

**ANTITRUST MODERNIZATION
COMMISSION**

MEMORANDUM

From: Deborah A. Garza, Chair
Jonathan R. Yarowsky, Vice-Chair
Andrew J. Heimert, Executive Director & General Counsel

To: Commissioners

Date: July 14, 2004

Re: Proposed Process for Soliciting Public Input and Timeline for Preliminary Identification of Issues for Further Commission Study

The Commission's July 15 meeting is being held to discuss and adopt a process for soliciting public input and identifying issues for study by the Commission in fulfilling its statutory obligations. The Antitrust Modernization Commission Act statute requires the Commission, *inter alia*, to "solicit the views of all parties concerned with the operation of the antitrust laws." Antitrust Modernization Commission Act of 2002, Pub. L. No. 107-273, § 11053, 116 Stat. 1856. Accordingly, an important part of the Commission's issue-identification process will be obtaining input from interested members of the public regarding issues for Commission study.

The following is a proposed procedure for discussion at the July 15 meeting.

- 1) The Commission would issue a *Federal Register* notice as soon as practicable after the July 15 meeting requesting public comment on issues the Commission should consider for study. A copy of a proposed notice is attached to this memorandum. The proposed notice calls for comments in written form, with a request that comments include a brief summary (300 words or less) of each issue recommended for study, including a description of the proposed

topic and the reason for studying it. According to the proposed notice, comments would be requested to be submitted by September 30, 2004.

2) The Commission would continue and intensify its efforts of outreach to members of the consumer, business, academic, legal, and enforcement communities who may be interested in antitrust issues to solicit their input and to encourage the submission of proposed topics. Such outreach efforts would be undertaken by staff and by individual commissioners or groups of commissioners with staff.

3) Commission staff would summarize and analyze issues proposed by commenters and identified by Commissioners in a report due by no later than November 30, 2004. (The staff may report on specific issues or groups of issues before that time.)

4) The full Commission would meet during the week of January 10, 2005, to discuss and decide issues for study. The Commission may also choose to meet prior to that date at the call of the Chair.