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XI. PROFESSIONAL ACCREDITATION

State of Illinois Bar - admitted Fall 1999; active and in good standing

JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT

IDENTIFICATION (to be completed by originating office)

1. NAME OF EXPERT/CONSULTANT (Last, First, Middle) Andrea M. Matwyshyn	2. POSITION TITLE Expert/Senior Special Advisor	3. CURRENT SALARY	4. SALARY REQUESTED 0.0
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5. SUMMARY OF DUTIES (Describe in enough detail to show the work to be performed requires the services of an expert/consultant. Use other side, if necessary.)

The position is located in the Bureau of Consumer Protection, FTC, Washington, DC. In accordance with 5 C.F.R. part 304: Expert and Consultant Appointments, the assignee will serve as a Senior Special Advisor on Technology, Law and the Information Economy, and act as a leader on research for technology issues related to the FTC's consumer protection and antitrust missions. The assignee will report to the Director of the Bureau of Consumer Protection (BCP). She will primarily work together with staff on the agency's social media and streaming video 6(b) study, bringing her expertise to bear on consumer protection issues. She will also lead policy research on matters related to the agency's fraud mission utilizing her deep expertise, including using the resources of the Consumer Sentinel Network to explore how the consumer protection landscape is shifting as technology platforms and social media communications influence how MLMs, con artists, and others reach and exploit consumers. Through her work on the 6(b) study, the assignee will play an integral role in the Commission's strategic direction and advise the Director of BCP and other senior Commission leaders on technology issues where she has expertise on matters encompassing the areas of the information economy and law, information security, intellectual property, and digital platform governance and regulation, to inform FTC strategy and policy.

6. SUMMARY OF QUALIFICATIONS (Describe in enough detail to show that the expert/consultant has the kind and level of experience required for the work to be performed. Use other side, if necessary.)

Dr. Andrea M. Matwyshyn is a full professor at Penn State, tenured in both the law school and engineering school, the Associate Dean of Innovation at Penn State Law, and the founding faculty director of both the Penn State PILOT Lab (Policy Innovation Lab of Tomorrow), an interdisciplinary technology policy lab, and the Anuncia Donecia Songsong Manglona Lab for Gender and Economic Equity, a technology equity lab and clinic. Professor Matwyshyn's scholarship focuses on the intersection of the information economy and law, particularly information security/ "cybersecurity," artificial intelligence/machine learning, health tech and infodemiology, consumer privacy, intellectual property, technology competition, and workforce pipeline policy. Her scholarship is available on her website. In 2014, Professor Matwyshyn served as a Senior Policy Advisor/ Academic in Residence at the Federal Trade Commission. She has also worked as a consulting expert for other federal agencies on both enforcement and policy matters relating to information security. Prior to becoming an academic, Professor Matwyshyn was an attorney in private practice, working with corporate clients on various technology, M&A, and securities matters.

7. COMPLETE THIS ITEM ONLY FOR CONVERSION TO NEW APPOINTMENT

Intermittent employment totaled _____ days in a pay status from _____ to _____ (mm/dd/yy) of the previous service year.

8. IS/WAS (within the last two (2) years) THE EXPERT/CONSULTANT UNDER CONTRACT WITH THE FEDERAL TRADE COMMISSION?

No Yes. If Yes, provide contract number. _____

9. REQUESTED BY Samuel Levine	10. TELEPHONE NUMBER +1 (202) 326-2702
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11. BUREAU/OFFICE Bureau of Consumer Protection	12. DIVISION
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APPROVALS

13. I certify that the expert/consultant will be assigned only the duties described above. Duties will not include the performance or the supervision of operating functions. I also certify that the Statement of Employment and Financial Interests has been reviewed in terms of the duties stated above, and no conflict of interests exists.

SIGNATURE OF ASSISTANT DIRECTOR (Headquarters) OR REGIONAL DIRECTOR (Regional Offices) _____ DATE _____

SIGNATURE OF BUREAU/OFFICE HEAD _____ DATE _____

SAMUEL LEVINE

Digitally signed by SAMUEL LEVINE
Date: 2022.04.01 13:17:03 -0400'

14. Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (alternative to OGE Form 450).

SIGNATURE OF AGENCY ETHICS OFFICIAL _____ DATE _____

LORIELLE PANKEY

Digitally signed by LORIELLE PANKEY
Date: 2022.04.01 14:34:58 -0400'

15. FOURTH QUARTER APPROVAL

OFFICE OF THE EXECUTIVE DIRECTOR REPRESENTATIVE _____ TITLE _____ DATE _____

DAVID ROBBINS

Digitally signed by DAVID ROBBINS
Date: 2022.04.29 14:16:55 -0400'

Executive Director

04/29/2022

16. I certify that: a) his expert/consultant position is necessary;
b) the position is Intermittent (has no regular tour of duty) Temporary (has a regular tour of duty);
c) the daily rate of \$ _____ is commensurate with the work to be performed and the appointee's qualifications;
d) all requirements of law have been met.

SIGNATURE OF CHIEF HUMAN CAPITAL OFFICER _____ DATE _____

VICKI BARBER

Digitally signed by VICKI BARBER
Date: 2022.04.29 17:06:18 -0400'

04/29/2022

AMENDMENT TO FTC-189 (JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT) FOR ANDREA MATWYSHYN

The FTC is amending the statement of duties (Box 5) on Andrea Matwyshyn’s form FTC-189 (Justification and Approval of Employment of Expert/Consultant) approved on April 29, 2022 to reflect the actual duties performed and the limitations imposed on Ms. Matwyshyn’s work during her tenure at the FTC. Although Ms. Matwyshyn’s original statement of duties in the FTC-189 encompassed a broader and more flexible range of responsibility, her actual duties are summarized in the following paragraph:

The position is located in the Bureau of Consumer Protection, FTC, Washington, DC. In accordance with 5 C.F.R. part 304: Expert and Consultant Appointments, the assignee will serve as a Senior Special Advisor on Technology, Law and the Information Economy, and act as a leader on research for technology issues related to the FTC’s consumer protection and antitrust missions. The assignee will report to the Director of the Bureau of Consumer Protection (BCP). She will primarily work together with staff on the agency’s social media and streaming video 6(b) study, bringing her expertise to bear on consumer protection and competition issues. The assignee will bring an outside point of view to the agency, to avoid too limited judgment on administrative or technical issues. She will also support policy research on matters related to the agency’s fraud mission utilizing her deep expertise, including using the resources of the Consumer Sentinel Network to explore how the consumer protection landscape is shifting as technology platforms and social media communications influence how MLMs, con artists, and others reach and exploit consumers. Through her work on the 6(b) study, the assignee will advise the Director of BCP on technology issues where she has expertise on matters encompassing the areas of the information economy and law, information security, intellectual property, and digital platform governance and regulation, to support FTC strategy and policy development. Although the assignee will support policy development, she will not perform inherently governmental functions such as the determination of agency policy, do work of an ongoing nature more appropriately performed by the agency’s regular employees, or perform managerial or supervisory work.

SIGNED:

SAMUEL
LEVINE

Digitally signed by SAMUEL
LEVINE
Date: 2022.08.29 19:53:05
-04'00'

Samuel Levine
Director, Bureau of Consumer Protection

MONIQUE
FORTENBERRY

Digitally signed by
MONIQUE FORTENBERRY
Date: 2022.08.30 13:22:24
-04'00'

Monique Fortenberry
Acting Chief Human Capital Officer

DAVID
ROBBINS

Digitally signed by
DAVID ROBBINS
Date: 2022.08.30
12:11:11 -04'00'

David Robbins
Executive Director

ETHICS APPROVAL:

Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (OGE Form 450).

LORIELLE
PANKEY

Digitally signed by
LORIELLE PANKEY
Date: 2022.08.30
13:29:50 -04'00'

Lorielle L. Pankey
Designated Agency Ethics Official

JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT

IDENTIFICATION (to be completed by originating office)

1. NAME OF EXPERT/CONSULTANT (Last, First, Middle) Kathy Pham	2. POSITION TITLE Technology Advisor	3. CURRENT SALARY	4. SALARY REQUESTED 0.0
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5. SUMMARY OF DUTIES (Describe in enough detail to show the work to be performed requires the services of an expert/consultant. Use other side, if necessary.)

The position is located in the Office of Public Policy (OPP), FTC, Washington, DC. The assignee will act as a Technology Advisor, and serve as a visionary leader on policy and strategic initiatives that directly and indirectly affect Commission technology policy and operations. As an authority on and recognized expert in technology research, engineering, and User Experience Design (UX) design, the assignee will represent the Chief Technologist in conferences with senior Commission leaders, and provide advice on significant technology and related policy issues. The assignee will play an integral role in the Commission's strategic direction and advise senior Commission leaders on technologies required to advance the agency's mission. Having wide latitude of responsibility for providing advice and assistance on matters encompassing major technology research, engineering, and or User Experience Design (UX) design initiatives, the assignee will provide the Chief Technologist advice and analysis to influence decisions regarding programs and policies that enhance the effectiveness of the commission's technology operations.

6. SUMMARY OF QUALIFICATIONS (Describe in enough detail to show that the expert/consultant has the kind and level of experience required for the work to be performed. Use other side, if necessary.)

Kathy Pham is a visionary leader at the intersection of technology, product, and policy, with experience across the private sector, public sector, and academia. Her experience in product management and healthcare consulting have given her first-hand insight into the emerging technologies that the FTC seeks to better regulate, with stints at Google, IBM, and Harris Healthcare Solutions. As a co-founder of the United States Digital Service (USDS), Kathy contributed to projects to modernize technology infrastructure at the Department of Veterans Affairs, the Department of Defense, and other agencies. Her role in building the USDS team from just 10 members to over 200 strong equips her with the expertise and know-how necessary to help the FTC devise strategies to build out internal capabilities to assist case teams on technology matters and deploy in-house infrastructure to tackle casework. Her academic and nonprofit appointments, including as an affiliate at the Harvard Berkman-Klein Center for Internet and Society, as Fellow at the Berkman Center's Initiative on Ethics and Governance of Artificial Intelligence, and as Director of the Mozilla Foundation's Responsible Computer Science Challenge, equip her with cutting-edge perspectives on the ways that emerging technologies perpetuate harm, and position her to advise and lead efforts to enable the FTC to utilize innovative theories to protect consumers in the digital marketplace.

7. COMPLETE THIS ITEM ONLY FOR CONVERSION TO NEW APPOINTMENT

Intermittent employment totaled _____ days in a pay status from _____ to _____ (mm/dd/yy) of the previous service year.

8. IS/WAS (within the last two (2) years) THE EXPERT/CONSULTANT UNDER CONTRACT WITH THE FEDERAL TRADE COMMISSION?

No Yes. If Yes, provide contract number. _____

9. REQUESTED BY Erie Meyer, CTO	10. TELEPHONE NUMBER
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11. BUREAU/OFFICE Office of Public Policy	12. DIVISION
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APPROVALS

13. I certify that the expert/consultant will be assigned only the duties described above. Duties will not include the performance or the supervision of operating functions. I also certify that the Statement of Employment and Financial Interests has been reviewed in terms of the duties stated above, and no conflict of interests exists.

SIGNATURE OF ASSISTANT DIRECTOR (Headquarters) OR REGIONAL DIRECTOR (Regional Offices) _____ DATE _____

SIGNATURE OF BUREAU/OFFICE HEAD _____ DATE _____

Erie Meyer

14. Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (alternative to OGE Form 450).

SIGNATURE OF AGENCY ETHICS OFFICIAL _____ DATE _____

LORIELLE PANKEY Digitally signed by LORIELLE PANKEY
Date: 2021.09.09 08:19:14 -04'00'

15. FOURTH QUARTER APPROVAL

OFFICE OF THE EXECUTIVE DIRECTOR REPRESENTATIVE _____ TITLE _____ DATE _____

DAVID ROBBINS Digitally signed by DAVID ROBBINS
Date: 2021.09.09 11:51:38 -04'00'

16. I certify that: a) this expert/consultant position is necessary;
b) the position is Intermittent (has no regular tour of duty) Temporary (has a regular tour of duty);
c) the daily rate of \$ 0.00 is commensurate with the work to be performed and the appointee's qualifications;
d) all requirements of law have been met.

SIGNATURE OF CHIEF HUMAN CAPITAL OFFICER _____ DATE _____

VICKI BARBER Digitally signed by VICKI BARBER
Date: 2021.09.21 11:59:49 -04'00'

AMENDMENT TO FTC-189 (JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT) AND FTC-244 (QUARTERLY REVIEWS FOR EXPERT/CONSULTANT) FOR KATHY PHAM

The FTC is amending the statement of duties (Box 5) on Kathy Pham’s form FTC-189 (Justification and Approval of Employment of Expert/Consultant) approved on September 21, 2021 to reflect the actual duties performed and the limitations imposed on Ms. Pham during her tenure at the FTC. The corresponding summary of duties in Box 3 on form FTC-244 (Quarterly Reviews of Expert/Consultant) for this appointment, was copied directly from the FTC-189 form and is also hereby amended. Although Ms. Pham’s original statement of duties in the FTC-189 and FTC-244 forms encompassed a broader and more flexible range of responsibility, her actual duties are summarized below:

The position is located in the Office of Policy Planning, FTC, Washington, DC. In accordance with 5 C.F.R. part 304: Expert and Consultant Appointments, the assignee will serve as an expert on evolving technology issues, and act as an expert resource for staff and senior leadership. In particular, she will work together with staff to provide advice on the agency’s tech matters that relate to antitrust and consumer protection conduct, policy and enforcement. She will bring her expertise in tech product management, engineering systems and digital service technology to bear on several key project areas in which she would advise via written research and memos and review and support the advancement of work product which would include: (1) supporting Bureau staff on cases and enforcement matters, (2) collaborating closely with staff and leadership to provide insights on emerging tech issues and market development trends that could lead to enforcement efforts, (3) providing technical subject matter expertise and technical assistance as a resource to agency staff on markets and technologies and (4) providing expertise and support on digital service capacity building strategies. Given the assignee’s expertise, she will bring an outside point of view to the agency, to avoid too limited judgment on administrative or technical issues. Although the assignee will support policy development with expert technical perspective, she will not be responsible for the determination of agency policy (i.e., determining the content and application of regulations), do work of an ongoing nature more appropriately performed by the agency’s regular employees, or perform managerial or supervisory work.

SIGNED:

ELIZABETH
WILKINS

Digitally signed by
ELIZABETH WILKINS
Date: 2022.08.26 12:54:24
-04'00'

Elizabeth Wilkins
Director, Office of Policy and Planning

MONIQUE
FORTENBERRY

Digitally signed by MONIQUE
FORTENBERRY
Date: 2022.08.26 15:31:25
-04'00'

Monique Fortenberry
Acting Chief Human Capital Officer

DAVID
ROBBINS

Digitally signed by DAVID
ROBBINS
Date: 2022.08.26 14:15:06
-04'00'

David Robbins
Executive Director

ETHICS APPROVAL:

Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (OGE Form 450).

LORIELLE
PANKEY

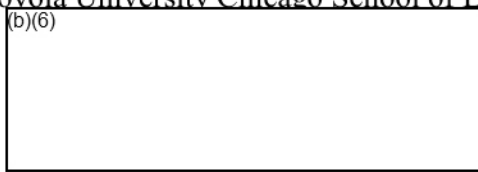
Digitally signed by
LORIELLE PANKEY
Date: 2022.08.26
15:35:47 -04'00'

Lorielle L. Pankey
Designated Agency Ethics Official

SPENCER WEBER WALLER

Loyola University Chicago School of Law

(b)(6)



EDUCATION

Northwestern University Law School

J.D., cum laude, 1982

Articles Editor, N.W. J. Int'l L. & Bus.

University of Michigan

B.A., cum laude, Economics and Political Science, 1979

Fellowship, Institute of Public Policy Studies, 1980

TEACHING EXPERIENCE

2000-Present	Loyola University Chicago School of Law
2022	On leave as Senior Advisor to the FTC
2021	Special Assistant to the Provost for Collective Bargaining
2018-	John Paul Stevens Chair in Competition Law
2016-2017	Associate Dean for Academic Affairs
2004-2008	Associate Dean for Faculty Research
2000-present	Full Professor and Director Institute for Consumer Antitrust Studies
Spring 2018	Pembroke College, University of Oxford, Visiting Fellow
Fall 2008	Haifa Law School, Visiting Professor
Winter 2004	Northwestern University School of Law, Visiting Professor of Law
1990-2000	Brooklyn Law School
1997-2000	Associate Dean for Academic Affairs
1995-2000	Full Professor
1992-95	Associate Professor
1990-92	Assistant Professor
Winter 1994	DePaul University College of Law, Visiting Associate Professor

Summer 1993 Institute on World Legal Problems, Innsbruck, Austria
Visiting Associate Professor

1985-89 IIT/Chicago-Kent College of Law, Adjunct Faculty

Courses Taught: Antitrust, Antitrust and Intellectual Property, International and Comparative Antitrust, Civil Procedure, European Union Law, Government Regulation and the Market, Health Care Antitrust, International Litigation, International Trade Law, International Business Transactions, Introduction to the World Trade Organization, Principles of Competition Law; Principles of International Economic Law.

PRACTICE AND ENFORCEMENT EXPERIENCE

2022 Senior Adviser to the Chair, United States Federal Trade Commission

2003-2004 Of Counsel, Mayer Brown LLP

1996-2003 Of Counsel, Kaye Scholer LLP

1990-1991 Of Counsel, Freeborn & Peters

1987-1990 Senior Associate, Freeborn & Peters, Chicago, Illinois

1985-1987 Special Attorney, Chicago Strike Force,
Criminal Division, U.S. Department of Justice

1983-1985 Trial Attorney, Foreign Commerce Section,
Antitrust Division, U.S. Department of Justice

1982-1983 Staff Law Clerk, United States Court of Appeals for the Seventh Circuit

REPRESENTATIVE PROFESSIONAL AND PRO BONO ACTIVITIES

Member, American Law Institute (on hiatus)

Contributing Editor, Antitrust Law Journal

BAR ADMISSIONS

Illinois; New York (inactive); United States Supreme Court; United States Courts of Appeals for the Second, Seventh, and Federal Circuit; United States District Court for the Southern District of New York, Eastern District of New York, and Northern District of Illinois (Trial Bar).

PRINCIPAL PUBLICATIONS

BOOKS

THE BATTLE FOR BROADWAY: COMPETITION AND COLLUSION IN THE AMERICAN THEATER INDUSTRY (in progress).

FREE ENTERPRISE AND ECONOMIC ORGANIZATION: Antitrust (8th ed. Flynn, First & Bush co-authors)(in progress).

ANTITRUST AND AMERICAN BUSINESS ABROAD (4th ed. & 2015-2020 ann. supp.)(Andre Fiebig co-author).

BRANDS, COMPETITION AND THE LAW (2015)(co-authors & editors Deven Desai & Ioannis Lianos).

INTERNATIONAL TRADE AND U.S. ANTITRUST LAW (2d ed. 2006) (Jeffrey Kessler co-author).

THURMAN ARNOLD: A BIOGRAPHY (2005).

ANTITRUST AND AMERICAN BUSINESS ABROAD (3rd ed. 1997 & ann. supp. 1998-2014).

BASEBALL AND THE AMERICAN LEGAL MIND (1995)(co-authors Neil Cohen & Paul Finkelman).

SPECIAL DEFENSES IN INTERNATIONAL ANTITRUST LITIGATION, American Bar Association (1995)(editor and contributor).

INTERNATIONAL TRADE AND U.S. ANTITRUST LAW (1992).

BOOK CHAPTERS

Pairing Public and Private Antitrust Remedies, in ESSAYS IN HONOR OF ALBERT A. FOER, Concurrences (2020)(co-author Harry First).

Citizen Fox: The Global Antitrust Vision of Eleanor Fox, in EQUITY AND EFFICIENCY IN COMPETITION LAW (Cambridge University Press 2019)(co-author Philip Marsden)(short listed for 2018 Concurrences Antitrust Writing Awards).

Criminalizing Cartels: A Global Trend?, RESEARCH HANDBOOK ON COMPARATIVE COMPETITION LAW (2015)(Gregory Shaffer & Nathaniel Nesbitt co-authors).

Consumer Protection in the US: An Overview, in UNFAIR COMMERCIAL PRACTICES: THE LONG ROAD TO HARMONIZED LAW ENFORCEMENT (2014).

The Story of Alcoa: The Enduring Questions of Market Power, Conduct, and Remedy in Monopolization Cases, in ANTITRUST STORIES (2007).

The United States Experience in Competition Class Action Certification, in LITIGATING CONSPIRACY: AN ANALYSIS OF COMPETITION CLASS ACTIONS (2006).

Counseling the Foreign Multinational on United States Antitrust Law, in 2 ANTITRUST COUNSELING AND LITIGATION TECHNIQUES (2002, 2004).

Contemporary Antitrust Federalism: Cluster Bombs or Rough Justice?, in ANTITRUST LAW IN NEW YORK STATE (2002)(co-author Richard Wolfram).

Anticartel Cooperation, in ANTITRUST GOES GLOBAL: WHAT FUTURE FOR TRANSATLANTIC ANTITRUST COOPERATION? (The Brookings Institution 2000).

SELECTED ARTICLES

Bespoke Antitrust, under submission (co-author Harry First).

The Political Face of Antitrust, 15 BROOK. J. CORP., FIN. & COMM. L. 75 (2020)(Jacob Morse co-author))(nominated for 2021 Concurrences Antitrust Writing Award- General Antitrust Category).

Institutions and Incentives in Antitrust Enforcement, 4 MARKETS & COMP. L. REV. 15 (2020).

The Omega Man or the Isolation of U.S. Antitrust Law, 52 CONN. L. REV. 123 (2020).

Antitrust and Democracy, 46 FL. ST. U. L. REV. 807 (2019).

How Much of Health Care Antitrust is Really Antitrust?, 48 LOY. U. CHI. L.J. 643 (2017).

The Fall and Rise of the Antitrust Class Action, 39 WORLD COMP. L & ECON. REV. 29 (2016)(Olivia Popal co-author) (finalist 2016 Concurrences Antitrust Writing Award).

Promoting Innovation, 100 IOWA L. REV. 2223 (2015)(Matthew Sag co-author).

The Telephone Consumer Protection Act of 1991: Adapting Consumer Protection to Changing Technology, 26 LOY. CONS. L. REV. 343 (2014)(Daniel B. Heidtke & Jessica Stewart co-authors).

Antitrust's Democracy Deficit, 81 FORDHAM L. REV. 2543 (2013)(Harry First co-author)(winner 2014 Concurrences Antitrust Writing Award).

Access and Information Remedies in High-Tech Antitrust, 8 J. COMP. L. & ECON. 575 (2012).

Social Networking and Antitrust, 90 N. CAR. L. REV. 1771 (2012).

Corporate Governance and Competition Policy, 18 GEO. MASON L. REV. 833 (2011).

Consumer Protection in the US: An Overview, 2011 EUR. J. CONS. L. 803 (Jill Brady & R.J. Acosta co-authors).

Brands, Competition and the Law, 2010 BYU L. REV. 1425 (Deven Desai co-author).

Harmonizing Essential Facilities, 76 ANTITRUST L.J. 741 (2010)(William Tasch co-author).

The Law and Economics Virus, 31 CARDOZO L. REV. 367 (2009).

The Past Present and Future of Monopolization Remedies, 76 ANTITRUST L.J. 11 (2009).

Justice Stevens and the Rule of Reason, 62 SMU L. REV. 693 (2009).

Areeda, Epithets, and Essential Facilities, 2008 WISC. L. REV. 360.

Revitalizing Essential Facilities, 75 ANTITRUST L.J. 1 (2008)(Brett Frischmann co-author).

Microsoft and Trinko: A Tale of Two Courts, 2006 UTAH L. REV. 741.

The Jurisprudence of the Infield Fly Rule, 82 WASH. U. L. Q. 453 (2004) (co-author Neil B. Cohen).

The Antitrust Legacy of Thurman Arnold, 76 ST. JOHN'S L. REV. 569 (2004).

The Incoherence of Punishment in Antitrust, 78 CHI-KENT L. REV. 207 (2003).

Suing OPEC, 64 U. PITT L. REV. 105 (2002).

The Language of Law and the Language of Business, 52 CASE WEST. RES. L. REV. 283 (2001).

Antitrust as Consumer Choice: Comments on the New Paradigm, 62 U. PITT L. REV. 535 (2001).

Bringing Globalism Home: Lessons From Antitrust and Beyond, 32 LOY. U. CHI. L. J. 113 (2000).

Full Publications Available on Request.

JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT

IDENTIFICATION (to be completed by originating office)

1. NAME OF EXPERT/CONSULTANT (Last, First, Middle) Spencer Waller	2. POSITION TITLE Expert/Advisor	3. CURRENT SALARY	4. SALARY REQUESTED 0.0
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5. SUMMARY OF DUTIES (Describe in enough detail to show the work to be performed requires the services of an expert/consultant. Use other side, if necessary.)

The position is located in the Office of Policy Planning, FTC, Washington, DC. In accordance with 5 C.F.R. § 304: Expert and Consultant Appointments, the assignee will serve as a Senior Advisor to the Chair, and act as a visionary leader on legal issues related to the FTC's law enforcement activities, and consumer protection and antitrust missions. The assignee will play an integral role in the Commission's strategic direction and leverage their expertise to advise the Chair and senior Commission leaders on legal issues required to advance the agency's mission. Having a wide latitude of responsibility for providing advice and assistance on matters encompassing the areas of FTC policy regarding unfair methods of competition, bridging the gap between competition and consumer protection legal frameworks, emerging labor issues in antitrust law, and providing expertise on international antitrust affairs, the assignee will provide the Chair advice and analysis to inform FTC policy. As an expert in antitrust, intellectual property, civil procedure, and international litigation, Mr. Waller will advise via written research, memos, document review and strategic discussions with the Chair. This work will be performed on an intermittent basis, not to exceed one year.

6. SUMMARY OF QUALIFICATIONS (Describe in enough detail to show that the expert/consultant has the kind and level of experience required for the work to be performed. Use other side, if necessary.)

Spencer Weber Waller is the John Paul Stevens Chair in Competition Law, Director of the Institute for Consumer Antitrust Studies, and Professor at Loyola University Chicago School of Law where he teaches antitrust, intellectual property, civil procedure, and international litigation courses. He is a member of the Advisory Board of the American Antitrust Institute and the editorial boards of the Antitrust Law Journal and the World Competition Law and Economics Review. Professor Waller is the author, co-author, or editor of 8 books and over one hundred articles on United States and international antitrust, including Antitrust and American Business Abroad, the leading treatise in the field, and the first full-length biography of Thurman Arnold, the founder of modern antitrust enforcement in the United States. He is the co-editor and contributor to Brands, Competition Law and IP (Cambridge University Press 2015). His recent scholarship focuses on antitrust, brands, class actions, high-tech industries, innovation, and intellectual property. He is the recipient of the 2014 Concurrence Antitrust Writing Award. Professor Waller previously taught and served as associate dean at Brooklyn Law School.

7. COMPLETE THIS ITEM ONLY FOR CONVERSION TO NEW APPOINTMENT

Intermittent employment totaled _____ days in a pay status from _____ to _____ (mm/dd/yy) of the previous service year.

8. IS/WAS (within the last two (2) years) THE EXPERT/CONSULTANT UNDER CONTRACT WITH THE FEDERAL TRADE COMMISSION?

No Yes. If Yes, provide contract number. _____

9. REQUESTED BY Stephanie Nguyen	10. TELEPHONE NUMBER
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11. BUREAU/OFFICE Office of Policy Planning	12. DIVISION
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APPROVALS

13. I certify that the expert/consultant will be assigned only the duties described above. Duties will not include the performance or the supervision of operating functions. I also certify that the Statement of Employment and Financial Interests has been reviewed in terms of the duties stated above, and no conflict of interests exists.

SIGNATURE OF ASSISTANT DIRECTOR (Headquarters) OR REGIONAL DIRECTOR (Regional Offices) _____ DATE _____

SIGNATURE OF BUREAU/OFFICE HEAD _____ DATE _____

STEPHANIE NGUYEN

Digitally signed by STEPHANIE NGUYEN
Date: 2021.12.07 12:49:07 -0500

14. Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (alternative to OGE Form 450).

SIGNATURE OF AGENCY ETHICS OFFICIAL _____ DATE _____

15. FOURTH QUARTER APPROVAL

OFFICE OF THE EXECUTIVE DIRECTOR REPRESENTATIVE DAVID ROBBINS	TITLE executive director	DATE 01/26/2022
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Digitally signed by DAVID ROBBINS
Date: 2022.01.26 17:38:25 -0500

16. I certify that: a) this expert/consultant position is necessary;
b) the position is Intermittent (has no regular tour of duty) Temporary (has a regular tour of duty);
c) the daily rate of \$ _____ is commensurate with the work to be performed and the appointee's qualifications;
d) all requirements of law have been met.

SIGNATURE OF CHIEF HUMAN CAPITAL OFFICER _____ DATE _____

VICKI BARBER

Digitally signed by VICKI BARBER
Date: 2022.01.27 11:05:05 -0500

01/27/2022

AMENDMENT TO FTC-189 (JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT) AND FTC-244 (QUARTERLY REVIEWS FOR EXPERT/CONSULTANT) FOR SPENCER WALLER

The FTC is amending the statement of duties (Box 5) on Spencer Waller’s form FTC-189 (Justification and Approval of Employment of Expert/Consultant) approved on January 26, 2022 to reflect the actual duties performed and limitations imposed on Mr. Waller’s work during his tenure at the FTC. The corresponding summary of duties in Box 3 on form FTC-244 (Quarterly Reviews of Expert/Consultant) for this appointment, was copied directly from the FTC-189 form and is also hereby amended. Although Mr. Waller’s original statement of duties in the FTC-189 and FTC-244 forms encompassed a broader and more flexible range of responsibility, his actual duties are summarized in the following paragraph:

The position is located in the Office of Policy Planning, FTC, Washington, DC. In accordance with 5 C.F.R. part 304: Expert and Consultant Appointments, the assignee will serve as a Senior Advisor to the Chair. The assignee will advise the Director of the Office of Policy Planning, the Chair and senior Commission leaders on legal issues regarding unfair methods of competition under Section 5 of the FTC Act. He will bring an outside perspective to the agency and, as a noted expert, will bring prestige to the Commission’s work on unfair methods of competition. As an expert in antitrust, intellectual property, civil procedure, and international litigation, Mr. Waller will advise via written research, memos, document review and strategic discussions with the Chair and staff. This work will not exceed one year. Although the assignee will support policy development, he will not perform inherently governmental functions such as the determination of agency policy, do work of an ongoing nature more appropriately performed by the agency’s regular employees, or perform managerial or supervisory work.

SIGNED:

ELIZABETH
WILKINS

Digitally signed by
ELIZABETH WILKINS
Date: 2022.08.25 21:51:31
-04'00'

Elizabeth Wilkins
Director, Office of Policy and Planning

MONIQUE
FORTENBERRY

Digitally signed by
MONIQUE FORTENBERRY
Date: 2022.08.26 06:54:37
-04'00'

Monique Fortenberry
Acting Chief Human Capital Officer

DAVID
ROBBINS

Digitally signed by DAVID
ROBBINS
Date: 2022.08.26 07:07:40
-04'00'

David Robbins
Executive Director

ETHICS APPROVAL:

Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (OGE Form 450).

LORIELLE
PANKEY

Digitally signed by
LORIELLE PANKEY
Date: 2022.08.26
09:51:43 -04'00'

Lorielle L. Pankey
Designated Agency Ethics Official

JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT

IDENTIFICATION (to be completed by originating office)

1. NAME OF EXPERT/CONSULTANT (Last, First, Middle) Sarah West	2. POSITION TITLE Technology Advisor	3. CURRENT SALARY	4. SALARY REQUESTED 0.0
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5. SUMMARY OF DUTIES (Describe in enough detail to show the work to be performed requires the services of an expert/consultant. Use other side, if necessary.)

The position is located in the Office of Public Policy (OPP), FTC, Washington, DC. The assignee will serve as a Technology Advisor, and act as a key source of technical and policy expertise to facilitate visionary strategic initiatives related to the Commission's approach on governing emerging technologies, as well as enhancing the Commission's technology operations. As an authority on and recognized expert in technology research, software engineering, and artificial intelligence, the assignee will advise the Chief Technologist, senior Commission leaders, and case teams on the latest developments in emerging technology and related policy issues, and guide leaders on the technologies required to advance the agency's mission. Having wide latitude of responsibility for providing advice and assistance on matters encompassing technology, engineering, and artificial intelligence, the assignee will leverage his or her deep first-hand expertise to equip the agency with the institutional knowledge it requires in order to bolster and scale its capacity to govern emerging technologies.

6. SUMMARY OF QUALIFICATIONS (Describe in enough detail to show that the expert/consultant has the kind and level of experience required for the work to be performed. Use other side, if necessary.)

Sarah Myers West currently serves as a postdoctoral researcher at the AI Now Institute. Her research centers on the critical study of technology and culture, with an emphasis on historical and ethnographic methods. She is currently working on a project that addresses the politics of diversity and inclusion in technological communities by exploring the nexus of artificial intelligence, gender, and intersectionality. She received her doctoral degree from the Annenberg School for Communication and Journalism at the University of Southern California in 2018, where her dissertation examined the cultural history and politics of encryption technologies from the 1960s to the present day. Her work is published in academic journals such as New Media & Society, Policy & Internet, Business and Society and the Internet Policy Review, positioning her as a credible and recognized authority on matters of technology and society. The expertise that Sarah has developed in the ethics of artificial intelligence positions her to research and amplify emerging FTC efforts to ensure that regulated corporations leverage machine learning and artificial intelligence responsibly and without harming consumers. Sarah will play an integral role in the Commission's strategic direction by leveraging her deep technical expertise and operational experience to provide advice and assistance on major technology research initiatives, as well as matters in litigation, and to guide programs and policies that enhance the effectiveness of the Commission's technology operations.

7. COMPLETE THIS ITEM ONLY FOR CONVERSION TO NEW APPOINTMENT

Intermittent employment totaled _____ days in a pay status from _____ to _____ (mm/dd/yy) of the previous service year.

8. IS/WAS (within the last two (2) years) THE EXPERT/CONSULTANT UNDER CONTRACT WITH THE FEDERAL TRADE COMMISSION?

No Yes. If Yes, provide contract number. _____

9. REQUESTED BY Erie Mever. CTO	10. TELEPHONE NUMBER
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11. BUREAU/OFFICE Office of Public Policy	12. DIVISION
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APPROVALS

13. I certify that the expert/consultant will be assigned only the duties described above. Duties will not include the performance or the supervision of operating functions. I also certify that the Statement of Employment and Financial Interests has been reviewed in terms of the duties stated above, and no conflict of interests exists.

SIGNATURE OF ASSISTANT DIRECTOR (Headquarters) OR REGIONAL DIRECTOR (Regional Offices)	DATE
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SIGNATURE OF BUREAU/OFFICE HEAD ERIE MEYER Erie Mever	Digitally signed by ERIE MEYER Date: 2021.09.08 17:00:04 -04'00'	DATE
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14. Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (alternative to OGE Form 450).

SIGNATURE OF AGENCY ETHICS OFFICIAL LORIELLE PANKEY	Digitally signed by LORIELLE PANKEY Date: 2021.09.20 16:22:57 -04'00'	DATE
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15. FOURTH QUARTER APPROVAL OFFICE OF THE EXECUTIVE DIRECTOR REPRESENTATIVE DAVID ROBBINS	TITLE Digitally signed by DAVID ROBBINS Date: 2021.09.21 16:00:44 -04'00'	DATE
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16. I certify that: a) this expert/consultant position is necessary;
b) the position is Intermittent (has no regular tour of duty) Temporary (has a regular tour of duty);
c) the daily rate of \$ 0.00 is commensurate with the work to be performed and the appointee's qualifications;
d) all requirements of law have been met.

SIGNATURE OF CHIEF HUMAN CAPITAL OFFICER VICKI BARBER	Digitally signed by VICKI BARBER Date: 2021.11.08 12:08:28 -05'00'	DATE
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AMENDMENT TO FTC-189 (JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT) AND FTC-244 (QUARTERLY REVIEWS FOR EXPERT/CONSULTANT) FOR SARAH WEST

The FTC is amending the statement of duties (Box 5) on Sarah West’s form FTC-189 (Justification and Approval of Employment of Expert/Consultant) approved on November 8, 2021 to reflect the actual duties performed and the limitations imposed on Ms. West during her tenure at the FTC. The corresponding summary of duties in Box 3 on form FTC-244 (Quarterly Reviews of Expert/Consultant) for this appointment, was copied directly from the FTC-189 form and is also hereby amended. Although Ms. West’s original statement of duties in the FTC-189 and FTC-244 forms encompassed a broader and more flexible range of responsibility, her actual duties are summarized below:

The position is located in the Office of Policy Planning, FTC, Washington, DC. In accordance with 5 C.F.R. part 304: Expert and Consultant Appointments, the assignee will serve as an expert on evolving technology issues, and act as an expert resource for staff and senior leadership. In particular, she will work together with staff to provide advice on the agency’s tech matters that relate to antitrust and consumer protection conduct, policy and enforcement. She will bring her expertise in artificial intelligence, technology platforms and systems, and data privacy and security to bear on several key project areas in which she would advise via written research and memos and review and support the advancement of work product which would include: (1) supporting Bureau staff on cases and enforcement matters, (2) collaborating closely with staff and leadership to provide insights on emerging tech issues and market development trends that could lead to enforcement, and (3) providing technical subject matter expertise and technical assistance as a resource to agency staff on markets and technologies. Given the assignee’s expertise, she will bring an outside point of view to the agency, to avoid too limited judgment on administrative or technical issues. Although the assignee will support policy development with expert technical perspective, she will not be responsible for the determination of agency policy (i.e., determining the content and application of regulations), do work of an ongoing nature more appropriately performed by the agency’s regular employees, or perform managerial or supervisory work.

SIGNED:

**ELIZABETH
WILKINS**

Digitally signed by
ELIZABETH WILKINS
Date: 2022.08.26 12:56:16
-04'00'

Elizabeth Wilkins
Director, Office of Policy and Planning

MONIQUE
FORTENBERRY

Digitally signed by
MONIQUE FORTENBERRY
Date: 2022.08.26 15:27:16
-04'00'

Monique Fortenberry
Acting Chief Human Capital Officer

DAVID
ROBBINS

Digitally signed by DAVID
ROBBINS
Date: 2022.08.26 14:17:53
-04'00'

David Robbins
Executive Director

ETHICS APPROVAL:

Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (OGE Form 450).

LORIELLE
PANKEY

Digitally signed by
LORIELLE PANKEY
Date: 2022.08.26
15:42:30 -04'00'

Lorielle L. Pankey
Designated Agency Ethics Official

JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT

IDENTIFICATION (to be completed by originating office)

1. NAME OF EXPERT/CONSULTANT (Last, First, Middle) Meredith Whittaker	2. POSITION TITLE Senior Technology Advisor	3. CURRENT SALARY	4. SALARY REQUESTED 0.0
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5. SUMMARY OF DUTIES (Describe in enough detail to show the work to be performed requires the services of an expert/consultant. Use other side, if necessary.)

The position is located in the Office of Public Policy (OPP), FTC, Washington, DC. The assignee will serve as a Senior Technology Advisor, and act as a visionary leader on policy and strategic initiatives that directly and indirectly affect Commission technology policy and operations. As an authority on and recognized expert in technology research, software engineering, and artificial intelligence, the assignee will advise the Chief Technologist and other senior Commission leaders on the latest developments in emerging technology and related policy issues, and represent the Chief Technologist in conferences with senior Commission leaders. The assignee will play an integral role in the Commission's strategic direction and advise senior Commission leaders on technologies required to advance the agency's mission. Having wide latitude of responsibility for providing advice and assistance on matters encompassing major technology research, engineering, and artificial intelligence initiatives, the assignee will provide the Chief Technologist advice and analysis to influence decisions regarding programs and policies that enhance the effectiveness of the commission's technology operations. The assignee will leverage his or her deep expertise in the latest technical developments to lead efforts within the FTC to better conceptualize, understand, and govern emerging technologies, and to help scale the FTC's institutional capacity to better protect consumers in this area.

6. SUMMARY OF QUALIFICATIONS (Describe in enough detail to show that the expert/consultant has the kind and level of experience required for the work to be performed. Use other side, if necessary.)

Meredith Whittaker serves as Minderoo Research Professor at New York University. As a co-founder and faculty director of the NYU AI Now Institute, Whittaker is a widely recognized expert in the ethics of emerging technologies and artificial intelligence, including on issues of data privacy, algorithmic bias, and their implications on human rights and civil liberties. In the past, Meredith has advised the White House, the FCC, the European Parliament, and the City of New York on matters related to artificial intelligence, data privacy, and technology policy, and testified before Congress in June 2019 on the social and ethical implications of AI. This expertise is built on a deep understanding of the underlying technology itself—developed during her tenure at Google, where she co-founded Google's Open Research group—lending her deep respect in both policy and technical communities. Meredith's bilingualism in both technology and government service will be instrumental as she leads the FTC's own efforts to better govern emerging technologies, such as but not limited to artificial intelligence and technology platforms. Meredith also brings important perspectives in areas of the Chair's priority, including by examining structural power dynamics in technology markets.

7. COMPLETE THIS ITEM ONLY FOR CONVERSION TO NEW APPOINTMENT

Intermittent employment totaled _____ days in a pay status from _____ to _____ (mm/dd/yy) of the previous service year.

8. IS/WAS (within the last two (2) years) THE EXPERT/CONSULTANT UNDER CONTRACT WITH THE FEDERAL TRADE COMMISSION?

No Yes. If Yes, provide contract number. _____

9. REQUESTED BY Erie Mever. CTO	10. TELEPHONE NUMBER
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11. BUREAU/OFFICE Office of Public Policy	12. DIVISION
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APPROVALS

13. I certify that the expert/consultant will be assigned only the duties described above. Duties will not include the performance or the supervision of operating functions. I also certify that the Statement of Employment and Financial Interests has been reviewed in terms of the duties stated above, and no conflict of interests exists.

SIGNATURE OF ASSISTANT DIRECTOR (Headquarters) OR REGIONAL DIRECTOR (Regional Offices) _____ DATE _____

SIGNATURE OF BUREAU/OFFICE HEAD
ERIE MEYER
Erie Meyer

Digitally signed by ERIE MEYER
Date: 2021.09.08 17:05:11 -04'00'

DATE _____

14. Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (alternative to OGE Form 450).

SIGNATURE OF AGENCY ETHICS OFFICIAL
LORIELLE PANKEY

Digitally signed by LORIELLE PANKEY
Date: 2021.09.22 10:43:55 -04'00'

DATE _____

15. FOURTH QUARTER APPROVAL

OFFICE OF THE EXECUTIVE DIRECTOR REPRESENTATIVE
DAVID ROBBINS

Digitally signed by DAVID ROBBINS
Date: 2021.09.22 19:29:14 -04'00'

TITLE _____ DATE _____

16. I certify that:

a) this expert/consultant position is necessary;

b) the position is Intermittent (has no regular tour of duty) Temporary (has a regular tour of duty);

c) the daily rate of \$ 0.00 is commensurate with the work to be performed and the appointee's qualifications;

d) all requirements of law have been met.

SIGNATURE OF CHIEF HUMAN CAPITAL OFFICER
VICKI BARBER

Digitally signed by VICKI BARBER
Date: 2021.11.08 12:07:25 -05'00'

DATE _____

AMENDMENT TO FTC-189 (JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT) AND FTC-244 (QUARTERLY REVIEWS FOR EXPERT/CONSULTANT) FOR MEREDITH WHITTAKER

The FTC is amending the statement of duties (Box 5) on Meredith Whittaker’s form FTC-189 (Justification and Approval of Employment of Expert/Consultant) approved on November 8, 2021 to reflect the actual duties performed and the limitations imposed on Ms. Whittaker during her tenure at the FTC. The corresponding summary of duties in Box 3 on form FTC-244 (Quarterly Reviews of Expert/Consultant) for this appointment, was copied directly from the FTC-189 form and is also hereby amended. Although Ms. Whittaker’s original statement of duties in the FTC-189 and FTC-244 forms encompassed a broader and more flexible range of responsibility, her actual duties are summarized below.

The position is located in the Office of Policy Planning, FTC, Washington, DC. In accordance with 5 C.F.R. part 304: Expert and Consultant Appointments, the assignee will serve as an expert on evolving technology issues, and act as an expert resource for staff and senior leadership. In particular, she will work together with staff to provide advice on the agency’s tech matters that relate to antitrust and consumer protection conduct, policy and enforcement. She will bring her expertise in artificial intelligence, data privacy, emerging technologies and algorithmic bias to bear on several key project areas in which she would advise via written research and memos and review and support the advancement of work product which would include: (1) collaborating closely with staff and leadership to provide insights on emerging tech issues and market development trends that could lead to enforcement efforts and (2) providing technical subject matter expertise and technical assistance as a resource to agency staff on markets and technologies. Given the assignee’s expertise, she will bring an outside point of view to the agency, to avoid too limited judgment on administrative or technical issues. Although the assignee will support policy development with expert technical perspective, she will not be responsible for the determination of agency policy (i.e., determining the content and application of regulations), do work of an ongoing nature more appropriately performed by the agency’s regular employees, or perform managerial or supervisory work.

On March 31, 2022, Ms. Whittaker’s duties were modified as reflected in her quarterly review. See form FTC-244.

SIGNED:

**ELIZABETH
WILKINS**

Digitally signed by
ELIZABETH WILKINS
Date: 2022.08.26 12:56:52
-04'00'

Elizabeth Wilkins
Director, Office of Policy and Planning

MONIQUE
FORTENBERRY

Digitally signed by MONIQUE
FORTENBERRY
Date: 2022.08.26 15:29:31
-04'00'

Monique Fortenberry
Acting Chief Human Capital Officer

DAVID
ROBBINS

Digitally signed by DAVID
ROBBINS
Date: 2022.08.26 14:18:41
-04'00'

David Robbins
Executive Director

ETHICS APPROVAL:

Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (OGE Form 450).

LORIELLE
PANKEY

Digitally signed by
LORIELLE PANKEY
Date: 2022.08.26
15:38:28 -04'00'

Lorielle L. Pankey
Designated Agency Ethics Official

**AMENDMENT TO FTC-189 (JUSTIFICATION AND APPROVAL OF EMPLOYMENT
OF EXPERT/CONSULTANT) AND FTC-244 (QUARTERLY REVIEWS FOR
EXPERT/CONSULTANT) FOR ALEJANDRO CALCANO**

The FTC is amending the statement of duties (Box 5) on Alejandro Calcano’s form FTC-189 (Justification and Approval of Employment of Expert/Consultant) approved on November 8, 2021 to reflect the actual duties performed and the limitations imposed on Mr. Calcano’s work during his tenure at the FTC. The corresponding summary of duties in Box 3 on form FTC-244 (Quarterly Reviews of Expert/Consultant) for this appointment, was copied directly from the FTC-189 form and is also hereby amended. Although Mr. Calcano’s original statement of duties in the FTC-189 and FTC-244 forms encompassed a broader and more flexible range of responsibility, his actual duties are summarized below:

The position is located in the Office of Policy Planning, FTC, Washington, DC. In accordance with 5 C.F.R. part 304: Expert and Consultant Appointments, the assignee will serve as an expert on technology research strategy and implementation. In particular, he will work together with staff to provide support on the agency’s tech matters that relate to antitrust and consumer protection conduct, policy and enforcement. He will bring his expertise on the ethics of artificial intelligence and tech research strategy and implementation to bear on several key project areas in which he would review and support the advancement of work product which would include: (1) collaborating closely with staff and leadership to provide support on work product related to emerging tech issues and market development trends that could lead to enforcement efforts and (2) providing relevant advice and assistance on technology research. Given the assignee’s expertise, he will bring an outside point of view to the agency, to avoid too limited judgment on administrative or technical issues. Although the assignee will support policy development with expert technical perspective, he will not be responsible for the determination of agency policy (i.e., determining the content and application of regulations), do work of an ongoing nature more appropriately performed by the agency’s regular employees, or perform managerial or supervisory work.

SIGNED:

ELIZABETH
WILKINS

Digitally signed by
ELIZABETH WILKINS
Date: 2022.08.26 12:53:42
-04'00'

Elizabeth Wilkins
Director, Office of Policy and Planning

MONIQUE
FORTENBERRY

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MONIQUE FORTENBERRY
Date: 2022.08.26 15:28:51
-04'00'

Monique Fortenberry
Acting Chief Human Capital Officer

DAVID
ROBBINS

Digitally signed by DAVID
ROBBINS
Date: 2022.08.26 14:14:12
-04'00'

David Robbins
Executive Director

ETHICS APPROVAL:

Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (OGE Form 450).

LORIELLE
PANKEY

Digitally signed by
LORIELLE PANKEY
Date: 2022.08.26
15:39:38 -04'00'

Lorielle L. Pankey
Designated Agency Ethics Official

JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT

IDENTIFICATION (to be completed by originating office)

1. NAME OF EXPERT/CONSULTANT (Last, First, Middle) Amba Kak	2. POSITION TITLE Technology Advisor	3. CURRENT SALARY	4. SALARY REQUESTED 0.0
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5. SUMMARY OF DUTIES (Describe in enough detail to show the work to be performed requires the services of an expert/consultant. Use other side, if necessary.)

The position is located in the Office of Public Policy (OPP), FTC, Washington, DC. The assignee will serve as a Technology Advisor, and act as a key source of technical and policy expertise to facilitate visionary strategic initiatives related to the Commission's approach on governing emerging technologies, as well as enhancing the Commission's technology operations. As an authority on and recognized expert in technology research, software engineering, and artificial intelligence, the assignee will advise the Chief Technologist, senior Commission leaders, and case teams on the latest developments in emerging technology and related policy issues, and guide leaders on the technologies required to advance the agency's mission. Having wide latitude of responsibility for providing advice and assistance on matters encompassing technology, engineering, and artificial intelligence, the assignee will leverage his or her deep first-hand expertise to equip the agency with the institutional knowledge it requires in order to bolster and scale its capacity to govern emerging technologies.

6. SUMMARY OF QUALIFICATIONS (Describe in enough detail to show that the expert/consultant has the kind and level of experience required for the work to be performed. Use other side, if necessary.)

Amba Kak currently serves as the Director for Global Policy and Programs at NYU's AI Now Institute, where she develops and leads AI Now's global policy engagement initiatives, research programs, and partnerships. In this role, she spearheads the development and implementation of a research and policy agenda around AI ethics and responsibility, ensuring that it is relevant to a broad set of stakeholders across sectors, regions, and functions. The expertise that Amba has developed in the ethics of artificial intelligence, and knowledge she holds on the diverse interests of the stakeholders in this area, perfectly position her to lead the FTC's emerging efforts to ensure that regulated corporations leverage these latest technologies in a socially responsible way, including by not unfairly harming consumers. Furthermore, her experience at the intersection of technology and law—including serving as a Fellow at NYU School of Law and as a Technology Policy Fellow and Advisor at the Mozilla Foundation—has prepared her to advise senior Commission leaders on innovative legal theories that the FTC can leverage to better protect consumers in digital markets.

7. COMPLETE THIS ITEM ONLY FOR CONVERSION TO NEW APPOINTMENT

Intermittent employment totaled _____ days in a pay status from _____ to _____ (mm/dd/yy) of the previous service year.

8. IS/WAS (within the last two (2) years) THE EXPERT/CONSULTANT UNDER CONTRACT WITH THE FEDERAL TRADE COMMISSION?

No Yes. If Yes, provide contract number. _____

9. REQUESTED BY Erie Meyer, CTO	10. TELEPHONE NUMBER
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11. BUREAU/OFFICE Office of Public Policy	12. DIVISION
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APPROVALS

13. I certify that the expert/consultant will be assigned only the duties described above. Duties will not include the performance or the supervision of operating functions. I also certify that the Statement of Employment and Financial Interests has been reviewed in terms of the duties stated above, and no conflict of interests exists.

SIGNATURE OF ASSISTANT DIRECTOR (Headquarters) OR REGIONAL DIRECTOR (Regional Offices)	DATE
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SIGNATURE OF BUREAU/OFFICE HEAD ERIE MEYER <small>Erie Meyer</small>	Digitally signed by ERIE MEYER Date: 2021.09.08 17:03:25 -04'00'	DATE
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14. Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (alternative to OGE Form 450).

SIGNATURE OF AGENCY ETHICS OFFICIAL LORIELLE PANKEY	Digitally signed by LORIELLE PANKEY Date: 2021.09.23 10:50:57 -04'00'	DATE
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15. FOURTH QUARTER APPROVAL OFFICE OF THE EXECUTIVE DIRECTOR REPRESENTATIVE DAVID ROBBINS	TITLE Digitally signed by DAVID ROBBINS Date: 2021.09.23 13:43:25 -04'00'	DATE
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16. I certify that:

a) this expert/consultant position is necessary;

b) the position is Intermittent (has no regular tour of duty) Temporary (has a regular tour of duty);

c) the daily rate of \$ 0.00 is commensurate with the work to be performed and the appointee's qualifications;

d) all requirements of law have been met.

SIGNATURE OF CHIEF HUMAN CAPITAL OFFICER VICKI BARBER	Digitally signed by VICKI BARBER Date: 2021.11.08 12:06:17 -05'00'	DATE
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AMENDMENT TO FTC-189 (JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT) AND FTC-244 (QUARTERLY REVIEWS FOR EXPERT/CONSULTANT) FOR AMBA KAK

The FTC is amending the statement of duties (Box 5) on Amba Kak’s form FTC-189 (Justification and Approval of Employment of Expert/Consultant) approved on November 8, 2021 to reflect the actual duties performed and the limitations imposed on Ms. Kak’s work during her tenure at the FTC. The corresponding summary of duties in Box 3 on form FTC-244 (Quarterly Reviews of Expert/Consultant) for this appointment, was copied directly from the FTC-189 form and is also hereby amended. Although Ms. Kak’s original statement of duties in the FTC-189 and FTC-244 forms encompassed a broader and more flexible range of responsibility, her actual duties are summarized below:

The position is located in the Office of Policy Planning, FTC, Washington, DC. In accordance with 5 C.F.R. part 304: Expert and Consultant Appointments, the assignee will serve as an expert on evolving technology issues. In particular, she will work together with staff to provide advice on the agency’s tech matters that relate to antitrust and consumer protection conduct, policy and enforcement. She will bring her expertise in artificial intelligence, international technology and law, and technology platforms and systems to bear on several key project areas in which she would advise via written research and memos and review and support the advancement of work product which would include: (1) supporting Bureau staff on cases and enforcement matters, (2) collaborating closely with staff and leadership to provide insights on emerging tech issues and market development trends that could lead to enforcement efforts, and (3) providing technical subject matter expertise and technical assistance as a resource to agency staff on markets and technologies. Given the assignee’s expertise, she will bring an outside point of view to the agency, to avoid too limited judgment on administrative or technical issues. Although the assignee will support policy development with expert technical perspective, she will not be responsible for the determination of agency policy (i.e., determining the content and application of regulations), do work of an ongoing nature more appropriately performed by the agency’s regular employees, or perform managerial or supervisory work.

SIGNED:

**ELIZABETH
WILKINS**

Digitally signed by
ELIZABETH WILKINS
Date: 2022.08.26 12:55:38
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Elizabeth Wilkins
Director, Office of Policy and Planning

MONIQUE
FORTENBERRY

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MONIQUE FORTENBERRY
Date: 2022.08.26 15:30:27
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Monique Fortenberry
Acting Chief Human Capital Officer

DAVID
ROBBINS

Digitally signed by DAVID
ROBBINS
Date: 2022.08.26 14:17:01
-04'00'

David Robbins
Executive Director

ETHICS APPROVAL:

Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (OGE Form 450).

LORIELLE
PANKEY

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PANKEY
Date: 2022.08.26 15:37:01
-04'00'

Lorielle L. Pankey
Designated Agency Ethics Official

JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT

IDENTIFICATION (to be completed by originating office)

1. NAME OF EXPERT/CONSULTANT (Last, First, Middle) John Kwoka	2. POSITION TITLE Advisor	3. CURRENT SALARY	4. SALARY REQUESTED 0.00
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5. SUMMARY OF DUTIES (Describe in enough detail to show the work to be performed requires the services of an expert/consultant. Use other side, if necessary.)

The position is located in the Office of Policy Planning, FTC, Washington, DC. In accordance with 5 C.F.R. § 304: Expert and Consultant Appointments, the assignee will serve as an Advisor and Chief Economist to the Chair, and act as a visionary leader on economic issues related to the FTC's law enforcement activities, and consumer protection and antitrust missions. The assignee will report to the Chair, and work together with staff and attorneys throughout the FTC to provide case support (investigation and litigation), policy research and development, competition and consumer advocacy, and, when needed, public outreach. The assignee will play an integral role in the Commission's strategic direction and advise the Chair and senior Commission leaders on economic issues required to advance the agency's mission. Having wide latitude of responsibility for providing advice and assistance on matters encompassing the areas of industrial organization, antitrust, and regulatory economics, the assignee will provide the Chair advice and analysis to inform FTC policy.

6. SUMMARY OF QUALIFICATIONS (Describe in enough detail to show that the expert/consultant has the kind and level of experience required for the work to be performed. Use other side, if necessary.)

John Kwoka is the Neal F. Finnegan Distinguished Professor of Economics at Northeastern University, where he teaches and conducts research in the areas of industrial organization, antitrust, and regulatory economics. His emphasis is on the application of economics to current policy issues in various industries. His other teaching interests include courses on the microeconomics of the financial crisis and on sports economics. Kwoka's recent research has focused on the effectiveness of merger policy in the U.S. Kwoka's most recent book on this subject **CONTROLLING MERGERS AND MARKET POWER: A Program for Reviving Antitrust in America** was just released by CPI Publishing. His earlier book, **Mergers, Merger Control, and Remedies in the United States: A Retrospective Analysis** was published in 2015 by MIT Press and won the Cohen Award for the Best Antitrust Book. He also co-edits *The Antitrust Revolution*, the leading casebook on recent antitrust cases. Kwoka has worked at the U.S. antitrust and regulatory agencies and has served as adviser or consultant to them and to those of other countries and international agencies.

7. COMPLETE THIS ITEM ONLY FOR CONVERSION TO NEW APPOINTMENT

Intermittent employment totaled _____ days in a pay status from _____ to _____ (mm/dd/yy) of the previous service year.

8. IS/WAS (within the last two (2) years) THE EXPERT/CONSULTANT UNDER CONTRACT WITH THE FEDERAL TRADE COMMISSION?

No Yes. If Yes, provide contract number. _____

9. REQUESTED BY Stephanie Nguyen	10. TELEPHONE NUMBER
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11. BUREAU/OFFICE Office of Policy Planning	12. DIVISION
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APPROVALS

13. I certify that the expert/consultant will be assigned only the duties described above. Duties will not include the performance or the supervision of operating functions. I also certify that the Statement of Employment and Financial Interests has been reviewed in terms of the duties stated above, and no conflict of interests exists.

SIGNATURE OF ASSISTANT DIRECTOR (Headquarters) OR REGIONAL DIRECTOR (Regional Offices)	DATE
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SIGNATURE OF BUREAU/OFFICE HEAD	DATE
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Stephanie T. Nguyen

Digitally signed by Stephanie T. Nguyen
Date: 2021.10.23 00:03:51 -0400

14. Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (alternative to OGE Form 450).

SIGNATURE OF AGENCY ETHICS OFFICIAL	DATE
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LORIELLE PANKEY

Digitally signed by LORIELLE PANKEY
Date: 2021.10.25 07:14:49 -0400

15. FOURTH QUARTER APPROVAL

OFFICE OF THE EXECUTIVE DIRECTOR REPRESENTATIVE	TITLE	DATE
DAVID ROBBINS Digitally signed by DAVID ROBBINS Date: 2021.10.25 11:33:43 -0400	executive director	10/25/2021

16. I certify that: a) this expert/consultant position is necessary;
b) the position is Intermittent (has no regular tour of duty) Temporary (has a regular tour of duty);
c) the daily rate of \$ _____ is commensurate with the work to be performed and the appointee's qualifications;
d) all requirements of law have been met.

SIGNATURE OF CHIEF HUMAN CAPITAL OFFICER	DATE
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VICKI BARBER

Digitally signed by VICKI BARBER
Date: 2021.11.08 12:03:22 -0500

11/08/2021

AMENDMENT TO FTC-189 (JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT) AND FTC-244 (QUARTERLY REVIEWS FOR EXPERT/CONSULTANT) FOR JOHN KWOKA

The FTC is amending the statement of duties (Box 5) on John Kwoka’s form FTC-189 (Justification and Approval of Employment of Expert/Consultant) approved on November 8, 2021 to reflect the actual duties performed and limitations imposed on Mr. Kwoka’s work during his tenure at the FTC. The corresponding summary of duties in Box 3 on form FTC-244 (Quarterly Reviews of Expert/Consultant) for this appointment, was copied directly from the FTC-189 form and is also hereby amended. Although Mr. Kwoka’s original statement of duties in the FTC-189 and FTC-244 forms encompassed a broader and more flexible range of responsibility, his actual duties are summarized in the following paragraph:

The position is located in the Office of Policy Planning, FTC, Washington, DC. In accordance with 5 C.F.R. part 304, Expert and Consultant Appointments, the assignee will serve as an Advisor and Chief Economist to the Chair on economic issues related to the FTC’s law enforcement activities and antitrust missions. The assignee will bring a unique, outside perspective to the FTC’s work in (b)(7)(A) as well as the agency’s approach (b)(7)(A). His outside point of view will help broaden the FTC’s judgement on administrative, economic, and technical issues. His past scholarship, which demonstrates a comprehensive understanding of the need for (b)(7)(A) illustrates how his outside point of view will help the FTC (b)(7)(A) from a different viewpoint. The assignee will draw on his past research, writing and experiences in the merger review process in advising the Chair. Dr. Kwoka will also bring his outside perspective to the analysis of (b)(7)(A). (b)(7)(A) (b)(7)(A). Dr. Kwoka will work with staff in reviewing and revising the Bureau of Competition’s current approach to (b)(7)(A) With respect to (b)(7)(A) Dr. Kwoka will bring his expertise to bear on longstanding concerns about mergers that combine different products into a single “portfolio.” Dr. Kwoka will thus draw on current outside understanding to help the FTC invigorate, where appropriate, agency investigations of such mergers. Dr. Kwoka’s work will help ensure that the agency has the full benefit of a highly respected and independent outside point of view. Although the assignee will support policy development, he will not perform inherently governmental functions such as the determination of agency policy, do work of an ongoing nature more appropriately performed by the agency’s regular employees, or perform managerial or supervisory work.

SIGNED:

ELIZABETH
WILKINS

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ELIZABETH WILKINS
Date: 2022.08.25 21:52:32
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Elizabeth Wilkins
Director, Office of Policy and Planning

MONIQUE
FORTENBERRY

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MONIQUE FORTENBERRY
Date: 2022.08.26 06:55:31
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Monique Fortenberry
Acting Chief Human Capital Officer

DAVID
ROBBINS

Digitally signed by DAVID
ROBBINS
Date: 2022.08.26 07:06:42
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David Robbins
Executive Director

ETHICS APPROVAL:

Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (OGE Form 450).

LORIELLE
PANKEY

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LORIELLE PANKEY
Date: 2022.08.26
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Lorielle L. Pankey
Designated Agency Ethics Official