

## Calendar No. 593

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H.R. 809**

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IN THE SENATE OF THE UNITED STATES

MARCH 15, 2001

Received; read twice and referred to the Committee on the Judiciary

SEPTEMBER 12, 2002

Reported by Mr. LEAHY, with an amendment

[Insert the part printed in italic]

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**AN ACT**

To make technical corrections to various antitrust laws and  
to references to such laws.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Antitrust Technical  
5       Corrections Act of 2001”.

6       **SEC. 2. AMENDMENTS.**

7       (a) ACT OF MARCH 3, 1913.—The Act of March 3,  
8       1913 (chapter 114, 37 Stat. 731; 15 U.S.C. 30) is re-  
9       pealed.

1 (b) PANAMA CANAL ACT.—Section 11 of the Panama  
2 Canal Act (37 Stat. 566; 15 U.S.C. 31) is amended by  
3 striking the undesignated paragraph that begins “No ves-  
4 sel permitted”.

5 (c) SHERMAN ACT.—Section 3 of the Sherman Act  
6 (15 U.S.C. 3) is amended—

7 (1) by inserting “(a)” after “SEC. 3.”; and

8 (2) by adding at the end the following:

9 “(b) Every person who shall monopolize, or attempt  
10 to monopolize, or combine or conspire with any other per-  
11 son or persons, to monopolize any part of the trade or  
12 commerce in any Territory of the United States or of the  
13 District of Columbia, or between any such Territory and  
14 another, or between any such Territory or Territories and  
15 any State or States or the District of Columbia, or with  
16 foreign nations, or between the District of Columbia, and  
17 any State or States or foreign nations, shall be deemed  
18 guilty of a felony, and, on conviction thereof, shall be pun-  
19 ished by fine not exceeding \$10,000,000 if a corporation,  
20 or, if any other person, \$350,000, or by imprisonment not  
21 exceeding three years, or by both said punishments, in the  
22 discretion of the court.”.

23 (d) WILSON TARIFF ACT.—

1           (1) TECHNICAL AMENDMENT.—The Wilson  
2       Tariff Act (28 Stat. 509; 15 U.S.C. 8 et seq.) is  
3       amended—

4                   (A) by striking section 77; and

5                   (B) in section 78—

6                           (i) by striking “76, and 77” and in-  
7                           serting “and 76”; and

8                           (ii) by redesignating such section as  
9                           section 77.

10          (2) CONFORMING AMENDMENTS TO OTHER  
11       LAWS.—

12                   (A) CLAYTON ACT.—Subsection (a) of the  
13       1st section of the Clayton Act (15 U.S.C.  
14       12(a)) is amended by striking “seventy-seven”  
15       and inserting “seventy-six”.

16                   (B) FEDERAL TRADE COMMISSION ACT.—  
17       Section 4 of the Federal Trade Commission Act  
18       (15 U.S.C. 44) is amended by striking “77”  
19       and inserting “76”.

20                   (C) PACKERS AND STOCKYARDS ACT,  
21       1921.—Section 405(a) of the Packers and  
22       Stockyards Act, 1921 (7 U.S.C. 225(a)) is  
23       amended by striking “77” and inserting “76”.

24                   (D) ATOMIC ENERGY ACT OF 1954.—Sec-  
25       tion 105 of the Atomic Energy Act of 1954 (42

1 U.S.C. 2135) is amended by striking “seventy-  
 2 seven” and inserting “seventy-six”.

3 (E) DEEP SEABED HARD MINERAL RE-  
 4 SOURCES ACT.—Section 103(d)(7) of the Deep  
 5 Seabed Hard Mineral Resources Act (30 U.S.C.  
 6 1413(d)(7)) is amended by striking “77” and  
 7 inserting “76”.

8 (e) CLAYTON ACT.—The first section 27 of the Clay-  
 9 ton Act (15 U.S.C. 27) is redesignated as section 28 and  
 10 is transferred so as to appear at the end of such Act.

11 (f) YEAR 2000 INFORMATION AND READINESS DIS-  
 12 CLOSURE ACT.—Section 5(a)(2) of the Year 2000 Infor-  
 13 mation and Readiness Disclosure Act (Public Law 105–  
 14 271) is amended by inserting a period after “failure”.

15 (g) *ATOMIC ENERGY ACT OF 1954*.—Section 105 of the  
 16 *Atomic Energy Act of 1954* (42 U.S.C. 2135) is amended—  
 17 (1) in subsection (a), by striking the first sen-  
 18 tence and inserting the following:

19 “Nothing in this Act shall be construed to modify or super-  
 20 sede the antitrust laws (as defined in subsection (a) of the  
 21 first section of the Clayton Act (15 U.S.C. 12(a)) and re-  
 22 ferred to in this section as ‘antitrust laws’), or the applica-  
 23 tion of section 5 of the Federal Trade Commission Act (15  
 24 U.S.C. 45), to the extent that section 5 applies to unfair  
 25 methods of competition.”;

1           (2) in subsection (a), by striking “the laws cited  
2       above” and inserting “the antitrust laws”;

3           (3) in subsection (b), by striking “the foregoing  
4       Acts” and inserting “the antitrust laws”; and

5           (4) in subsection (c)—

6                 (A) in paragraphs (5) and (7), by striking  
7       “the antitrust laws as specified in subsection 105  
8       a” and inserting “the antitrust laws”; and

9                 (B) by adding at the end the following:

10               “(9) This subsection shall not apply to an appli-  
11       cation for a license to construct or operate a utiliza-  
12       tion facility under section 103 or 104(b) if the appli-  
13       cation is pending on or filed after the date of enact-  
14       ment of this subsection. This paragraph shall not af-  
15       fect the authority of the Commission to enforce anti-  
16       trust conditions included in licenses issued under sec-  
17       tion 103 or 104(b) before the date of enactment of this  
18       paragraph.”.

19 **SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

20       (a) **EFFECTIVE DATE.**—Except as provided in sub-  
21       section (b), this Act and the amendments made by this  
22       Act shall take effect on the date of the enactment of this  
23       Act.

1       (b) APPLICATION TO CASES.—(1) Section 2(a) shall  
2 apply to cases pending on or after the date of the enact-  
3 ment of this Act.

4       (2) The amendments made by subsections (b), (c),  
5 and (d) of section 2 shall apply only with respect to cases  
6 commenced on or after the date of the enactment of this  
7 Act.



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