

the recovery of costs of suit, including a reasonable attorney's fee, and interest on damages, to the extent that such recovery is authorized by such sections.

(Pub. L. 108-237, title II, §213, June 22, 2004, 118 Stat. 666; Pub. L. 111-190, §3, June 9, 2010, 124 Stat. 1275.)

CODIFICATION

Section was formerly set out in a note under section 1 of this title, prior to transfer to this section upon repeal of sunset provision.

AMENDMENTS

2010—Subsec. (c). Pub. L. 111-190, §3(a), amended subsec. (c) generally. Prior to amendment, text read as follows: "If the initial contact by the antitrust leniency applicant with the Antitrust Division regarding conduct covered by the antitrust leniency agreement occurs after a State, or subdivision of a State, has issued compulsory process in connection with an investigation of allegations of a violation of section 1 or 3 of this title or any similar State law based on conduct covered by the antitrust leniency agreement or after a civil action described in subsection (a) has been filed, then the court shall consider, in making the determination concerning satisfactory cooperation described in subsection (b), the timeliness of the applicant's initial cooperation with the claimant."

Subsecs. (d), (e). Pub. L. 111-190, §3(b), added subsec. (d) and redesignated former subsec. (d) as (e).

§ 7a-2. Rights, authorities, and liabilities not affected

Nothing in sections 7a to 7a-3 of this title shall be construed to—

(1) affect the rights of the Antitrust Division to seek a stay or protective order in a civil action based on conduct covered by an antitrust leniency agreement to prevent the cooperation described in section 7a-1(b) of this title from impairing or impeding the investigation or prosecution by the Antitrust Division of conduct covered by the agreement;

(2) create any right to challenge any decision by the Antitrust Division with respect to an antitrust leniency agreement; or

(3) affect, in any way, the joint and several liability of any party to a civil action described in section 7a-1(a) of this title, other than that of the antitrust leniency applicant and cooperating individuals as provided in section 7a-1(a) of this title.

(Pub. L. 108-237, title II, §214, June 22, 2004, 118 Stat. 667; Pub. L. 111-190, §4, June 9, 2010, 124 Stat. 1276.)

REFERENCES IN TEXT

Sections 7a to 7a-3 of this title, referred to in text, was in the original "this subtitle", meaning subtitle A (§§211-216) of title II of Pub. L. 108-237, June 22, 2004, 118 Stat. 666, which enacted this section and sections 7a, 7a-1, and 7a-3 of this title, amended sections 1, 2, and 3 of this title, and enacted provisions formerly set out in a note under section 1 of this title. For complete classification of subtitle A to the Code, see Tables.

CODIFICATION

Section was formerly set out in a note under section 1 of this title, prior to transfer to this section upon repeal of sunset provision.

AMENDMENTS

2010—Par. (1). Pub. L. 111-190, §4(1), made technical amendment to reference in original act which appears in text as reference to section 7a-1(b) of this title.

Par. (3). Pub. L. 111-190, §4(2), made technical amendment to references in original act which appear in two places in text as references to section 7a-1(a) of this title.

§ 7a-3. Anti-retaliation protection for whistleblowers

(a) Whistleblower protections for employees, contractors, subcontractors, and agents

(1) In general

No employer may discharge, demote, suspend, threaten, harass, or in any other manner discriminate against a covered individual in the terms and conditions of employment of the covered individual because of any lawful act done by the covered individual—

(A) to provide or cause to be provided to the Federal Government or a person with supervisory authority over the covered individual (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct) information relating to—

(i) any violation of, or any act or omission the covered individual reasonably believes to be a violation of, the antitrust laws; or

(ii) any violation of, or any act or omission the covered individual reasonably believes to be a violation of, another criminal law committed in conjunction with a potential violation of the antitrust laws or in conjunction with an investigation by the Department of Justice of a potential violation of the antitrust laws; or

(B) to cause to be filed, testify in, participate in, or otherwise assist a Federal Government investigation or a Federal Government proceeding filed or about to be filed (with any knowledge of the employer) relating to—

(i) any violation of, or any act or omission the covered individual reasonably believes to be a violation of, the antitrust laws; or

(ii) any violation of, or any act or omission the covered individual reasonably believes to be a violation of, another criminal law committed in conjunction with a potential violation of the antitrust laws or in conjunction with an investigation by the Department of Justice of a potential violation of the antitrust laws.

(2) Limitation on protections

Paragraph (1) shall not apply to any covered individual if—

(A) the covered individual planned and initiated a violation or attempted violation of the antitrust laws;

(B) the covered individual planned and initiated a violation or attempted violation of another criminal law in conjunction with a violation or attempted violation of the antitrust laws; or

(C) the covered individual planned and initiated an obstruction or attempted obstruction of an investigation by the Department of Justice of a violation of the antitrust laws.