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| <p>Sec.</p> <p>(h) Inadmissibility as evidence of proceedings before the district court and the competitive impact statement.</p> <p>(i) Suspension of limitations.</p> <p>17. Antitrust laws not applicable to labor organizations.</p> <p>18. Acquisition by one corporation of stock of another.</p> <p>18a. Premerger notification and waiting period.</p> <p>(a) Filing.</p> <p>(b) Waiting period; publication; voting securities.</p> <p>(c) Exempt transactions.</p> <p>(d) Commission rules.</p> <p>(e) Additional information; waiting period extensions.</p> <p>(f) Preliminary injunctions; hearings.</p> <p>(g) Civil penalty; compliance; power of court.</p> <p>(h) Disclosure exemption.</p> <p>(i) Construction with other laws.</p> <p>(j) Report to Congress; legislative recommendations.</p> <p>19. Interlocking directorates and officers.</p> <p>19a, 20. Repealed.</p> <p>21. Enforcement provisions.</p> <p>(a) Commission, Board, or Secretary authorized to enforce compliance.</p> <p>(b) Issuance of complaints for violations; hearing; intervention; filing of testimony; report; cease and desist orders; reopening and alteration of reports or orders.</p> <p>(c) Review of orders; jurisdiction; filing of petition and record of proceeding; conclusiveness of findings; additional evidence; modification of findings; finality of judgment and decree.</p> <p>(d) Exclusive jurisdiction of Court of Appeals.</p> <p>(e) Liability under antitrust laws.</p> <p>(f) Service of complaints, orders and other processes.</p> <p>(g) Finality of orders generally.</p> <p>(h) Finality of orders modified by Supreme Court.</p> <p>(i) Finality of orders modified by Court of Appeals.</p> <p>(j) Finality of orders issued on rehearing ordered by Court of Appeals or Supreme Court.</p> <p>(k) "Mandate" defined.</p> <p>(l) Penalties.</p> <p>21a. Actions and proceedings pending prior to June 19, 1936; additional and continuing violations.</p> <p>22. District in which to sue corporation.</p> <p>23. Suits by United States; subpoenas for witnesses.</p> <p>24. Liability of directors and agents of corporation.</p> <p>25. Restraining violations; procedure.</p> <p>26. Injunctive relief for private parties; exception; costs.</p> <p>26a. Restrictions on the purchase of gasohol and synthetic motor fuel.</p> <p>(a) Limitations on the use of credit instruments; sales, resales, and transfers.</p> <p>(b) Credit fees; equivalent conventional motor fuel sales; labeling of pumps; product liability disclaimers; advertising support; furnishing facilities.</p> <p>(c) "United States" defined.</p> <p>27. Effect of partial invalidity.</p> <p>27a. Application of antitrust laws to professional major league baseball.</p> | <p>Sec.</p> <p>(a) Major league baseball subject to antitrust laws.</p> <p>(b) Limitation of section.</p> <p>(c) Standing to sue.</p> <p>(d) Conduct, acts, practices, or agreements subject to antitrust laws.</p> <p>28. Repealed.</p> <p>29. Appeals.</p> <p>(a) Court of appeals; review by Supreme Court.</p> <p>(b) Direct appeals to Supreme Court.</p> <p>30. Depositions for use in suits in equity; proceedings open to public.</p> <p>31. Panama Canal closed to violators of antitrust laws.</p> <p>32, 33. Repealed.</p> <p>34. Definitions applicable to sections 34 to 36.</p> <p>35. Recovery of damages, etc., for antitrust violations from any local government, or official or employee thereof acting in an official capacity.</p> <p>(a) Prohibition in general.</p> <p>(b) Preconditions for attachment of prohibition; prima facie evidence for nonapplication of prohibition.</p> <p>36. Recovery of damages, etc., for antitrust violations on claim against person based on official action directed by local government, or official or employee thereof acting in an official capacity.</p> <p>(a) Prohibition in general.</p> <p>(b) Nonapplication of prohibition for cases commenced before effective date of provisions.</p> <p>37. Immunity from antitrust laws.</p> <p>(a) Inapplicability of antitrust laws.</p> <p>(b) Immunity.</p> <p>(c) Treatment of certain annuities and trusts.</p> <p>(d) Limitation.</p> <p>37a. Definitions.</p> |
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HISTORICAL NOTE

This chapter includes among other statutory provisions the Sherman Act, comprising sections 1 to 7 of this title, the Clayton Act, comprising sections 12, 13, 14 to 19, 20, 21, and 22 to 27 of this title and sections 52 and 53 of Title 29, Labor, the Wilson Tariff Act, comprising sections 8 and 9 of this title, the Robinson-Patman Price Discrimination Act, comprising sections 13, 13a, 13b, and 21a of this title, the "Expediting Act", sections 28 and 29 of this title, and the "Hart-Scott-Rodino Antitrust Improvements Act of 1976", comprising sections 15c to 15h, 18a, and 66 of this title. For complete classification of the Hart-Scott-Rodino Act, see Short Title note under section 1 of this title.

CONGRESSIONAL INVESTIGATION OF MONOPOLY

Joint Res. June 16, 1938, ch. 456, 52 Stat. 705, created a Temporary National Economic Committee which was authorized to make a full investigation on monopoly and the concentration of economic power in and financial control over production and distribution of goods and services. The time for submitting the final report under Joint Res. June 16, 1938, ch. 456, 52 Stat. 705, as amended Apr. 26, 1939, ch. 104, §§1, 2, 53 Stat. 624, was extended to Apr. 3, 1941, by Joint Res. Dec. 16, 1940, ch. 932, 54 Stat. 1225. The committee's report was presented to Congress on Mar. 31, 1941, and was published in Senate Document No. 35.

EXECUTIVE ORDER NO. 12022

Ex. Ord. No. 12022, Dec. 1, 1977, 42 F.R. 61441, as amended by Ex. Ord. No. 12052, Apr. 7, 1978, 43 F.R. 15133, which related to the National Commission for the Review of Antitrust Laws and Procedures, was revoked by Ex. Ord. No. 12258, Dec. 31, 1980, 46 F.R. 1251, set out as a note under section 14 of the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Arbitration of controversies arising out of maritime contracts or transactions, see section 1 et seq. of Title 9, Arbitration.

Associations engaged in catching and marketing aquatic products, see section 522 of this title.

Associations of producers of agriculture products monopolizing or restraining trade and unduly enhancing prices, see section 292 of Title 7, Agriculture.

Automobile dealer suits against manufacturers, see chapter 27 of this title.

Bids for services and supplies for armed forces violating anti-trust laws, reference to Attorney General, see section 2305 of Title 10, Armed Forces.

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; Pub. L. 93-528, § 3, Dec. 21, 1974, 88 Stat. 1708; Pub. L. 94-145, § 2, Dec. 12, 1975, 89 Stat. 801; Pub. L. 101-588, § 4(a), Nov. 16, 1990, 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 1998 AMENDMENT

Pub. L. 105-297, § 1, Oct. 27, 1998, 112 Stat. 2824, provided that: “This Act [enacting section 27a of this title and provisions set out as a note under section 27a of this title] may be cited as the ‘Curt Flood Act of 1998’.”

SHORT TITLE OF 1997 AMENDMENTS

Pub. L. 105-43, § 1, Sept. 17, 1997, 111 Stat. 1140, provided that: “This Act [enacting and amending provisions set out as notes below] may be cited as the ‘Need-Based Educational Aid Antitrust Protection Act of 1997’.”

Pub. L. 105-26, § 1, July 3, 1997, 111 Stat. 241, provided that: “This Act [amending sections 37 and 37a of this title and enacting provisions set out as notes under section 37 of this title] may be cited as the ‘Charitable Donation Antitrust Immunity Act of 1997’.”

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’.”