

AMENDMENT TO COMMITTEE PRINT
OFFERED BY MR. ENGEL

In title IX, in section 9101, page 18, after line 16,
insert:

1 (d) FTC MARKET ANALYSIS.—(1) The Federal
2 Trade Commission shall perform an annual market anal-
3 ysis of the ethanol production industry using the HHI
4 methodology to determine whether or not there is suffi-
5 cient competition among industry participants to avoid
6 price-setting and other anti-competitive behavior. The
7 Commission shall submit a report for each year to the
8 Congress by December 1 of that year. The first report
9 shall be submitted December 1, 2004.

10 (2) In any year in which the Commission finds that
11 the HHI figure is 1800 or greater, the ethanol production
12 industry shall be deemed ‘highly concentrated’ as a matter
13 of law. For purposes of HHI scoring, marketing arrange-
14 ments between producers shall be considered even in the
15 absence of formal legal ownership.

16 (3) If the Commission has determined that the eth-
17 anol production industry is ‘highly concentrated’ for any
18 year, the provisions of section 211(o) of the Clean Air Act
19 shall be suspended for the following calendar year or until
20 the Commission determines that the HHI figure for the
21 ethanol industry is below 1800, whichever is later.

