

108TH CONGRESS  
1ST SESSION

# S. 1080

To make amendments to certain antitrust penalties, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 19, 2003

Mr. HATCH (for himself and Mr. LEAHY) introduced the following bill; which  
was read twice and referred to the Committee on the Judiciary

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## A BILL

To make amendments to certain antitrust penalties, and  
for other purposes.

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 Improve-  
5 ments Act of 2003”.

6 **SEC. 2. CERTAIN PENALTIES.**

7 (a) RESTRAINT OF TRADE AMONG THE STATES.—  
8 Section 1 of the Sherman Act (15 U.S.C. 1) is amended  
9 by striking “\$10,000,000” and inserting “\$100,000,000”  
10 and by striking “three” and inserting “ten”.

1 (b) MONOPOLIZING TRADE.—Section 2 of the Sher-  
2 man Act (15 U.S.C. 2) is amended by striking  
3 “\$10,000,000” and inserting “\$100,000,000” and by  
4 striking “three” and inserting “ten”.

5 (c) OTHER RESTRAINTS OF TRADE.—Section 3 of  
6 the Sherman Act (15 U.S.C. 3) is amended by striking  
7 “\$10,000,000” and inserting “\$100,000,000” and by  
8 striking “three” and inserting “ten”.

9 (d) DIRECTIVE TO THE UNITED STATES SEN-  
10 TENCING COMMISSION.—

11 (1) IN GENERAL.—Pursuant to its authority  
12 under section 994(p) of title 28, United States Code,  
13 and in accordance with this section, the United  
14 States Sentencing Commission shall review and  
15 amend its guidelines and its policy statements to im-  
16 plement the provisions described in paragraph (2).

17 (2) PROVISIONS DESCRIBED.—The provisions  
18 described in this paragraph are the following:

19 (A) Ensure that the sentencing guidelines  
20 and policy statements reflect the serious nature  
21 of the offenses and the penalties set forth in  
22 this section, the growing incidence of serious  
23 antitrust criminal offenses, and the need to  
24 modify the sentencing guidelines and policy

1 statements to deter, prevent, and punish such  
2 offenses.

3 (B) Consider the following issues and the  
4 extent to which the guidelines and policy state-  
5 ments adequately address each of the following  
6 issues:

7 (i) Whether the guideline offense lev-  
8 els and enhancements for antitrust crimi-  
9 nal violations contained in sections 1, 2,  
10 and 3 of the Sherman Act (15 U.S.C. 1,  
11 2, and 3), are sufficient to deter and pun-  
12 ish such offenses, and are adequate in view  
13 of the increases in penalties contained in  
14 this section.

15 (ii) Whether the guideline offense lev-  
16 els and enhancements for antitrust crimi-  
17 nal violations contained in sections 1, 2,  
18 and 3 of the Sherman Act (15 U.S.C. 1,  
19 2, and 3), are consistent with recent  
20 amendments to the sentencing guidelines  
21 and policy statements applicable to white  
22 collar offenses.

23 (C) Ensure reasonable consistency with  
24 other relevant directives and with other sen-  
25 tencing guidelines.

1           (D) Account for any additional aggra-  
2 vating or mitigating circumstances that might  
3 justify exceptions to the generally applicable  
4 sentencing ranges.

5           (E) Make any necessary conforming  
6 changes to the sentencing guidelines.

7           (F) Ensure that the guidelines adequately  
8 meet the purposes of sentencing set forth in  
9 section 3553(a)(2) of title 18, United States  
10 Code.

11 **SEC. 3. REPEAL OF TITLE VIII.**

12       (a) IN GENERAL.—Title VIII of the Act of September  
13 8, 1916 (39 Stat. 798; 15 U.S.C. 71 et seq.), is repealed.

14       (b) EFFECTIVE DATE.—The repeal under subsection  
15 (a) shall take effect on the date of the enactment of this  
16 Act and shall apply to any case pending on such date.

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