

Carriers, agreements between as to rates, etc., see section 10706 of Title 49, Transportation.

Department of Commerce, see section 1501 et seq. of this title.

District courts, original jurisdiction of any civil action or proceeding arising under this chapter, see section 1337 of Title 28, Judiciary and Judicial Procedure.

Electrical energy, monopolistic combinations prohibited, see section 803 of Title 16, Conservation.

Exemptions from anti-trust laws—

Marketing agreements of Secretary of Agriculture with manufacturers and others engaged in handling anti-hog-cholera serum and hog-cholera virus, see section 852 of Title 7, Agriculture.

Marketing agreements of Secretary of Agriculture with processors, producers, associations of producers, and others engaged in handling any agricultural commodity or product thereof, see section 608b of Title 7.

Meetings, awards, and agreements concerning marketing of milk or its products, see section 671 of Title 7.

Export trade, applicability of sections 1 to 7 of this title, see section 62 of this title.

Federal Trade Commission—

Investigation of compliance with anti-trust decrees and violation of anti-trust statutes, and recommendations for readjustment of business of offending corporations, see section 46 of this title.

Reference of equity suits to commission, see section 47 of this title.

Import trade—

Sale of imported articles at less than market value or wholesale price prohibited, see section 72 of this title.

Unfair methods of competition and unfair practices in import trade as unlawful, see section 1337 of Title 19, Customs Duties.

Insurance business as subject to this chapter, see sections 1012 and 1013 of this title.

Packers or live poultry dealers restraining commerce or creating a monopoly, see section 192 of Title 7, Agriculture.

Radio—

Competition in commerce, see section 314 of Title 47, Telegraphs, Telephones, and Radiotelegraphs.

Manufacture or sale, see section 313 of Title 47.

Telecasting of professional sports contests, antitrust laws exemption, see section 1291 et seq. of this title.

Tobacco control, compacts between states, see section 515 of Title 7, Agriculture.

ANTITRUST ACTS AND LAWS DEFINED IN OTHER SECTIONS

Antitrust acts and laws are defined in sections 12, 44, 1311, 1802, 3301, 3503, 4002, 4021, 4301, 6211 of this title; title 10 section 7430; title 12 sections 1828, 1831u, 1841, 1849; title 16 section 2602; title 17 section 109; title 28 section 1407; title 30 sections 184, 1413; title 33 section 1502; title 40 section 488; title 42 sections 5417, 5909, 6202, 8235f, 9102; title 43 sections 1331, 1770; title 45 section 791; title 46 App. section 1702; title 49 sections 10706, 41308; title 50 App. sections 1941a, 2158.

§ 1. Trusts, etc., in restraint of trade illegal; penalty

Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal. Every person who shall make any contract or engage in any combination or conspiracy hereby declared to be illegal 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.

(July 2, 1890, ch. 647, §1, 26 Stat. 209; Aug. 17, 1937, ch. 690, title VIII, 50 Stat. 693; July 7, 1955, ch. 281, 69 Stat. 282; Dec. 21, 1974, Pub. L. 93-528, §3, 88 Stat. 1708; Dec. 12, 1975, Pub. L. 94-145, §2, 89 Stat. 801; Nov. 16, 1990, Pub. L. 101-588, §4(a), 104 Stat. 2880.)

AMENDMENTS

1990—Pub. L. 101-588 substituted “\$10,000,000” for “one million dollars” and “\$350,000” for “one hundred thousand dollars”.

1975—Pub. L. 94-145 struck out from first sentence two provisos granting anti-trust exemption to State fair trade laws.

1974—Pub. L. 93-528 substituted “a felony, and, on conviction thereof, shall be punished by fine not exceeding one million dollars if a corporation, or, if any other person, one hundred thousand dollars, or by imprisonment not exceeding three years” for “a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding fifty thousand dollars, or by imprisonment not exceeding one year”.

1955—Act July 7, 1955, substituted “fifty thousand dollars” for “five thousand dollars”.

1937—Act Aug. 17, 1937, inserted two provisos.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 4 of Pub. L. 94-145 provided that: “The amendments made by sections 2 and 3 of this Act [amending this section and section 45 of this title] shall take effect upon the expiration of the ninety-day period which begins on the date of enactment of this Act [Dec. 12, 1975].”

SHORT TITLE OF 1995 AMENDMENT

Pub. L. 104-63, §1, Dec. 8, 1995, 109 Stat. 687, provided that: “This Act [enacting sections 37 and 37a of this title and provisions set out as a note under section 37 of this title] may be cited as the ‘Charitable Gift Annuity Antitrust Relief Act of 1995’.”

SHORT TITLE OF 1990 AMENDMENT

Section 1 of Pub. L. 101-588 provided: “That this Act [amending this section and sections 2, 3, 15a, and 19 of this title and repealing section 20 of this title] may be cited as the ‘Antitrust Amendments Act of 1990’.”

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-544, §1, Oct. 24, 1984, 98 Stat. 2750, provided: “That this Act [enacting sections 34 to 36 of this title and provisions set out as a note under section 34 of this title] may be cited as the ‘Local Government Antitrust Act of 1984’.”

SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97-290, title IV, §401, Oct. 8, 1982, 96 Stat. 1246, provided that: “This title [enacting section 6a of this title and amending section 45 of this title] may be cited as the ‘Foreign Trade Antitrust Improvements Act of 1982’.”

SHORT TITLE OF 1980 AMENDMENT

Pub. L. 96-493, §1, Dec. 2, 1980, 94 Stat. 2568, provided: “That this Act [enacting section 26a of this title] may be cited as the ‘Gasohol Competition Act of 1980’.”

SHORT TITLE OF 1976 AMENDMENT

Section 1 of Pub. L. 94-435, Sept. 30, 1976, 90 Stat. 1383, provided: “That this Act [enacting sections 15c to 15h, 18a, and 66 of this title, amending sections 12, 15b, 16, 26, and 1311 to 1314 of this title, section 1505 of Title 18, Crimes and Criminal Procedure, and section 1407 of Title 28, Judiciary and Judicial Procedure, and enacting provisions set out as notes under sections 8, 15c, 18a, and 1311 of this title] may be cited as the ‘Hart-Scott-Rodino Antitrust Improvements Act of 1976’.”

SHORT TITLE OF 1975 AMENDMENT

Section 1 of Pub. L. 94-145 provided: “That this Act [amending this section and section 45 of this title and

enacting provisions set out as a note under this section] may be cited as the ‘Consumer Goods Pricing Act of 1975.’”

SHORT TITLE OF 1974 AMENDMENT

Section 1 of Pub. L. 93-528 provided: “That this Act [amending this section and section 2, 3, 16, 28, and 29 of this title, section 401 of Title 47, Telegraphs, Telephones, and Radiotelegraphs, and sections 43, 44, and 45 of former Title 49, Transportation, and enacting provisions set out as notes under this section and section 29 of this title] may be cited as the ‘Antitrust Procedures and Penalties Act.’”

SHORT TITLE

Pub. L. 94-435, title III, §305(a), Sept. 30, 1976, 90 Stat. 1397, added immediately following the enacting clause of act July 2, 1890, the following: “That this Act [this section and sections 2 to 7 of this title] may be cited as the ‘Sherman Act.’”

APPLICATION OF ANTITRUST LAWS TO AWARD OF NEED-BASED EDUCATIONAL AID

Pub. L. 103-382, title V, §568(a)-(d), Oct. 20, 1994, 108 Stat. 4060, 4061, provided that:

“(a) TEMPORARY EXEMPTION.—It shall not be unlawful under the antitrust laws for 2 or more institutions of higher education at which all students admitted are admitted on a need-blind basis, to agree or attempt to agree—

“(1) to award such students financial aid only on the basis of demonstrated financial need for such aid;

“(2) to use common principles of analysis for determining the need of such students for financial aid if the agreement to use such principles does not restrict financial aid officers at such institutions in their exercising independent professional judgment with respect to individual applicants for such financial aid;

“(3) to use a common aid application form for need-based financial aid for such students if the agreement to use such form does not restrict such institutions in their requesting from such students, or in their using, data in addition to the data requested on such form; or

“(4) to exchange through an independent third party, before awarding need-based financial aid to any of such students who is commonly admitted to the institutions of higher education involved, data with respect to the student so admitted and the student’s family relating to assets, income, expenses, the number of family members, and the number of the student’s siblings in college, if each of such institutions is permitted to retrieve such data only once with respect to the student.

“(b) LIMITATIONS.—Subsection (a) shall not apply with respect to—

“(1) any financial aid or assistance authorized by the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.); or

“(2) any contract, combination, or conspiracy with respect to the amount or terms of any prospective financial aid award to a specific individual.

“(c) DEFINITIONS.—For purposes of this section—

“(1) the term ‘alien’ has the meaning given such term in section 101(3) [101(a)(3)] of the Immigration and Nationality Act (8 U.S.C. 1101(3) [1101(a)(3)]);

“(2) the term ‘antitrust laws’ has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section applies to unfair methods of competition;

“(3) the term ‘institution of higher education’ has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

“(4) the term ‘lawfully admitted for permanent residence’ has the meaning given such term in section 101(20) [101(a)(20)] of the Immigration and Nationality Act (8 U.S.C. 1101(20) [1101(a)(20)]);

“(5) the term ‘national of the United States’ has the meaning given such term in section 101(22) [101(a)(22)] of the Immigration and Nationality Act (8 U.S.C. 1101(22) [1101(a)(22)]);

“(6) the term ‘on a need-blind basis’ means without regard to the financial circumstances of the student involved or the student’s family; and

“(7) the term ‘student’ means, with respect to an institution of higher education, a national of the United States or an alien admitted for permanent residence who is admitted to attend an undergraduate program at such institution on a full-time basis.

“(d) EXPIRATION.—Subsection (a) shall expire on September 30, 1997.”

CROSS REFERENCES

Antitrust laws inapplicable to labor organizations, see section 17 of this title.

Combinations in restraint of import trade, see section 8 of this title.

Conspiracy to commit offense or to defraud United States, see section 371 of Title 18, Crimes and Criminal Procedure.

Discrimination in price, services or facilities, see section 13 of this title.

Fishing industry, restraints of trade in, see section 522 of this title.

Monopolies prohibited, see section 2 of this title.

Trusts in territories or District of Columbia prohibited, see section 3 of this title.

SHERMAN ACT REFERRED TO IN OTHER SECTIONS

The Sherman Act [15 U.S.C. 1 to 7] is referred to in sections 12, 15c, 15d, 29, 30, 31, 44, 62, 1012, 1013, 3301, 3503 of this title; title 7 section 225; title 10 section 7430; title 12 sections 1828, 1849; title 16 section 2602; title 30 sections 184, 1413; title 33 section 1502; title 40 section 488; title 42 sections 2135, 2297b-11, 5417, 5909, 6202, 8235f, 9102; title 43 sections 970, 1331, 1770; title 45 section 791; title 46 App. section 1702; title 49 section 10706; title 50 App. sections 1941a, 2158.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4, 6, 6a, 7, 18a of this title.

§ 2. Monopolizing trade a felony; penalty

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 several States, or with foreign nations, 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.

(July 2, 1890, ch. 647, §2, 26 Stat. 209; July 7, 1955, ch. 281, 69 Stat. 282; Dec. 21, 1974, Pub. L. 93-528, §3, 88 Stat. 1708; Nov. 16, 1990, Pub. L. 101-588, §4(b), 104 Stat. 2880.)

AMENDMENTS

1990—Pub. L. 101-588 substituted “\$10,000,000” for “one million dollars” and “\$350,000” for “one hundred thousand dollars”.

1974—Pub. L. 93-528 substituted “a felony, and, on conviction thereof, shall be punished by fine not exceeding one million dollars if a corporation, or, if any other person, one hundred thousand dollars, or by imprisonment not exceeding three years” for “a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding fifty thousand dollars, or by imprisonment not exceeding one year”.

1955—Act July 7, 1955, substituted “fifty thousand dollars” for “five thousand dollars”.