

116TH CONGRESS  
1ST SESSION

# H. R. 2933

To impose a moratorium on large agribusiness, food and beverage manufacturing, and grocery retail mergers, and to establish a commission to review large agriculture, food and beverage manufacturing, and grocery retail mergers, concentration, and market power.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2019

Mr. POCAN (for himself, Ms. DELAURO, Mr. KHANNA, Ms. PINGREE, Mr. RYAN, Mr. BLUMENAUER, and Ms. SCHAKOWSKY) 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

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## A BILL

To impose a moratorium on large agribusiness, food and beverage manufacturing, and grocery retail mergers, and to establish a commission to review large agriculture, food and beverage manufacturing, and grocery retail mergers, concentration, and market power.

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 2019”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Concentration in the food and agricultural  
4 economy, including mergers, acquisitions, and other  
5 combinations and alliances among suppliers, pack-  
6 ers, integrators, other food processors, distributors,  
7 and retailers has been accelerating at a rapid pace  
8 since the 1980s, and particularly since the 2007  
9 through 2009 recession.

10 (2) The trend toward greater concentration in  
11 food and agriculture has important and far-reaching  
12 implications not only for family farmers, but also for  
13 food chain workers, the food we eat, the commu-  
14 nities we live in, and the integrity of the natural en-  
15 vironment upon which we all depend.

16 (3) In the past three decades, the top 4 largest  
17 pork packers have seized control of 71 percent of the  
18 market, up from 36 percent. Over the same period,  
19 the top 4 beef packers have expanded their market  
20 share from 32 percent to 85 percent. The top 4 flour  
21 millers have increased their market share from 40  
22 percent to 64 percent. The market share of the top  
23 4 soybean crushers has jumped from 54 percent to  
24 79 percent, and the top 4 wet corn processors con-  
25 trol of the market has increased from 63 percent to  
26 86 percent.

1           (4) Today the top 4 sheep, poultry, and fluid  
2           milk processors now control 57 percent, 53 percent,  
3           and 50 percent of the market, respectively.

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

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

12          (7) In the United States, the 4 largest corn  
13          seed sellers accounted for 85 percent of the market  
14          in 2015, up from 60 percent in 2000. Over the past  
15          20 years, the cost for an acre's worth of seeds for  
16          an average corn farmer has nearly quadrupled, and  
17          the cost of fertilizer has more than doubled. Yet  
18          corn yields increased only 36 percent over that time,  
19          and the price received for the sale of a bushel of  
20          corn increased only 31 percent.

21          (8) A handful of firms dominate the processing  
22          of every major commodity. Many of them are  
23          vertically integrated, which means that they control  
24          successive stages of the food chain, from inputs to  
25          production to distribution. The growing number and

1 scale of cross-border agribusiness and food mergers  
2 have put foreign firms, often with considerable gov-  
3 ernment backing, into prominent and even dominant  
4 positions in the United States beef, hog, poultry,  
5 seed, fertilizer, and agrichemical sectors.

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

15 (10) The high concentration and consolidation  
16 of buyers in agricultural markets has resulted in the  
17 thinning of both cash and futures markets, thereby  
18 allowing dominant buyers to leverage their market  
19 shares to move those markets to the detriment of  
20 family farmers and ranchers.

21 (11) Buyers with oligopsonistic or  
22 monopsonistic power have incentives to engage in  
23 unfair and discriminatory acts that cause farmers to  
24 receive less than a competitive price for their goods.  
25 At the same time, some Federal courts have incor-

1       rectly required a plaintiff to show harm to competi-  
2       tion generally, in addition to harm to the individual  
3       farmer, when making a determination that an un-  
4       fair, unjustly discriminatory, deceptive, or pref-  
5       erential act exists under the Packers and Stockyards  
6       Act of 1921.

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

12          (13) While agribusiness conglomerates are post-  
13      ing record earnings, farmers are facing desperate  
14      times. Since 2013, net farm income for United  
15      States farmers has fallen by more than half and me-  
16      dian on-farm income was negative in 2017 and in  
17      2018 and is expected to be negative again in 2019.

18          (14) The benefits of low commodity prices are  
19      not being passed on to American consumers. The  
20      gap between what shoppers pay for food and what  
21      farmers are paid is growing wider.

22          (15) The steadily rising price of food has out-  
23      paced growth in incomes for typical workers. Since  
24      the Great Recession, the annual growth of real

1 prices for food at the supermarket have risen nearly  
2 3 times faster than typical earnings.

3 (16) There is growing consensus that economic  
4 consolidation contributes to the widening gap in eco-  
5 nomic opportunity in the United States and bigger,  
6 more dominant firms are more likely to deliver prof-  
7 its to investors than to raise wages or benefits.  
8 Mega-mergers in the food and agribusiness indus-  
9 tries can lead to growing monopsony power abuse re-  
10 sulting in wage suppression, along with massive lay-  
11 offs as companies shutter factories and facilities,  
12 harming working families and communities.

13 (17) Concentration, low prices, anticompetitive  
14 practices, and other manipulations and abuses of the  
15 agricultural economy are driving small family farm-  
16 ers out of business. Farmers are going bankrupt or  
17 giving up, and few are taking their places; more  
18 farm families are having to rely on other jobs to stay  
19 afloat. Eighty-three percent of farm household in-  
20 come is expected to come from off-farm work this  
21 year, up from 53 percent in 1960.

22 (18) Eighty-one percent of America's farmed  
23 cropland is now controlled by 15 percent of farms,  
24 and the number of farmers leaving the land will con-

1       tinue to increase unless and until these trends are  
2       reversed.

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

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

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

21          (22) The decline of family farming causes the  
22      demise of rural communities, as stores lose cus-  
23      tomers, churches lose congregations, schools and  
24      clinics become under-used, career opportunities for

1 young people dry up, and local inequalities of wealth  
2 and income grow wider.

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

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

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

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) **AGRICULTURAL INPUT SUPPLIER.**—The  
22 term “agricultural input supplier” means any person  
23 (excluding agricultural cooperatives) engaged in the  
24 business of selling, in interstate or foreign com-  
25 merce, any product to be used as an input (including



1 seed, germ plasm, hormones, antibiotics, fertilizer,  
2 and chemicals, but excluding farm machinery) for  
3 the production of any agricultural commodity, except  
4 that no person shall be considered an agricultural  
5 input supplier if sales of such products are for a  
6 value less than \$10,000,000 per year.

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

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

23 (4) DEALER.—The term “dealer” means any  
24 person (excluding agricultural cooperatives) engaged  
25 in the business of buying, selling, or marketing agri-

1 cultural commodities in interstate or foreign com-  
2 merce, except that—

3 (A) no person shall be considered a dealer  
4 with respect to sales or marketing of any agri-  
5 cultural commodity of that person's own rais-  
6 ing; and

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

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

16 (6) PROCESSOR.—The term “processor” means  
17 any person (excluding agricultural cooperatives) en-  
18 gaged in the business of handling, preparing, or  
19 manufacturing (including slaughtering and food and  
20 beverage manufacturing) of an agricultural com-  
21 modity, or the products of such agricultural com-  
22 modity, for sale or marketing for human consump-  
23 tion, except that no person shall be considered a  
24 processor if the only sales of such products are for  
25 a value less than \$10,000,000 per year.

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

9       **TITLE       I—MORATORIUM       ON**  
 10       **LARGE AGRIBUSINESS, FOOD**  
 11       **AND BEVERAGE MANUFAC-**  
 12       **TURING, AND GROCERY RE-**  
 13       **TAIL MERGERS**

14   **SEC. 101. MORATORIUM ON LARGE AGRIBUSINESS, FOOD**  
 15                           **AND BEVERAGE MANUFACTURING, AND GRO-**  
 16                           **CERY RETAIL MERGERS.**

17       (a) IN GENERAL.—

18           (1) MORATORIUM.—Until the date referred to  
 19           in paragraph (2) and except as provided in sub-  
 20           section (b)—

21                   (A) no dealer, processor, commission mer-  
 22                   chant, agricultural input supplier, broker, or  
 23                   operator of a warehouse of agricultural com-  
 24                   modities or retailer with annual net sales or  
 25                   total assets of more than \$160,000,000 shall

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

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

21 (i) 15 percent or more of the voting  
22 securities or assets of the acquired person;  
23 or

1 (ii) an aggregate total amount of the  
2 voting securities and assets of the acquired  
3 person in excess of \$15,000,000.

4 (2) DATE.—The date referred to in this para-  
5 graph is the effective date of comprehensive legisla-  
6 tion—

7 (A) addressing the problem of market con-  
8 centration in the food and agricultural sector;  
9 and

10 (B) containing a section stating that the  
11 legislation is comprehensive legislation as pro-  
12 vided in section 101 of the Food and Agri-  
13 business Merger Moratorium and Antitrust Re-  
14 view Act of 2019.

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

20 (c) EXEMPTIONS.—The classes of transactions de-  
21 scribed in section 7A(c) of the Clayton Act (15 U.S.C.  
22 18a(c)) are exempt from subsection (a).

23 (d) AVOIDANCE.—Any transaction or other device en-  
24 tered into or employed for the purpose of avoiding the  
25 moratorium contained in subsection (a) shall be dis-

1 regarded, and the application of the moratorium shall be  
2 determined by applying subsection (a) to the substance of  
3 the transaction.

4 (e) RULEMAKING.—The Attorney General shall pro-  
5 mulgate regulations that the Attorney General determines  
6 are necessary to implement this section.

7 **TITLE II—AGRICULTURE CON-**  
8 **CENTRATION AND MARKET**  
9 **POWER REVIEW COMMISSION**

10 **SEC. 201. ESTABLISHMENT OF COMMISSION.**

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

15 (b) PURPOSES.—The purpose of the Commission is  
16 to—

17 (1) study the nature and consequences of con-  
18 centration in America’s food and agricultural econ-  
19 omy; and

20 (2) make recommendations on how to change  
21 underlying antitrust laws and other Federal laws  
22 and regulations to keep a fair and competitive agri-  
23 culture marketplace for family farmers, other small  
24 and medium-sized agriculture producers, generally,  
25 and the communities of which they are a part.

1 (c) MEMBERSHIP OF COMMISSION.—

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

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

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

21 (C) Three persons, 1 of whom shall be a  
22 person currently engaged in farming or ranch-  
23 ing and 1 of whom shall be a representative of  
24 organized labor, shall be appointed by the  
25 Speaker of the House of Representatives, after

1 consultation with the Chairs of the Committee  
2 on Agriculture and of the Committee on the Ju-  
3 diciary.

4 (D) Three persons, 1 of whom shall be a  
5 person currently engaged in farming or ranch-  
6 ing, shall be appointed by the minority leader of  
7 the House of Representatives, after consultation  
8 with the ranking minority member of the Com-  
9 mittee on Agriculture and of the Committee on  
10 the Judiciary.

11 (2) QUALIFICATIONS OF MEMBERS.—

12 (A) APPOINTMENTS.—Persons who are ap-  
13 pointed under paragraph (1) shall be persons  
14 who—

15 (i) have experience in farming or  
16 ranching, expertise in agricultural econom-  
17 ics and antitrust, or have other pertinent  
18 qualifications or experience relating to food  
19 and agriculture industries; and

20 (ii) are not officers or employees of  
21 the United States.

22 (B) OTHER CONSIDERATION.—In appoint-  
23 ing Commission members, every effort shall be  
24 made to ensure that the members—



1 (i) are representative of a broad cross  
2 sector of agriculture and antitrust perspec-  
3 tives within the United States; and

4 (ii) provide fresh insights to analyzing  
5 the causes and impacts of concentration in  
6 agriculture industries and sectors.

7 (d) PERIOD OF APPOINTMENT; VACANCIES.—

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

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

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

19 (f) MEETINGS.—The Commission shall meet at the  
20 call of the Chairperson.

21 (g) CHAIRPERSON AND VICE CHAIRPERSON.—The  
22 members of the Commission shall elect a chairperson and  
23 vice chairperson from among the members of the Commis-  
24 sion.

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

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

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

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

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

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

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

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

1 (A) competition in markets for their prod-  
2 ucts and services;

3 (B) income and benefit levels;

4 (C) income distribution;

5 (D) income volatility;

6 (E) other material benefits; and

7 (F) wages and benefits of employees.

8 (4) The impacts of this concentration upon  
9 rural communities, rural economic development, and  
10 the natural environment.

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

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

18 (7) Whether farming is approaching a scale  
19 that is larger than necessary from the standpoint of  
20 productivity.

21 (8) The effect of current laws and administra-  
22 tive practices in supporting and encouraging this  
23 concentration.

24 (9) Whether the existing antitrust laws provide  
25 adequate safeguards against, and remedies for, the

1 impacts of concentration upon family farms, the  
2 communities they comprise, and the food shoppers of  
3 this Nation.

4 (10) Accurate and reliable data on the national  
5 and international markets shares of multinational  
6 agribusinesses, and the portion of their sales attrib-  
7 utable to exports.

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

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

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

21 (14) Such related matters as the Commission  
22 determines to be important.

23 **SEC. 203. FINAL REPORT.**

24 (a) IN GENERAL.—Not later than 12 months after  
25 the date of the initial meeting of the Commission, the

1 Commission shall submit to the President and Congress  
2 a final report which contains—

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

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

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

10 **SEC. 204. POWERS OF COMMISSION.**

11 (a) HEARINGS.—The Commission may hold such  
12 hearings, sit and act at such times and places, take such  
13 testimony, and receive such evidence as the Commission  
14 may find advisable to fulfill the requirements of this title.  
15 The Commission shall hold at least 1 or more hearings  
16 in Washington, DC, and 4 in different agriculture regions  
17 of the United States.

18 (b) INFORMATION FROM FEDERAL AGENCIES.—The  
19 Commission may secure directly from any Federal depart-  
20 ment or agency such information as the Commission con-  
21 siders necessary to carry out the provisions of this title.  
22 Upon request of the Chairperson of the Commission, the  
23 head of such department or agency shall furnish such in-  
24 formation to the Commission.

1       (c) POSTAL SERVICES.—The Commission may use  
2 the United States mails in the same manner and under  
3 the same conditions as other departments and agencies of  
4 the Federal Government.

5 **SEC. 205. COMMISSION PERSONNEL MATTERS.**

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

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

20       (c) STAFF.—

21           (1) IN GENERAL.—The Chairperson of the  
22 Commission may, without regard to the civil service  
23 laws and regulations, appoint and terminate an execu-  
24 tive director and such other additional personnel as  
25 may be necessary to enable the Commission to per-

1 form its duties. The employment of an executive di-  
2 rector shall be subject to confirmation by the Com-  
3 mission.

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

14 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
15 Federal Government employee shall be detailed to the  
16 Commission without reimbursement, and such detail shall  
17 be without interruption or loss of civil service status or  
18 privilege.

19 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-  
20 TENT SERVICES.—The Chairperson of the Commission  
21 may procure temporary and intermittent services under  
22 section 3109(b) of title 5, United States Code, at rates  
23 for individuals which do not exceed the daily equivalent  
24 of the annual rate of basic pay prescribed for level V of  
25 the Executive Schedule under section 5316 of such title.

1   **SEC. 206. SUPPORT SERVICES.**

2           The Administrator of the General Services Adminis-  
3   tration shall provide to the Commission on a reimbursable  
4   basis such administrative support services as the Commis-  
5   sion may request.

6   **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

7           There are authorized to be appropriated \$2,000,000  
8   to the Commission as required by this title to carry out  
9   the provisions of this title.

○