

106TH CONGRESS
1ST SESSION

S. 1687

[Report No. 106-]

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

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

JUNE —, 2000

Reported by Mr. MCCAIN with amendments

[Omit the part struck through and insert the part printed in *italic*]

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 ~~in~~ for the re-*
14 *view of any enforcement recommendation under section*
15 *7A(e)(1) of the Clayton Act (15 U.S.C. 18a(e)) concerning*
16 *the transaction at issue to hear any petition filed by the*
17 *acquiring person or the person whose voting securities or*
18 *assets are 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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