

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

IN THE SENATE OF THE UNITED STATES

MARCH 19, 2026

Mr. MURPHY (for himself, Mr. WELCH, Mr. GALLEG0, Mr. FETTERMAN, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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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