

## ANTITRUST MODERNIZATION COMMISSION

### MINUTES OF MEETING ON JULY 15, 2004

The Antitrust Modernization Commission convened its first public meeting on July 15, 2004, in Rayburn House Office Building, Room 2226, in Washington, D.C., and by telephone conference call. This meeting was announced to the public in advance through publication of a notice in the *Federal Register* on June 29, 2004. See 69 Fed. Reg. 38,879 (June 29, 2004). Chair Deborah Garza called the meeting to order at 3:00 p.m. and noted a quorum. The meeting was transcribed. Approximately 50 people were in the public audience.

#### Participating:

Deborah Garza, Chair  
Jonathan Yarowsky, Vice-Chair  
Steven Cannon, Commissioner  
Jonathan Jacobson, Commissioner (by telephone)  
Donald Kempf, Commissioner  
Deborah Majoras, Commissioner  
John Shenefield, Commissioner  
Debra Valentine, Commissioner  
John Warden, Commissioner

Andrew Heimert, Executive Director & General Counsel

Mr. Heimert served as the Designated Federal Officer (DFO) for the meeting.

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#### **I. Remarks of Hon. F. James Sensenbrenner, Jr.**

Representative Sensenbrenner, the Chairman of the House Judiciary Committee and the principal sponsor of the Antitrust Modernization Commission Act of 2002, provided opening remarks to the Commission. Rep. Sensenbrenner outlined several areas he believes are important ones for Commission study. In particular, he mentioned: how the antitrust laws operate in the modern, information-driven economy; the intersection between antitrust law and intellectual-property law; conflicts between U.S. and foreign antitrust law; the relationship between federal and state antitrust enforcement; the application of antitrust laws in regulated industries; and the length of time taken to conduct reviews of mergers.

#### **II. Remarks of Chair**

The Chair offered opening remarks for the Commission meeting, in which she welcomed the public to the meeting, briefly commented on the Commission's purpose, and outlined the meeting agenda.

### **III. Report on Administrative Matters by Mr. Heimert**

Mr. Heimert reported on the current status of various administrative matters.

**Office Space.** Mr. Heimert reported that he had been considering several different locations for possible office space, and that he expected that the Commission would soon enter into a lease for space.

**Staffing.** Mr. Heimert reported that the Commission has been receiving résumés of candidates for counsel positions, but that the Commission has not yet made any hiring decisions.

**Website.** Mr. Heimert announced that the Commission's website, [www.amc.gov](http://www.amc.gov), is now available for viewing by the public. The website contains information about the Commission and the Commission's important public documents.

### **IV. Discussion of Commission Outreach Process**

The Commission discussed the proposed outreach process outlined in a memorandum prepared by the Chair, the Vice-Chair, and the Executive Director & General Counsel, as well as a proposed *Federal Register* notice calling for public comment by September 30, 2004. Both documents were made available to the public at the meeting. Several commissioners expressed their desire for an aggressive outreach and fact-gathering process for the remainder of 2004.

The Commission voted to have the working group that had originally proposed the outreach process consider the process further in order to address comments made by Commissioners at the meeting.

The Commission voted to publish a request for public comment in the *Federal Register*.

### **V. Questions from the Public**

The Commission took questions from the public. Four members of the public asked questions, with responses from the Commissioners, and were given the opportunity for follow-up questions.

The meeting was adjourned at 4:15 p.m.

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I hereby certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.

Deborah A. Garza  
Chair, Antitrust Modernization Commission