

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 7827

To impose a moratorium on large agribusiness, food and beverage manufacturing, and grocery retail mergers.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2022

Mr. POCAN introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To impose a moratorium on large agribusiness, food and beverage manufacturing, and grocery retail mergers.

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 “Food and Agribusiness  
5 Merger Moratorium and Antitrust Review Act of 2022”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Concentration in the food and agricultural  
9 economy, including mergers, acquisitions, and other

1 combinations and alliances among suppliers, pack-  
2 ers, integrators, other food processors, distributors,  
3 and retailers has been accelerating at a rapid pace  
4 since the 1980s, and particularly since the 2007  
5 through 2009 recession.

6 (2) The trend toward greater concentration in  
7 food and agriculture has important and far reaching  
8 implications not only for family farmers, but also for  
9 food chain workers, the food we eat, the commu-  
10 nities we live in, the integrity of the natural environ-  
11 ment upon which we all depend, and for our collec-  
12 tive public health.

13 (3) The infant formula industry, for example,  
14 has reached an alarming level of corporate con-  
15 centration with 4 companies now controlling nearly  
16 90 percent of the infant formula market. A disrup-  
17 tion in the supply of just 1 infant formula producer  
18 now presents a grave risk to infant health in the  
19 United States.

20 (4) In the past 4 decades, the top 4 largest  
21 pork packers have seized control of 70 percent of the  
22 market, up from 36 percent. Over the same period,  
23 the top 4 beef packers have expanded their market  
24 share from 32 percent to 85 percent. The top 4 flour  
25 millers have increased their market share from 40

1 percent to 64 percent. The market share of the top  
2 4 soybean crushers has jumped from 54 percent to  
3 79 percent, and the top 4 wet corn processors con-  
4 trol of the market has increased from 63 percent to  
5 86 percent.

6 (5) Today the top 4 sheep, poultry, and fluid  
7 milk processors now control 62 percent, 54 percent,  
8 and 50 percent of the market, respectively.

9 (6) The top 4 grain companies today control as  
10 much as 90 percent of the global grain trade.

11 (7) During the past 5 years there has been a  
12 wave of consolidation among global seed and crop-  
13 chemical firms, 3 companies now control nearly  $\frac{2}{3}$   
14 of the world's commodity crop seeds. Those same 3  
15 companies now also control nearly 70 percent of all  
16 agricultural chemicals and pesticides.

17 (8) In the United States, the 4 largest corn  
18 seed sellers accounted for 85 percent of the market  
19 in 2015, up from 60 percent in 2000. Over the past  
20 20 years, the cost for an acre's worth of seeds for  
21 an average corn farmer has nearly quadrupled, and  
22 the cost of fertilizer has more than doubled. Yet  
23 corn yields increased only 36 percent over that time,  
24 and the price received for the sale of a bushel of  
25 corn increased only 31 percent.

1           (9) A handful of firms dominate the processing  
2 of every major commodity. Many of them are  
3 vertically integrated, which means that they control  
4 successive stages of the food chain, from inputs to  
5 production to distribution. The growing number and  
6 scale of cross-border agribusiness and food mergers  
7 have put foreign firms, often with considerable gov-  
8 ernment backing, into prominent and even dominant  
9 positions in the United States beef, hog, poultry,  
10 seed, fertilizer, and agrichemical sectors.

11           (10) Growing concentration of the agricultural  
12 sector has restricted choices for farmers trying to  
13 sell their products. As the bargaining power of agri-  
14 business firms over farmers increases, concentrated  
15 agricultural commodity markets are stacked against  
16 the farmer, with buyers of agricultural commodities  
17 often possessing regional dominance in the form of  
18 oligopsony or monopsony relative to sellers of such  
19 commodities.

20           (11) The high concentration and consolidation  
21 of buyers in agricultural markets has resulted in the  
22 thinning of both cash and future markets, thereby  
23 allowing dominant buyers to leverage their market  
24 shares to move those markets to the detriment of  
25 family farmers and ranchers.

1           (12)   Buyers   with   oligopsonistic   or  
2   monopsonistic power have incentives to engage in  
3   unfair and discriminatory acts that cause farmers to  
4   receive less than a competitive price for their goods.  
5   At the same time, some Federal courts have incor-  
6   rectly required a plaintiff to show harm to competi-  
7   tion generally, in addition to harm to the individual  
8   farmer, when making a determination that an un-  
9   fair, unjustly discriminatory, deceptive, or pref-  
10   erential act exists under the Packers and Stockyards  
11   Act of 1921.

12           (13) The farmer’s share of every retail dollar  
13   has plummeted from 41 percent in 1950, to less  
14   than 15 percent today, while the profit share for  
15   farm input, marketing, and processing companies  
16   has risen.

17           (14) While agribusiness conglomerates are post-  
18   ing record earnings, farmers are facing desperate  
19   times. Since 2013, net farm income for United  
20   States farmers has fallen by more than half and me-  
21   dian on farm income was negative in 2020.

22           (15) The benefits of low commodity prices are  
23   not being passed on to American consumers. The  
24   gap between what shoppers pay for food and what  
25   farmers are paid is growing wider.

1           (16) The steadily rising price of food has out-  
2           paced growth in incomes for typical workers. Since  
3           the Great Recession, the annual growth of real  
4           prices for food at the supermarket have risen nearly  
5           3 times faster than typical earnings.

6           (17) There is a growing consensus that eco-  
7           nomic consolidation contributes to the widening gap  
8           in economic opportunity in the United States and  
9           bigger, more dominant firms are more likely to de-  
10          liver profits to investors than to raise wages or bene-  
11          fits. Mega-mergers in the food and agribusiness in-  
12          dustries can lead to growing monopsony power abuse  
13          resulting in wage suppression, along with massive  
14          layoffs as companies shutter factories and facilities,  
15          harming working families and communities.

16          (18) Concentration, low prices, anticompetitive  
17          practices, and other manipulations and abuses of the  
18          agricultural economy are driving small family farm-  
19          ers out of business. Farmers are going bankrupt or  
20          giving up, and few are taking their places; more  
21          farm families are having to rely on other jobs to stay  
22          afloat. Seventy-nine percent of farm household in-  
23          come came from off farm work in 2020, up from 53  
24          percent in 1960.

1           (19) Eighty-one percent of America's farmed  
2 cropland is now controlled by 15 percent of farms,  
3 and the number of farmers leaving the land will con-  
4 tinue to increase unless and until these trends are  
5 reversed.

6           (20) The decline of small family farms under-  
7 mines the economies of rural communities across  
8 America; it has pushed Main Street businesses, from  
9 equipment suppliers to small banks, out of business  
10 or to the brink of insolvency.

11           (21) Increased concentration in the agribusiness  
12 sector has a harmful effect on the environment; cor-  
13 porate hog farming, for example, threatens the in-  
14 tegrity of local water supplies and creates noxious  
15 odors in neighboring communities. Concentration  
16 also can increase the risks to food safety and limit  
17 the biodiversity of plants and animals.

18           (22) The decline of family farming poses a di-  
19 rect threat to American families and family values,  
20 by subjecting farm families to turmoil and stress.  
21 Farm advocates across the country are reporting an  
22 increase in farmer suicides over the past several  
23 years.

24           (23) The decline of family farming causes the  
25 demise of rural communities, as stores lose cus-

1 tomers, churches lose congregations, schools and  
2 clinics become under-used, career opportunities for  
3 young people dry up, and local inequalities of wealth  
4 and income grow wider.

5 (24) These developments are not the result of  
6 inevitable market forces. Its problems arise rather  
7 from policies made in Washington, including farm,  
8 antitrust, and trade policies.

9 (25) Past congressional action to remediate  
10 market failure, such as enacting country-of-origin la-  
11 beling to provide transparency for domestic farmers,  
12 ranchers, and consumers regarding agricultural com-  
13 modity origins, have been overturned for key com-  
14 modities by oligopolistic conglomerates that use un-  
15 differentiated imports to reduce domestic farm  
16 prices.

17 (26) To restore competition in the agricultural  
18 economy, and to increase the bargaining power and  
19 enhance economic prospects for family farmers, the  
20 trend toward concentration must be reversed.

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) **AGRICULTURAL INPUT SUPPLIER.**—The  
24 term “agricultural input supplier” means any person  
25 (excluding agricultural cooperatives) engaged in the



1 business of selling, in interstate or foreign com-  
2 merce, any product to be used as an input (including  
3 seed, germ plasm, hormones, antibiotics, fertilizer,  
4 and chemicals, but excluding farm machinery) for  
5 the production of any agricultural commodity, except  
6 that no person shall be considered an agricultural  
7 input supplier if sales of such products are for a  
8 value less than \$10,000,000 per year.

9 (2) BROKER.—The term “broker” means any  
10 person engaged in the business of negotiating sales  
11 and purchases of any agricultural commodity in  
12 interstate or foreign commerce for or on behalf of  
13 the vendor or the purchaser, except that no person  
14 shall be considered a broker if the only sales of such  
15 commodities are for a value less than \$10,000,000  
16 per year.

17 (3) COMMISSION MERCHANT.—The term “com-  
18 mission merchant” means any person engaged in the  
19 business of receiving in interstate or foreign com-  
20 merce any agricultural commodity for sale, on com-  
21 mission, or for or on behalf of another, except that  
22 no person shall be considered a commission mer-  
23 chant if the only sales of such commodities are for  
24 a value less than \$10,000,000 per year.

1           (4) DEALER.—The term “dealer” means any  
2 person (excluding agricultural cooperatives) engaged  
3 in the business of buying, selling, or marketing agri-  
4 cultural commodities in interstate or foreign com-  
5 merce, except that—

6           (A) no person shall be considered a dealer  
7 with respect to sales or marketing of any agri-  
8 cultural commodity of that person’s own rais-  
9 ing; and

10          (B) no person shall be considered a dealer  
11 if the only sales of such commodities are for a  
12 value less than \$10,000,000 per year.

13          (5) INTEGRATOR.—The term “integrator”  
14 means an entity that contracts with farmers for  
15 grower services to raise chickens or hogs to slaugh-  
16 ter size and weight. The integrator owns the chick-  
17 ens or hogs, supplies the feed, slaughters, and fur-  
18 ther processes the poultry or pork.

19          (6) PROCESSOR.—The term “processor” means  
20 any person (excluding agricultural cooperatives) en-  
21 gaged in the business of handling, preparing, or  
22 manufacturing (including slaughtering and food and  
23 beverage manufacturing) of an agricultural com-  
24 modity, or the products of such agricultural com-  
25 modity, for sale or marketing for human consump-

1 tion, except that no person shall be considered a  
 2 processor if the only sales of such products are for  
 3 a value less than \$10,000,000 per year.

4 (7) RETAILER.—The term “retailer” means any  
 5 person (excluding agricultural cooperatives, coopera-  
 6 tive retailers, and cooperative distributors) licensed  
 7 as a retailer under the Perishable Agriculture Com-  
 8 modities Act of 1930 (7 U.S.C. 499a(b)), except  
 9 that no person shall be considered a retailer if the  
 10 only sales of such products are for a value less than  
 11 \$10,000,000 per year.

12 **TITLE I—MORATORIUM ON**  
 13 **LARGE AGRIBUSINESS, FOOD**  
 14 **AND BEVERAGE MANUFAC-**  
 15 **TURING, AND GROCERY RE-**  
 16 **TAIL MERGERS**

17 **SEC. 101. MORATORIUM ON LARGE AGRIBUSINESS, FOOD**  
 18 **AND BEVERAGE MANUFACTURING, AND GRO-**  
 19 **CERY RETAIL MERGERS.**

20 (a) IN GENERAL.—

21 (1) MORATORIUM.—Until the date referred to  
 22 in paragraph (2) and except as provided in sub-  
 23 section (b)—

24 (A) no dealer, processor, commission mer-  
 25 chant, agricultural input supplier, broker, or

1 operator of a warehouse of agricultural com-  
2 modities or retailer with annual net sales or  
3 total assets of more than \$160,000,000 shall  
4 merge or acquire, directly or indirectly, any vot-  
5 ing securities or assets of any other dealer,  
6 processor, commission merchant, agricultural  
7 input supplier, broker, or operator of a ware-  
8 house of agricultural commodities or retailer  
9 with annual net sales or total assets of more  
10 than \$16,000,000; and

11 (B) no dealer, processor, commission mer-  
12 chant, agricultural input supplier, broker, or  
13 operator of a warehouse of agricultural com-  
14 modities or retailer with annual net sales or  
15 total assets of more than \$16,000,000 shall  
16 merge or acquire, directly or indirectly, any vot-  
17 ing securities or assets of any other dealer,  
18 processor, commission merchant, agricultural  
19 input supplier, broker, or operator of a ware-  
20 house of agricultural commodities or retailer  
21 with annual net sales or total assets of more  
22 than \$160,000,000 if the acquiring person  
23 would hold—

1 (i) 15 percent or more of the voting  
2 securities or assets of the acquired person;

3 or

4 (ii) an aggregate total amount of the  
5 voting securities and assets of the acquired  
6 person in excess of \$15,000,000.

7 (2) DATE.—The date referred to in this para-  
8 graph is the effective date of comprehensive legisla-  
9 tion—

10 (A) addressing the problem of market con-  
11 centration in the food and agricultural sector;  
12 and

13 (B) containing a section stating that the  
14 legislation is comprehensive legislation as pro-  
15 vided in section 101 of the Food and Agri-  
16 business Merger Moratorium and Antitrust Re-  
17 view Act of 2019; or

18 (b) WAIVER AUTHORITY.—The Attorney General  
19 shall have authority to waive the moratorium imposed by  
20 subsection (a) only under extraordinary circumstances,  
21 such as insolvency or similar financial distress of 1 of the  
22 affected parties.

23 (c) EXEMPTIONS.—The classes of transactions de-  
24 scribed in section 7A(c) of the Clayton Act (15 U.S.C.  
25 18a(c)) are exempt from subsection (a).

1 (d) AVOIDANCE.—Any transaction or other device en-  
2 tered into or employed for the purpose of avoiding the  
3 moratorium contained in subsection (a) shall be dis-  
4 regarded, and the application of the moratorium shall be  
5 determined by applying subsection (a) to the substance of  
6 the transaction.

7 (e) RULEMAKING.—The Attorney General shall pro-  
8 mulgate regulations that the Attorney General determines  
9 are necessary to implement this section.

10 **TITLE II—AGRICULTURE CON-**  
11 **CENTRATION AND MARKET**  
12 **POWER REVIEW COMMISSION**

13 **SEC. 201. ESTABLISHMENT OF COMMISSION.**

14 (a) ESTABLISHMENT.—There is established a com-  
15 mission to be known as the Food and Agriculture Con-  
16 centration and Market Power Review Commission (here-  
17 after in this title referred to as the “Commission”).

18 (b) PURPOSES.—The purpose of the Commission is  
19 to—

20 (1) study the nature and consequences of con-  
21 centration in America’s food and agricultural econ-  
22 omy; and

23 (2) make recommendations on how to change  
24 underlying antitrust laws and other Federal laws  
25 and regulations to keep a fair and competitive agri-

1 culture marketplace for family farmers, other small  
2 and medium sized agriculture producers, generally,  
3 and the communities of which they are a part.

4 (c) MEMBERSHIP OF COMMISSION.—

5 (1) COMPOSITION.—The Commission shall be  
6 composed of 12 members as follows:

7 (A) Three persons, 1 of whom shall be a  
8 person currently engaged in farming or ranch-  
9 ing, shall be appointed by the President pro  
10 tempore of the Senate upon the recommenda-  
11 tion of the Majority Leader of the Senate, after  
12 consultation with the Chairs of the Committee  
13 on Agriculture, Nutrition, and Forestry and of  
14 the Committee on the Judiciary.

15 (B) Three persons, 1 of whom shall be a  
16 person currently engaged in farming or ranch-  
17 ing, shall be appointed by the President pro  
18 tempore of the Senate upon the recommenda-  
19 tion of the Minority Leader of the Senate, after  
20 consultation with the ranking minority member  
21 of the Committee on Agriculture, Nutrition,  
22 and Forestry and of the Committee on the Ju-  
23 diciary.

24 (C) Three persons, 1 of whom shall be a  
25 person currently engaged in farming or ranch-

1 ing and 1 of whom shall be a representative of  
2 organized labor, shall be appointed by the  
3 Speaker of the House of Representatives, after  
4 consultation with the Chairs of the Committee  
5 on Agriculture and of the Committee on the Ju-  
6 diciary.

7 (D) Three persons, 1 of whom shall be a  
8 person currently engaged in farming or ranch-  
9 ing, shall be appointed by the Minority Leader  
10 of the House of Representatives, after consulta-  
11 tion with the ranking minority member of the  
12 Committee on Agriculture, Nutrition, and For-  
13 estry and of the Committee on the Judiciary.

14 (2) QUALIFICATIONS OF MEMBERS.—

15 (A) APPOINTMENTS.—Persons who are ap-  
16 pointed under paragraph (1) shall be persons  
17 who—

18 (i) have experience in farming or  
19 ranching, expertise in agricultural econom-  
20 ics and antitrust, or have other pertinent  
21 qualifications or experience relating to ag-  
22 riculture and food and agriculture indus-  
23 tries; and

24 (ii) are not officers or employees of  
25 the United States.



1 (B) OTHER CONSIDERATION.—In appoint-  
2 ing Commission members, every effort shall be  
3 made to ensure that the members—

4 (i) are representative of a broad cross  
5 sector of agriculture and antitrust perspec-  
6 tives within the United States; and

7 (ii) provide fresh insights to analyzing  
8 the causes and impacts of concentration in  
9 agriculture industries and sectors.

10 (d) PERIOD OF APPOINTMENT; VACANCIES.—

11 (1) IN GENERAL.—Members shall be appointed  
12 not later than 60 days after the date of enactment  
13 of this Act and the appointment shall be for the life  
14 of the Commission.

15 (2) VACANCIES.—Any vacancy in the Commis-  
16 sion shall not affect its powers, but shall be filled in  
17 the same manner as the original appointment.

18 (e) INITIAL MEETING.—Not later than 30 days after  
19 the date on which all members of the Commission have  
20 been appointed, the Commission shall hold its first meet-  
21 ing.

22 (f) MEETINGS.—The Commission shall meet at the  
23 call of the Chairperson.

24 (g) CHAIRPERSON AND VICE CHAIRPERSON.—The  
25 members of the Commission shall elect a chairperson and

1 vice chairperson from among the members of the Commis-  
2 sion.

3 (h) QUORUM.—A majority of the members of the  
4 Commission shall constitute a quorum for the transaction  
5 of business.

6 (i) VOTING.—Each member of the Commission shall  
7 be entitled to 1 vote, which shall be equal to the vote of  
8 every other member of the Commission.

9 **SEC. 202. DUTIES OF THE COMMISSION.**

10 (a) IN GENERAL.—The Commission shall be respon-  
11 sible for examining the nature, the causes, and con-  
12 sequences concentration in America’s agricultural econ-  
13 omy in the broadest possible terms.

14 (b) ISSUES TO BE ADDRESSED.—The study shall in-  
15 clude an examination of the following matters:

16 (1) The nature and extent of concentration in  
17 the food and agricultural sector, including food pro-  
18 duction, manufacturing, transportation, processing,  
19 distribution, marketing, retailing, and farm inputs  
20 such as machinery, fertilizer, and seeds.

21 (2) Current trends in concentration of the food  
22 and agricultural sector and what this sector is likely  
23 to look like in the near and longer term future.

1           (3) The effects of rising concentration on sup-  
2 pliers, workers and farmers, including independent  
3 and contract farmers, with respect to—

4           (A) competition in markets for their prod-  
5 ucts and services;

6           (B) income and benefit levels;

7           (C) income distribution;

8           (D) income volatility;

9           (E) other material benefits; and

10          (F) wages and benefits of employees.

11          (4) The impacts of this concentration upon  
12 rural communities, rural economic development, and  
13 the natural environment.

14          (5) The impacts of concentration in the seed in-  
15 dustry on genetic diversity in farm fields and any re-  
16 lated impacts on food security.

17          (6) The impacts of this concentration upon food  
18 shoppers, including the reasons that low farm prices  
19 have not resulted in corresponding drops in super-  
20 market prices.

21          (7) Whether farming is approaching a scale  
22 that is larger than necessary from the standpoint of  
23 productivity.

1           (8) The effect of current laws and administra-  
2           tive practices in supporting and encouraging this  
3           concentration.

4           (9) Whether the existing antitrust laws provide  
5           adequate safeguards against, and remedies for, the  
6           impacts of concentration upon family farms, the  
7           communities they comprise, and the food shoppers of  
8           this Nation.

9           (10) Accurate and reliable data on the national  
10          and international markets shares of multinational  
11          agribusinesses, and the portion of their sales attrib-  
12          utable to exports.

13          (11) Barriers that inhibit entry of new competi-  
14          tors into markets for the processing of agricultural  
15          commodities, such as the meat packing industry.

16          (12) The extent to which developments, such as  
17          packer ownership of livestock, formula pricing, mar-  
18          keting agreements, production contracting, forward  
19          contracting, and vertical integration tend to give  
20          processors, agribusinesses, integrators, and other  
21          buyers of agricultural commodities additional market  
22          power over farmers and suppliers in local markets.

23          (13) The extent to which mergers cause wage  
24          suppression, layoffs, or reduced benefits to workers  
25          in the food and agricultural sector.

1           (14) Such related matters as the Commission  
2           determines to be important.

3 **SEC. 203. FINAL REPORT.**

4           (a) IN GENERAL.—Not later than 12 months after  
5 the date of the initial meeting of the Commission, the  
6 Commission shall submit to the President and Congress  
7 a final report which contains—

8           (1) the findings and conclusions of the Commis-  
9           sion described in section 202; and

10           (2) recommendations for addressing the prob-  
11           lems identified as part of the Commission’s analysis.

12           (b) SEPARATE VIEWS.—Any member of the Commis-  
13 sion may submit additional findings and recommendations  
14 as part of the final report.

15 **SEC. 204. POWERS OF COMMISSION.**

16           (a) HEARINGS.—The Commission may hold such  
17 hearings, sit and act at such times and places, take such  
18 testimony, and receive such evidence as the Commission  
19 may find advisable to fulfill the requirements of this title.

20 The Commission shall hold at least 1 or more hearings  
21 in Washington, DC, and 4 in different agriculture regions  
22 of the United States.

23           (b) INFORMATION FROM FEDERAL AGENCIES.—The  
24 Commission may secure directly from any Federal depart-  
25 ment or agency such information as the Commission con-

1   siders necessary to carry out the provisions of this title.  
2   Upon request of the Chairperson of the Commission, the  
3   head of such department or agency shall furnish such in-  
4   formation to the Commission.

5       (c) **POSTAL SERVICES.**—The Commission may use  
6   the United States mails in the same manner and under  
7   the same conditions as other departments and agencies of  
8   the Federal Government.

9   **SEC. 205. COMMISSION PERSONNEL MATTERS.**

10       (a) **COMPENSATION OF MEMBERS.**—Each member of  
11   the Commission shall be compensated at a rate equal to  
12   the daily equivalent of the annual rate of basic pay pre-  
13   scribed for level IV of the Executive Schedule under sec-  
14   tion 5315 of title 5, United States Code, for each day (in-  
15   cluding travel time) during which such member is engaged  
16   in the performance of the duties of the Commission.

17       (b) **TRAVEL EXPENSES.**—The members of the Com-  
18   mission shall be allowed travel expenses, including per  
19   diem in lieu of subsistence, at rates authorized for employ-  
20   ees of agencies under subchapter I of chapter 57 of title  
21   5, United States Code, while away from their homes or  
22   regular places of business in the performance of services  
23   for the Commission.

24       (c) **STAFF.**—

1           (1) IN GENERAL.—The Chairperson of the  
2 Commission may, without regard to the civil service  
3 laws and regulations, appoint and terminate an execu-  
4 tive director and such other additional personnel as  
5 may be necessary to enable the Commission to per-  
6 form its duties. The employment of an executive di-  
7 rector shall be subject to confirmation by the Com-  
8 mission.

9           (2) COMPENSATION.—The Chairperson of the  
10 Commission may fix the compensation of the execu-  
11 tive director and other personnel without regard to  
12 the provisions of chapter 51 and subchapter III of  
13 chapter 53 of title 5, United States Code, relating  
14 to classification of positions and General Schedule  
15 pay rates, except that the rate of pay for the execu-  
16 tive director and other personnel may not exceed the  
17 rate payable for level V of the Executive Schedule  
18 under section 5316 of such title.

19          (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
20 Federal Government employee shall be detailed to the  
21 Commission without reimbursement, and such detail shall  
22 be without interruption or loss of civil service status or  
23 privilege.

24          (e) PROCUREMENT OF TEMPORARY AND INTERMIT-  
25 TENT SERVICES.—The Chairperson of the Commission

1 may procure temporary and intermittent services under  
2 section 3109(b) of title 5, United States Code, at rates  
3 for individuals which do not exceed the daily equivalent  
4 of the annual rate of basic pay prescribed for level V of  
5 the Executive Schedule under section 5316 of such title.

6 **SEC. 206. SUPPORT SERVICES.**

7       The Administrator of the General Services Adminis-  
8 tration shall provide to the Commission on a reimbursable  
9 basis such administrative support services as the Commis-  
10 sion may request.

11 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

12       There is authorized to be appropriated \$2,000,000 to  
13 the Commission as required by this title to carry out the  
14 provisions of this title.

○