

delay any cooperation described in paragraphs (1) and (2) of subsection (b) that was prohibited by the expired or terminated stay or protective order, or the expired or terminated portion thereof, in order for the cooperation to be deemed satisfactory under such paragraphs.

(e) Continuation

Nothing in this section shall be construed to modify, impair, or supersede the provisions of sections 15, 15a, and 15c of this title relating to 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.)

Editorial Notes

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.)

Editorial Notes

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.

(3) Definitions

In this section:

(A) Antitrust laws

The term “antitrust laws” means section 1 or 3 of this title.

(B) Covered individual

The term “covered individual” means an employee, contractor, subcontractor, or agent of an employer.

(C) Employer

The term “employer” means a person, or any officer, employee, contractor, subcontractor, or agent of such person.

(D) Federal Government

The term “Federal Government” means—

- (i) a Federal regulatory or law enforcement agency; or
- (ii) any Member of Congress or committee of Congress.

(E) Person

The term “person” has the same meaning as in subsection (a) of section 12 of this title.

(4) Rule of construction

The term “violation”, with respect to the antitrust laws, shall not be construed to include a civil violation of any law that is not also a criminal violation.

(b) Enforcement action

(1) In general

A covered individual who alleges discharge or other discrimination by any employer in violation of subsection (a) may seek relief under subsection (c) by—

(A) filing a complaint with the Secretary of Labor; or

(B) if the Secretary of Labor has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

(2) Procedure

(A) In general

A complaint filed with the Secretary of Labor under paragraph (1)(A) shall be governed under the rules and procedures set forth in section 42121(b) of title 49.

(B) Exception

Notification made under section 42121(b)(1) of title 49 shall be made to any individual named in the complaint and to the employer.

(C) Burdens of proof

An action brought under paragraph (1)(B) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49.

(D) Statute of limitations

A complaint under paragraph (1)(A) shall be filed with the Secretary of Labor not later than 180 days after the date on which the violation occurs.

(E) Civil actions to enforce

If a person fails to comply with an order or preliminary order issued by the Secretary of Labor pursuant to the procedures set forth in section 42121(b) of title 49, the Secretary of Labor or the person on whose behalf the order was issued may bring a civil action to enforce the order in the district court of the United States for the judicial district in which the violation occurred.

(c) Remedies

(1) In general

A covered individual prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the covered individual whole.

(2) Compensatory damages

Relief for any action under paragraph (1) shall include—

(A) reinstatement with the same seniority status that the covered individual would have had, but for the discrimination;

(B) the amount of back pay, with interest; and

(C) compensation for any special damages sustained as a result of the discrimination including litigation costs, expert witness fees, and reasonable attorney’s fees.

(d) Rights retained by whistleblowers

Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any covered individual under any Federal or State law, or under any collective bargaining agreement.

(Pub. L. 108-237, title II, §216, as added Pub. L. 116-257, §2, Dec. 23, 2020, 134 Stat. 1147.)

§ 8. Trusts in restraint of import trade illegal; penalty

Every combination, conspiracy, trust, agreement, or contract is declared to be contrary to public policy, illegal, and void when the same is made by or between two or more persons or corporations, either of whom, as agent or principal, is engaged in importing any article from any foreign country into the United States, and when such combination, conspiracy, trust, agreement, or contract is intended to operate in restraint of lawful trade, or free competition in lawful trade or commerce, or to increase the market price in any part of the United States of any article or articles imported or intended to