

# Calendar No. 761

106TH CONGRESS  
2D SESSION

# S. 1687

[Report No. 106-385]

To amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 5, 1999

Mr. MCCAIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

AUGUST 25, 2000

Reported under authority of the order of the Senate of July 26, 2000, by Mr. MCCAIN, with amendments

[Omit the part struck through and insert the part printed in italics]

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## A BILL

To amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission.

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 “Federal Trade Com-  
5 mission Reauthorization Act of ~~1999~~ 2000”.

1 **SEC. 2. REAUTHORIZATION.**

2 Section 25 of the Federal Trade Commission Act (15  
3 U.S.C. 57c) is amended—

4 (1) by striking “and not to exceed” and insert-  
5 ing “not to exceed”; and

6 (2) by striking “1998.” and inserting the fol-  
7 lowing: “1998; not to exceed ~~\$149,000,000~~  
8 ~~\$164,600,000~~ for fiscal year 2001; and not to exceed  
9 ~~\$156,000,000~~ ~~\$177,460,000~~ for fiscal year 2002.”.

10 **SEC. 3. INFORMATION AND DOCUMENTARY REQUESTS.**

11 (a) *IN GENERAL.*—*The Attorney General and the Fed-*  
12 *eral Trade Commission shall each designate a senior official*  
13 *not directly having supervisory responsibility for the review*  
14 *of any enforcement recommendation under section 7A(e)(1)*  
15 *of the Clayton Act (15 U.S.C. 18a(e)) concerning the trans-*  
16 *action at issue to hear any petition filed by the acquiring*  
17 *person or the person whose voting securities or assets are*  
18 *to be acquired, to determine—*

19 (1) *whether the request for additional informa-*  
20 *tion or documentary material is unreasonably cumu-*  
21 *lative, unduly burdensome or duplicative; or*

22 (2) *whether the request for additional informa-*  
23 *tion or documentary material has been substantially*  
24 *complied with by the petitioning person.*

25 (b) *EXPEDITED REVIEW.*—*Internal review procedures*  
26 *for petitions filed pursuant to subsection (a) shall include*

1 *reasonable deadlines for expedited review of any such peti-*  
2 *tions filed, after reasonable negotiations with investigative*  
3 *staff, in order to avoid undue delay of the merger review*  
4 *process.*

5       (c) *INTERNAL REVIEW.*—*The Attorney General and the*  
6 *Federal Trade Commission shall conduct an internal review*  
7 *and implement reforms of the merger review process in*  
8 *order to eliminate unnecessary burden, remove costly dupli-*  
9 *cation, and eliminate undue delay, in order to achieve a*  
10 *more effective and more efficient merger review process.*

11       (d) *Not later than 120 days after the date of enactment*  
12 *of this Act, the Attorney General and the Federal Trade*  
13 *Commission shall issue or amend their respective industry*  
14 *guidance, regulations, operating manuals and relevant pol-*  
15 *icy documents, where appropriate, to implement each re-*  
16 *form in this subparagraph.*

17       (e) *REPORT.*—*Not later than 180 days after the date*  
18 *of enactment of this Act, the Attorney General and the Fed-*  
19 *eral Trade Commission shall each report to Congress—*

20               (1) *what reforms each agency has adopted under*  
21 *this subparagraph;*

22               (2) *what steps each has taken to implement such*  
23 *internal reforms; and*

24               (3) *the effects of those reforms.*

1 **SEC. 4. ANNUAL REPORTS.**

2 *The Attorney General and the Federal Trade Commis-*  
3 *sion shall include in the report to Congress required by sec-*  
4 *tion 7A(j) of the Clayton Act (15 U.S.C. 18a(j))—*

5 *(1) the number of notifications filed under this*  
6 *section 7A of the Clayton Act (15 U.S.C. 18a);*

7 *(2) the number of notifications filed in which the*  
8 *Assistant Attorney General or Federal Trade Com-*  
9 *mission requested the submission of additional infor-*  
10 *mation or documentary material relevant to the pro-*  
11 *posed acquisition;*

12 *(3) data relating to the length of time for parties*  
13 *to comply with requests for the submission of addi-*  
14 *tional information or documentary material relevant*  
15 *to the proposed acquisition;*

16 *(4) the number of petitions filed pursuant to sec-*  
17 *tion 3(a) of this Act regarding a request for the sub-*  
18 *mission of additional information or documentary*  
19 *material relevant to the proposed acquisition and the*  
20 *manner in which such petitions were resolved;*

21 *(5) data relating to the volume (in number of*  
22 *boxes or pages) of materials submitted pursuant to re-*  
23 *quests for additional information or documentary*  
24 *material; and*

25 *(6) the number of notifications filed in which a*  
26 *request for additional information or documentary*

- 1 *materials was made but never complied with prior to*
- 2 *resolution of the case.*

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