

116TH CONGRESS
2D SESSION

S. 3377

To amend the Antitrust Criminal Penalty Enhancement and Reform Act
of 2004 to repeal the sunset provision.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2020

Mr. GRAHAM (for himself, Mrs. FEINSTEIN, Mr. LEE, and Ms. KLOBUCHAR)
introduced the following bill; which was read twice and referred to the
Committee on the Judiciary

A BILL

To amend the Antitrust Criminal Penalty Enhancement and
Reform Act of 2004 to repeal the sunset provision.

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 Criminal
5 Penalty Enhancement and Reform Permanent Extension
6 Act”.

7 **SEC. 2. FINDINGS; PURPOSE.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) Conspiracies among competitors to fix
10 prices, rig bids, and allocate markets are categori-

1 cally and irredeemably anticompetitive and con-
 2 travene the competition policy of the United States.

3 (2) Cooperation incentives are important to the
 4 efforts of the Antitrust Division of the Department
 5 of Justice to prosecute and deter the offenses de-
 6 scribed in paragraph (1).

7 (b) PURPOSE.—The purpose of this Act, and the
 8 amendments made by this Act, is to strengthen public and
 9 private antitrust enforcement by providing incentives for
 10 antitrust violators to cooperate fully with government
 11 prosecutors and private litigants through the repeal of the
 12 sunset provision of the Antitrust Criminal Penalty En-
 13 hancement and Reform Act of 2004 (15 U.S.C. 1 note).

14 **SEC. 3. REPEAL OF SUNSET PROVISION.**

15 (a) IN GENERAL.—Section 211 of the Antitrust
 16 Criminal Penalty Enhancement and Reform Act of 2004
 17 (15 U.S.C. 1 note) is repealed.

18 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
 19 Section 212 of the Antitrust Criminal Penalty Enhance-
 20 ment and Reform Act of 2004 (15 U.S.C. 1 note) is
 21 amended—

22 (1) by striking paragraph (6); and

23 (2) by redesignating paragraph (7) as para-
 24 graph (6).

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