

Thank you.

Mr. MARKUS. As to the reports that required separate treatment some of those are included in the chapter in which we discuss Agriculture Department procurement, and others will probably be treated in supplemental reports that we will issue from time to time. But they were problem types of reports. They were either very large in the number of items involved and the number of bidders and required very special treatment.

Chairman PATMAN. Yes, sir.

Then you threw out the 129 which you say you found to be not identical after evaluation. And 115 of these came from Federal agencies. It seems to me a little puzzling that you would have so many which the procurement agency thought were identical but after review, your staff found not to be identical.

I wonder if you could give us a memorandum for our records showing a breakdown of these as to the reason why they appeared to be identical but were not judged identical.

Could you prepare that for the record when you submit your transcript back?

Mr. LOEVINGER. Yes, sir.

(The material referred to appears in the appendix at p. 952.)

Chairman PATMAN. Thank you.

Judge, in table 2 where you show the basis of the award indicating that it is sometimes made on the basis of low bid, sometimes by lottery, and sometimes you show that no award was made. But a very large percentage of the awards are shown to have been made on other bases. I wonder if in future reports we couldn't have a better specification as to how the awards were made rather than having so many shown to have been made on an unspecified basis.

Mr. LOEVINGER. Yes, I think that could be done.

Chairman PATMAN. Fine; thank you, sir.

Senator Pell?

Senator PELL. I have no questions.

Chairman PATMAN. Senator Proxmire?

Senator PROXMIRE. Yes, I would like to go back to what I was asking about.

Professor Barber says that so far during the year 1962 only a few cases involving mergers have been filed in spite of the fact that some trivial, as he describes it—and I think they are relatively trivial—cases have been brought with regard to relatively small industries.

What explains this curtailment in activity?

Mr. LOEVINGER. There has been no curtailment in activity, Senator Proxmire. We bring cases as the facts come to our attention and as they arise.

My prediction is that with the Supreme Court decision in the *Brown Shoe* case which in a speech to the American Bar Association I have described as judicial ratification of the Celler-Kefauver Act, there may very well be fewer merger cases.

The explanation, I think, is quite simple. The explanation is that as the legal standards become known, and become clearer, there is greater voluntary compliance. Lawyers advise clients not to undertake mergers. Mergers are submitted to the Antitrust Division for clearance