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(Original Signature of Member)

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. SENSENBRENNER (for himself and _____) introduced the following
bill; which was referred to the Committee on

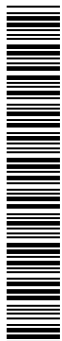
A BILL

To establish the Antitrust Modernization 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 “Antitrust Moderniza-
5 tion Commission Act of 2001”.



1 **SEC. 2. ESTABLISHMENT.**

2 There is established the Antitrust Modernization
3 Commission (in this Act referred to as the “Commis-
4 sion”).

5 **SEC. 3. DUTIES OF THE COMMISSION.**

6 The duties of the Commission are—

7 (1) to investigate and to study issues and prob-
8 lems relating to the modernization of the antitrust
9 laws,

10 (2) to solicit divergent views of all parties con-
11 cerned with the operation of the antitrust laws,

12 (3) to evaluate the advisability of proposals and
13 current arrangements with respect to such issues
14 and such problems, and

15 (4) to prepare and to submit to the Congress
16 and the President a report in accordance with sec-
17 tion 8.

18 **SEC. 4. MEMBERSHIP.**

19 (a) NUMBER AND APPOINTMENT.—The Commission
20 shall be composed of 12 members appointed as follows:

21 (1) Four members, no more than 2 of whom
22 shall be of the same political party, shall be ap-
23 pointed by the President. One of such members shall
24 be designated by the President as chairperson of the
25 Commission.



1 (2) Two members shall be appointed by the ma-
2 jority leader of the Senate.

3 (3) Two members shall be appointed by the mi-
4 nority leader of the Senate.

5 (4) Two members shall be appointed by the
6 Speaker of the House of Representatives.

7 (5) Two members shall be appointed by the mi-
8 nority leader of the House of Representatives.

9 (b) INELIGIBILITY FOR APPOINTMENT.—Members of
10 Congress shall be ineligible for appointment to the Com-
11 mission.

12 (c) TERM OF APPOINTMENT.—

13 (1) IN GENERAL.—Subject to paragraph (2),
14 members of the Commission shall be appointed for
15 the life of the Commission.

16 (2) EARLY TERMINATION OF APPOINTMENT.—
17 If a member of the Commission who is appointed to
18 the Commission as—

19 (A) an officer or employee of a government
20 ceases to be an officer or employee of such gov-
21 ernment; or

22 (B) an individual who is not an officer or
23 employee of a government becomes an officer or
24 employee of a government;



1 then such member shall cease to be a member of the
2 Commission on the expiration of the 90-day period
3 beginning on the date such member ceases to be
4 such officer or employee of such government, or be-
5 comes an officer or employee of a government, as
6 the case may be.

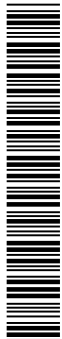
7 (d) QUORUM.—Seven members of the Commission
8 shall constitute a quorum, but a lesser number may con-
9 duct meetings.

10 (e) APPOINTMENT DEADLINE.—Initial appointments
11 under subsection (a) shall be made not later than 60 days
12 after the date of enactment of this Act.

13 (f) MEETINGS.—The Commission shall meet at the
14 call of the chairperson. The first meeting of the Commis-
15 sion shall be held not later than 30 days after the date
16 on which all members of the Commission are first ap-
17 pointed under subsection (a) or funds are appropriated to
18 carry out this Act, whichever occurs later.

19 (g) VACANCY.—A vacancy on the Commission shall
20 be filled in the same manner as the initial appointment
21 is made.

22 (h) CONSULTATION BEFORE APPOINTMENT.—Before
23 appointing members of the Commission, the President, the
24 majority and minority leaders of the Senate, the Speaker
25 of the House of Representatives, and the minority leader



1 of the House of Representatives shall consult with each
2 other to ensure fair and equitable representation of var-
3 ious points of view in the Commission.

4 **SEC. 5. COMPENSATION OF THE COMMISSION.**

5 (a) PAY.—

6 (1) NONGOVERNMENT EMPLOYEES.—Each
7 member of the Commission who is not otherwise em-
8 ployed by a government shall be entitled to receive
9 the daily equivalent of the annual rate of basic pay
10 payable for level IV of the Executive Schedule under
11 section 5315 of title 5 United States Code, as in ef-
12 fect from time to time, for each day (including travel
13 time) during which such member is engaged in the
14 actual performance of duties of the Commission.

15 (2) GOVERNMENT EMPLOYEES.—A member of
16 the Commission who is an officer or employee of a
17 government shall serve without additional pay (or
18 benefits in the nature of compensation) for service
19 as a member of the Commission.

20 (b) TRAVEL EXPENSES.—Members of the Commis-
21 sion shall receive travel expenses, including per diem in
22 lieu of subsistence, in accordance with subchapter I of
23 chapter 57 of title 5, United States Code.



1 **SEC. 6. STAFF OF COMMISSION; EXPERTS AND CONSULT-**
2 **ANTS.**

3 (a) STAFF.—

4 (1) APPOINTMENT.—The chairperson of the
5 Commission may, without regard to the provisions of
6 chapter 51 of title 5 of the United States Code (re-
7 lating to appointments in the competitive service),
8 appoint and terminate an executive director and
9 such other staff as are necessary to enable the Com-
10 mission to perform its duties. The appointment of
11 an executive director shall be subject to approval by
12 the Commission.

13 (2) COMPENSATION.—The chairperson of the
14 Commission may fix the compensation of the execu-
15 tive director and other staff without regard to the
16 provisions of chapter 51 and subchapter III of chap-
17 ter 53 of title 5 of the United States Code (relating
18 to classification of positions and General Schedule
19 pay rates), except that the rate of pay for the execu-
20 tive director and other staff may not exceed the rate
21 of basic pay payable for level V of the Executive
22 Schedule under section 5315 of title 5 United States
23 Code, as in effect from time to time.

24 (b) EXPERTS AND CONSULTANTS.—The Commission
25 may procure temporary and intermittent services of ex-



1 perts and consultants in accordance with section 3109(b)
2 of title 5, United States Code.

3 **SEC. 7. POWERS OF THE COMMISSION.**

4 (a) HEARINGS AND MEETINGS.—The Commission, or
5 a member of the Commission if authorized by the Commis-
6 sion, may hold such hearings, sit and act at such time
7 and places, take such testimony, and receive such evi-
8 dence, as the Commission considers to be appropriate. The
9 Commission or a member of the Commission may admin-
10 ister oaths or affirmations to witnesses appearing before
11 the Commission or such member.

12 (b) OFFICIAL DATA.—The Commission may obtain
13 directly from any executive agency (as defined in section
14 105 of title 5 of the United States Code) or court informa-
15 tion necessary to enable it to carry out its duties under
16 this Act. On the request of the chairperson of the Commis-
17 sion, and consistent with any other law, the head of an
18 executive agency or of a Federal court shall provide such
19 information to the Commission.

20 (c) FACILITIES AND SUPPORT SERVICES.—The Ad-
21 ministrator of General Services shall provide to the Com-
22 mission on a reimbursable basis such facilities and support
23 services as the Commission may request. On request of
24 the Commission, the head of an executive agency may
25 make any of the facilities or services of such agency avail-



1 able to the Commission, on a reimbursable or non-
2 reimbursable basis, to assist the Commission in carrying
3 out its duties under this Act.

4 (d) EXPENDITURES AND CONTRACTS.—The Commis-
5 sion or, on authorization of the Commission, a member
6 of the Commission may make expenditures and enter into
7 contracts for the procurement of such supplies, services,
8 and property as the Commission or such member considers
9 to be appropriate for the purpose of carrying out the du-
10 ties of the Commission. Such expenditures and contracts
11 may be made only to such extent or in such amounts as
12 are provided in advance in appropriation Acts.

13 (e) MAILS.—The Commission may use the United
14 States mails in the same manner and under the same con-
15 ditions as other departments and agencies of the United
16 States.

17 (f) GIFTS, BEQUESTS, AND DEVISES.—The Commis-
18 sion may accept, use, and dispose of gifts, bequests, or
19 devises of services or property, both real and personal, for
20 the purpose of aiding or facilitating the work of the Com-
21 mission. Gifts, bequests, or devises of money and proceeds
22 from sales of other property received as gifts, bequests,
23 or devises shall be deposited in the Treasury and shall be
24 available for disbursement upon order of the Commission.



1 **SEC. 8. REPORT.**

2 Not later than 3 years after the first meeting of the
3 Commission, the Commission shall submit to the Congress
4 and the President a report containing a detailed statement
5 of the findings and conclusions of the Commission, to-
6 gether with recommendations for legislative or administra-
7 tive action the Commission considers to be appropriate.

8 **SEC. 9. TERMINATION OF COMMISSION.**

9 The Commission shall cease to exist 30 days after
10 the date on which the report required by section 8 is sub-
11 mitted .

12 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

13 There is authorized to be appropriated \$4,000,000 to
14 carry out this Act.

