

## ANTITRUST CIVIL PROCESS ACT

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JUNE 21, 1962.—Ordered to be printed  
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Mr. CELLER, from the committee of conference, submitted the following

### CONFERENCE REPORT

[To accompany S. 167]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 167) to authorize the Attorney General to compel the production of documentary evidence required in civil investigations for the enforcement of the antitrust laws, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 15, 16, 17, and 24.

Amendment numbered 4:

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows:

In lieu of the matter stricken out by said amendment, insert *or the Federal Trade Commission*; and the House agree to the same.

Amendment numbered 7:

That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment as follows:

In lieu of the matter stricken out by said amendment, insert *any final order of the Federal Trade Commission, or*; and the House agree to the same.

Amendment numbered 14:

That the House recede from its amendment numbered 14.

Amendment numbered 18:

That the Senate recede from its disagreement to the amendment of the House numbered 18 and agree to the same with an amendment as follows:

In lieu of the matter stricken by the amendment insert *or the Federal Trade Commission*; and the House agree to the same.

Amendment numbered 19:

That the Senate recede from its disagreement to the amendment of the House numbered 19 and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted, insert *court or grand jury, or the Federal Trade Commission*.

Amendment numbered 20:

That the Senate recede from its disagreement to the amendment of the House numbered 20 and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted, insert *court or grand jury, or the Federal Trade Commission*.

Amendment numbered 21:

That the Senate recede from its disagreement to the amendment of the House numbered 21 and agree to the same with an amendment as follows:

In lieu of the matter stricken by the amendment insert *or the Federal Trade Commission*; and the House agree to the same.

Amendment numbered 22:

That the Senate recede from its disagreement to the amendment of the House numbered 22 and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted, insert *court or grand jury, or the Federal Trade Commission*.

Amendment numbered 23:

That the Senate recede from its disagreement to the amendment of the House numbered 23 and agree to the same with an amendment as follows:

In lieu of the matter stricken by the amendment insert *or the Federal Trade Commission*; and the House agree to the same.

EMANUEL CELLER,  
PETER W. RODINO, JR.,  
BYRON G. ROGERS,

*Managers on the Part of the House.*

JAMES O. EASTLAND,  
ESTES KEFAUVER,  
OLIN D. JOHNSTON,

*Managers on the Part of the Senate.*

## STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 167) to authorize the Attorney General to compel the production of documentary evidence required in civil investigations for the enforcement of the antitrust laws, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

### DEFINITIONS

Amendments Nos. 1 and 3: Provide formal changes made necessary by the deletion provided in amendment No. 2 as proposed by the House.

Amendment No. 2: Provides for the deletion from the antitrust laws to which the bill applies as proposed by the Senate of section 3 of the Robinson-Patman Act as proposed by the House.

Amendment No. 4: Provides for the insertion of the Federal Trade Commission in lieu of antitrust agency as proposed by the Senate and stricken out as proposed by the House.

Amendment No. 5: Deletes as proposed by the House the definition of the term "antitrust agency" as proposed by the Senate.

Amendments Nos. 6, 7, and 8: Correct the subparagraph numbers as proposed by the House; and reinsert the words "any final order of any antitrust agency, or" as proposed by the Senate and stricken out as proposed by the House, except that "the Federal Trade Commission" be inserted in lieu of "any antitrust agency".

Amendments 9, 10, 11, 12, and 13: Correct the subparagraph numbering.

### *Civil investigative demand*

Amendment No. 14: Delete amendment No. 14 as proposed by the House which inserts "under investigation."

Amendment No. 15: Inserts before "antitrust investigation" as proposed by the Senate "a civil" as proposed by the House.

Amendment No. 16: As proposed by the House, the court in any proceeding under section 5(d) may direct the place of production and inspection of the documents demanded.

Amendment No. 17: Eliminates useless phraseology as proposed by the House.

Amendment No. 18: Strikes out as proposed by the House "or any antitrust agency" as proposed by the Senate and inserts in lieu thereof "or the Federal Trade Commission".

Amendments Nos. 19, 20, and 22: Strike out as proposed by the House "court, grand jury, or antitrust agency", and insert "court or

grand jury", but amend to insert in lieu thereof, "court or grand jury, or the Federal Trade Commission".

Amendments Nos. 21 and 23: Strike out as proposed by the House "or any antitrust agency" as proposed by the Senate and insert in lieu thereof "or the Federal Trade Commission".

Amendment No. 24: As proposed by the Senate any person, not including a natural person by virtue of the definition of person in the bill, could be punished for disobedience of a court order under the bill. The amendment of the House makes a natural person subject to such punishment as agreed to by the managers on the part of the Senate.

In substance, the conference report makes the following changes in the bill: It deletes from the bill the Robinson-Patman Act as proposed by the House. Persons on whom civil investigative demands may be made would include all persons, other than natural persons, who may possess such documentary material as proposed by the Senate and are not limited to only such persons who are under investigation as proposed by the House. As proposed by the Senate the material obtained under a civil investigative demand would be available to any agency charged by law with the administration of any antitrust law prescribed in the bill instead of only the Department of Justice as proposed by the House. The conference report would delete antitrust agency and substitute therefor the Federal Trade Commission, making such material available only to the Department of Justice and the Federal Trade Commission. The report also includes a natural person as punishable for disobedience to a court order issued in the enforcement of the provisions of the bill.

EMANUEL CELLER,  
PETER W. RODINO, Jr.,  
BYRON G. ROGERS,

*Managers on the Part of the House.*

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