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HOUSE OF REPRESENTATIVES
REPT. 106–411
Part 1

ANTITRUST TECHNICAL CORRECTIONS ACT OF 1999

OCTOBER 25, 1999.—Ordered to be printed

Mr. HYDE, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H.R. 1801]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1801) to make technical corrections to various antitrust laws and to references to such laws, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 1801, the "Antitrust Technical Corrections Act of 1999," makes four miscellaneous changes to the antitrust laws. Three of

these changes repeal outdated provisions, and one clarifies a long-standing ambiguity.

BACKGROUND AND NEED FOR THE LEGISLATION

A. REPEAL OF THE ACT OF MARCH 3, 1913 (15 U.S.C. § 30)

The Act of March 3, 1913 (15 U.S.C. § 30) requires that all depositions taken in Sherman Act equity cases brought by the Government be conducted in public. In the early days of the Sherman Act, the courts conducted such cases by deposition without any formal trial proceeding. See generally *United States* v. *Microsoft Corporation*, 165 F.3d 952, 957–58 (D.C. Cir. 1999). In 1912, a district court held that such depositions must be closed under the Equity Rules in effect at the time. *United States* v. *United States Shoe Machinery Co.*, 198 F. 870 (D. Mass. 1912). In response, Congress passed this statute requiring that the depositions be open. The rationale was that because these depositions essentially constituted the trial, they should be open as a trial would be. For a fuller description of these events, see *Microsoft*, 165 F.3d at 957–58, and the authorities cited therein.

Under the modern practice of broad discovery, depositions are generally taken in private and then made public if they are used at trial. Under the modern system, § 30 causes three problems: (1) it sets up a special rule for a narrow class of cases when the justification for that rule has disappeared; (2) it makes it hard for a court to protect proprietary information that may be at issue in an antitrust case; and (3) it can create a circus atmosphere in the deposition of a high profile figure. In the *Microsoft* case cited above, the United States Circuit Court of Appeals for the District of the District of Columbia invited Congress to repeal this law. *Microsoft*, 165 F.3d at 958 (D.C. Cir. 1999).

B. REPEAL OF THE ANTITRUST PROVISION IN THE PANAMA CANAL ACT (15 U.S.C. § 31)

Section 11 of the Panama Canal Act provides that no vessel owned by someone who is violating the antitrust laws may pass through the Panama Canal. The committee has not been able to determine why this provision was added to the Act or whether it has ever been used. However, with the return of the Canal to Panamanian sovereignty at the end of 1999, it is appropriate to repeal this outdated provision. The committee has consulted informally with the House Committee on Armed Services, which has jurisdiction over the Panama Canal Act, and that committee has indicated that it has no objection to this repeal. The Committee on Armed Services has waived its secondary referral of H.R. 1801 by the following letter:

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 22, 1999.

Hon. J. DENNIS HASTERT,
The Speaker,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: In recognition of the desire to expedite floor consideration of H.R. 1801, the Antitrust Technical Corrections Act of 1999, the Committee on Armed Services agrees to waive its right to consider this legislation. H.R. 1801, as introduced and as ordered reported by the Committee on the Judiciary on October 13, 1999, contains subject matter that falls within the legislative jurisdiction of the Committee on Armed Services pursuant to House Rule X.

The Committee on Armed Services takes this action with the understanding that the committee's jurisdiction over the provisions in question is no way diminished or altered, and that the committee's right to appointment of conferees during any conference on the bill remains intact.

With warm personal regards, I am

Sincerely,

FLOYD D. SPENCE, *Chairman.*

cc: The Honorable Ike Skelton
The Honorable Henry Hyde
The Honorable John Conyers

C. CLARIFICATION THAT § 2 OF THE SHERMAN ACT APPLIES TO THE DISTRICT AND THE TERRITORIES (15 U.S.C. § 3)

Two of the primary provisions of antitrust law are § 1 and § 2 of the Sherman Act. 15 U.S.C. §§ 1, 2. Section 1 prohibits conspiracies in restraint of trade, and § 2 prohibits monopolization, attempts to monopolize, and conspiracies to monopolize. Section 3 of the Sherman Act was intended to apply these provisions to conduct occurring in the District of Columbia and the various territories of the United States. Unfortunately, however, ambiguous drafting in § 3 leaves it unclear whether § 2 applies to conduct occurring in those areas.

The committee believes that it was Congress's intent for § 3 to apply both sections to the territories, and that by passing this amendment, it is only clarifying the matter by making explicit that which is already implicit in § 3.

The committee is aware of at least one instance in which the Department of Justice declined to bring an otherwise meritorious § 2 claim in a Virgin Islands case because of this ambiguity. *United States* v. *Topa Equities (V.I..), Ltd.*, Civil No. 1994–179 (D.V.I. 1994). In that case, the Department was able to bring other claims under § 1 of the Sherman Act which led to a settlement. All five of the congressional representatives of the District and the Territories are cosponsors of the bill.

D. REPEAL OF REDUNDANT ANTITRUST JURISDICTIONAL PROVISION IN § 77 OF THE WILSON TARIFF ACT

In 1955, Congress modernized the jurisdictional and venue provisions relating to antitrust suits by amending § 4 of the Clayton Act

(15 U.S.C. § 15). 69 Stat. 282. At that time, it repealed what was then § 7 of the Sherman Act, a jurisdiction and venue provision that was redundant of the one in § 4 of the Clayton Act. However, it did not repeal the similarly redundant jurisdiction and venue provision contained in § 77 of the Wilson Tariff Act. *Id.* It appears that this was an oversight because § 77 was never codified and has rarely been used.

Repealing § 77 will not diminish any jurisdictional or venue rights because § 4 of the Clayton Act provides any potential plaintiff with broader rights of jurisdiction and venue than does § 77. Rather, the repeal simply rids the law of a confusing, redundant, and little used provision.

E. APPLICATION OF AMENDMENTS TO PENDING CASES

After ordering H.R. 1801 favorably reported, the committee realized that it might be helpful to clarify the application to pending cases of the amendments made by the bill. Accordingly, the committee anticipates that a managers' amendment will be added during floor consideration that will address these matters in the following manner.

With respect to § 2(a) (public depositions), the change does not affect any substantive rights of the litigants, and for that reason, the managers' amendment will apply the change to pending cases.

With respect to § 2(b) (Panama Canal), the committee believes that this provision has never been used and that there are no pending cases that will be affected. In the unlikely event that there is such a case, the amendment should not apply because it would affect substantive rights. Thus, the committee anticipates that the managers' amendment will not apply § 2(b) to pending cases.

With respect to § 2(c) (application of Sherman Act § 2 to the District of Columbia and the territories), the committee believes that there could be pending cases that would be affected. In our judgment, the amendment only makes explicit that which is already implicit in § 3. However, a court might interpret the existing § 3 differently. To avoid changing the rules in the middle of litigation, the committee's intent is that any litigant in a pending case filed before enactment of this amendment ought to be treated as if this amendment had not passed. In such a case, a court should interpret § 3 as it would have in the absence of this amendment. Thus, the committee anticipates that the managers' amendment will not apply § 2(c) to pending cases.

Finally, with respect to § 2(d) (§ 77 of the Wilson Tariff Act), the committee believes that there could be pending cases that would be affected. The committee understands that § 77 has rarely, if ever, been used. However, if there is a pending case in which a litigant has relied on it, he or she should not have the rules changed in the middle of the case. For that reason, the committee anticipates that the managers' amendment will not apply § 2(d) to pending cases.

HEARINGS

Because H.R. 1801 contains only noncontroversial technical corrections to the antitrust laws, the committee held no hearings on it.

COMMITTEE CONSIDERATION

After its referral to the Committee on the Judiciary, H.R. 1801 was held at the full committee. Thus, it received no subcommittee consideration. On October 13, 1999, the full Committee on the Judiciary met in open session and ordered favorably reported the bill H.R. 1801 unamended, by a voice vote, a quorum being present.

VOTE OF THE COMMITTEE

During its consideration of H.R. 1801, the committee took no rollcall votes.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the committee reports that the findings and recommendations of the committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report. See Agency Views Section, below.

COMMITTEE ON GOVERNMENT REFORM FINDINGS

No findings or recommendations of the Committee on Government Reform were received as referred to in clause 3(c)(4) of rule XIII of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the committee sets forth, with respect to the bill, H.R. 1801, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 18, 1999.

Hon. HENRY J. HYDE, *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1801, Antitrust Technical Corrections Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Lanette J. Keith, who can be reached at 226–2860.

Sincerely,

DAN L. CRIPPEN, *Director.*

H.R. 1801—Antitrust Technical Corrections Act of 1999.

CBO estimates that implementing this bill would have no significant impact on the federal budget. Because the bill could affect direct spending and receipts, pay-as-you-go procedures would apply. CBO estimates, however, that any impact on direct spending and receipts would not be significant. H.R. 1801 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.

H.R. 1801 would make several technical changes to current antitrust law and clarify that certain provisions of antitrust laws apply in territories of the United States and the District of Columbia. The bill also would repeal legislation requiring that all depositions in antitrust cases brought by the government be conducted in public and would repeal a redundant law that establishes jurisdiction in such cases.

Because those convicted under the antitrust amendments that would be made by enacting H.R. 1801 could be subject to criminal fines, the federal government might collect additional fines if the bill is enacted. Collections of such fines are recorded in the budget as governmental receipts (revenues), which are deposited in the Crime Victims fund and spent in subsequent years. Information from the Department of Justice indicates that it would be unlikely to prosecute additional criminal cases under H.R. 1801; therefore, CBO expects that any additional receipts would be negligible.

The CBO staff contact for this estimate is Lanette J. Keith, who can be reached at 226–2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the committee finds the authority for this legislation in Article I, § 8 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Sec. 1. Short Title. Section 1 provides that the short title of the bill is the "Antitrust Technical Corrections Act of 1999."

Sec. 2. Amendments. Subsection 2(a) repeals the Act of March 3, 1913, requiring that depositions in Sherman Act equity cases brought by the Government be held in public, as described above.

Subsection 2(b) repeals the paragraph in Section 11 of Panama Canal Act, prohibiting ships owned by persons who are violating the antitrust laws from passing through the Canal, as described above.

Subsection 2(c) adds a new § 3(b) to § 3 of the Sherman Act to clarify that § 2 of the Sherman Act applies to the District of Columbia and the territories. This new § 3(b) in § 3 closely tracks the language of § 2 of the Sherman Act with language applying it to the District and the territories.

Subsection 2(d) repeals § 77 of the Wilson Tariff Act and also eliminates several cross-references to § 77 in five other statutes (the Clayton Act, the Federal Trade Commission Act, the Packers and Stockyards Act, the Atomic Energy Act of 1954, and the Deep

Seabed Hard Mineral Resources Act). These cross-references occur in definitions of the term "antitrust laws" in the other statutes and do not change the substance of those statutes.

AGENCY VIEWS

The committee has not received any formal agency views on H.R. 1801. However, the committee has consulted informally with both of the antitrust agencies, the Antitrust Division of the Department of Justice and the Bureau of Competition of the Federal Trade Commission. Both agencies have indicated informally that they have no objection to the passage of the bill.

In addition, the impetus for the provisions of subsections 2(a), 2(b), and 2(c) came from answers to questions to the Antitrust Division after the committee's general oversight hearing on both of the agencies on November 5, 1997. *The Antitrust Enforcement Agencies: The Antitrust Division of the Department of Justice and the Bureau of Competition of the Federal Trade Commission: Hearing Before the House Committee on the Judiciary*, 105th Congress 250 (1997). The relevant text is set forth below:

CONGRESS OF THE UNITED STATES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, December 16, 1997.

Hon. JOEL KLEIN,
Assistant Attorney General,
Antitrust Division,
United States Department of Justice,
Washington, DC.

DEAR ASSISTANT ATTORNEY GENERAL KLEIN: I appreciate your appearing before the Committee on the Judiciary to testify at the oversight hearing on "The Antitrust Enforcement Agencies: The Antitrust Division of the Department of Justice and The Bureau of Competition of the Federal Trade Commission" on Wednesday, November 5, 1997.

Members of the Committee have asked that you answer additional written questions for the record. I have attached a copy of the questions. I would appreciate your answering the questions in writing and returning your answers to the Committee for inclusion in the hearing record at your earliest convenience.

If the Committee can provide you with any additional information, please do not hesitate to have your staff contact Joseph Gibson by phone at (202) 225–3951 or by fax at (202) 225–7682. I appreciate your participation in our hearing.

Sincerely,

HENRY J. HYDE, *Chairman.*

cc: Hon. John Conyers, Jr.

QUESTIONS FOR ASSISTANT ATTORNEY GENERAL KLEIN

QUESTIONS FROM CHAIRMAN HYDE

* * * * * * *

6. Does the Antitrust Division currently seek any changes to the antitrust laws, the procedural mechanisms available to it, or to any

of its organizational statutes? If so, please enumerate these changes and provide a brief explanation.

7. Does the Antitrust Division believe that there are any provisions of the antitrust laws, the procedural mechanisms available to it, or to any of its organizational statutes that are anachronistic or that should otherwise be eliminated from the statute books? If so, please enumerate these changes and provide a brief explanation.

* * * * * * *

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, March 17, 1998.

Hon. HENRY HYDE, *Chairman,*
Committee on the Judiciary,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for giving Assistant Attorney General Joel Klein the opportunity to testify at the oversight hearing on "The Antitrust Division of the Department of Justice and the Bureau of Competition of the Federal Trade Commission" on November 5, 1997.

Enclosed are the responses to the written questions for the record that you sent to Mr. Klein on behalf of the Committee after the hearing.

If you have any questions, please do not hesitate to contact me.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

Enclosure

QUESTIONS FOR ASSISTANT ATTORNEY GENERAL KLEIN

Questions from Chairman Hyde

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6. Does the Antitrust Division currently seek any changes to the antitrust laws, the procedural mechanisms available to it, or to any of its organizational statutes? If so, please enumerate these changes and provide a brief explanation.

Yes.

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A second area that this Committee may wish to take a look at is the application of Section 2 of the Sherman Act to the District of Columbia and the territories. There does not appear to be any reason other than historical anomaly for the laws against monopolization to apply in the 50 states but not the District of Columbia or the territories, but that appears to be the current state of the law. I would be happy to work with the Committee on developing such legislation.

7. Does the Antitrust Division believe that there are any provisions of the antitrust laws, the procedural mechanisms available to it, or to any of its organizational statutes that are anachronistic or

that should otherwise be eliminated from the statute books? If so, please enumerate these changes and provide a brief explanation.

Yes. The Antitrust Division believes that both 15 U.S.C. § 30 and 15 U.S.C. § 31 should be eliminated from the statute books. The first statute requires that in antitrust cases, as opposed to any other types of civil cases, depositions of witnesses be open to the public. We do not believe that different procedures should apply regarding the openness of depositions in antitrust cases from any other civil cases. Indeed, such a requirement could raise unnecessary complications in certain instances. For example, in a high profile civil litigation, it is possible that a large number of people may desire to be present at a given deposition. If the deposition has been scheduled for a normal size conference room, and large numbers of people show up, the question would arise whether any of those individuals could be turned away consistent with the statute. Must the deposition be postponed until a larger room can be found or could the deposition go forward and people be excluded? In any event, the Division sees no need for this type of provision. If the matter goes to trial, the trial will be public.

The second statute that could be eliminated is entitled "Panama Canal closed to violators of the antitrust laws," 15 U.S.C. § 31. In the 84 years since this statute has been part of the law, we are aware of no enforcement of the statute. Moreover, without expressing any Department of Justice legal opinion on the issue, it may be the case that the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (Sept. 7, 1977) impliedly repealed this statute. In any event, we believe this statute is anachronistic and should be removed from the statute books.

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In addition, although they do not constitute formal agency views, the committee would like to recognize two other contributions to this bill. The committee appreciates the contribution of the D.C. Circuit in calling to our attention the need for the repeal contained in subsection 2(a). *Microsoft*, 165 F.3d at 958. We also appreciate the contribution of the office of the House Legislative Counsel, in calling to our attention the need for the repeal contained in subsection 2(d).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

ACT OF MARCH 3, 1913

CHAP. 114.—An Act Providing for publicity in taking evidence under Act of July second, eighteen hundred and ninety.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That in the taking of depositions of witnesses for use in any suit in equity brought by the United States under the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July second, eighteen hundred and ninety, and in the hearings before any examiner or special master appointed to take testimony therein, the proceedings shall be open to the public as freely as are trials in open court; and no order excluding the public from attendance on any such proceedings shall be valid or enforceable.]

SECTION 11 OF THE PANAMA CANAL ACT

SEC. 11. * * *

* * * * * * *

[No vessel permitted to engage in the coastwise or foreign trade of the United States shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the Act of Congress approved July second, eighteen hundred and ninety, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," or the provisions of sections seventy-three to seventy-seven, both inclusive, of an Act approved August twenty-seventh, eighteen hundred and ninety-four, entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," or the provisions of any other Act of Congress amending or supplementing the said Act of July second, eighteen hundred and ninety, commonly known as the Sherman Antitrust Act, and amendments thereto, or said sections of the Act of August twenty-seventh, eighteen hundred and ninety-four. The question of fact may be determined by the judgment of any court of the United States of competent jurisdiction in any cause pending before it to which the owners or operators of such ship are parties. Suit may be brought by any shipper or by the Attorney General of the United States.]

SECTION 3 OF THE SHERMAN ACT

* * * * * * *

SEC. 3. *(a)* Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia, and any State or States or for-

eign nations, is hereby declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding $10,000,000 if a corporation, or, if any other person, $350,000, or by imprisonment not exceeding three years, or by both said punishments, in the discretion of the court.

(b) Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the Territories of the United States and the District of Columbia, or between any of the several States and any Territory of the United States or the District of Columbia, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding $10,000,000 if a corporation, or, if any other person, $350,000, or by imprisonment not exceeding three years, or by both said punishments, in the discretion of the court.

WILSON TARIFF ACT

* * * * * * *

[SEC. 77. That any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this Act may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.]

SEC. [78.] 77.Sections 73, 74, 75, [76, and 77] *and 76* of this Act may be cited as the "Wilson Tariff Act".

SECTION 1 OF THE CLAYTON ACT

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) "antitrust laws," as used herein, includes the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July second, eighteen hundred and ninety; sections seventy-three to [seventy-seven] *seventy-six*, inclusive, of an Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," of August twenty-seventh, eighteen hundred and ninety-four; an Act entitled "An Act to amend sections seventy-three and seventy-six of the Act of August twenty-seventh, eighteen hundred and ninety-four, entitled 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes,'" approved February twelfth, nineteen hundred and thirteen; and also this Act.

* * * * * * *

SECTION 4 OF THE FEDEAL TRADE COMMISSION ACT

SEC. 4. The words defined in this section shall have the following meaning when found in this Act, to wit:

* * * * * * *

"Antitrust Acts" means the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; also sections 73 to [77] *76*, inclusive, of an Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," approved August 27, 1894; also the Act entitled "An Act to amend sections 73 and 76 of the Act of August 27, 1894, entitled 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes,'" approved February 12, 1913; and also the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

* * * * * * *

SECTION 405 OF THE PACKERS AND STOCKYARDS ACT, 1921

SEC. 405. Nothing contained in this Act, except as otherwise provided herein, shall be construed—

(a) To prevent or interfere with the enforcement of, or the procedure under, the provisions of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, the Interstate Commerce Act as amended, the Act entitled "An Act to promote export trade, and for other purposes," approved April 10, 1918, or sections 73 to [77] *76*, inclusive, of the Act of August 27, 1894, entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," as amended by the Act entitled "An Act to amend sections seventy-three and seventy-six of the Act of August twenty-seventh, eighteen hundred and ninety-four, entitled 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes'" approved February 12, 1913, or

* * * * * * *

SECTION 105 OF THE ATOMIC ENERGY ACT

SEC. 105. ANTITRUST PROVISIONS.—

a. Nothing contained in this Act shall relieve any person from the operation of the following Acts, as amended, "An Act to protect trade and commerce against unlawful restraints and monopolies" approved July second, eighteen hundred and ninety; sections seventy-three to [seventy-seven] *seventy-six*, inclusive, of an Act entitled "An Act to reduce taxation, mission, to define its powers and

duties, and for other purposes" approved August twenty-seven, eighteen hundred and ninety-four; "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" approved October fifteen, nineteen hundred and fourteen; and "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes" approved September twenty-six, nineteen hundred and fourteen. In the event a licensee is found by a court of competent jurisdiction, either in an original action in that court or in a proceeding to enforce or review the findings or orders of any Government agency having jurisdiction under the laws in the conduct of the licensed activity, the Commission may suspend, revoke, or take such other action as it may deem necessary with respect to any license issued by the Commission under the provisions of this Act.

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SECTION 103 OF THE DEEP SEABED HARD MINERAL RESOURCES ACT

SEC. 103. LICENSE AND PERMIT APPLICATIONS, REVIEW, AND CERTIFICATION.

(a) * * *

* * * * * * *

(d) ANTITRUST REVIEW.—(1) * * *

* * * * * * *

(7) As used in the subsection, the term "antitrust laws" means the Act of July 2, 1890 (commonly known as the Sherman Act; 15 U.S.C. 1–7); sections 73 through [77] *76* of the Act of August 27, 1894 (commonly known as the Wilson Tariff Act; 15 U.S.C. 8–11); the Clayton Act (15 U.S.C. 12 et seq.); the Act of June 19, 1936 (commonly known as the Robinson-Patman Price Discrimination Act; 15 U.S.C. 13–13b and 21a); and the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

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