



Department of Justice

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**ASSISTANT ATTORNEY GENERAL FOR ANTITRUST,
R. HEWITT PATE, ISSUES STATEMENT ON ENACTMENT OF
ANTITRUST CRIMINAL PENALTY ENHANCEMENT AND REFORM ACT OF 2004**

WASHINGTON, D.C. -- R. Hewitt Pate, Assistant Attorney General for Antitrust, issued the following statement today after President Bush signed into law H.R. 1086, which includes the Antitrust Criminal Penalty Enhancement and Reform Act of 2004. The Act increases the maximum Sherman Act corporate fine to \$100 million, the maximum individual fine to \$1 million, and the maximum Sherman Act jail term to 10 years. The Act also enhances the incentive for corporations to self report illegal conduct by limiting the damages recoverable from a corporate amnesty applicant, that also cooperates with private plaintiffs in their damage actions against remaining cartel members, to the damages actually inflicted by the amnesty applicant's conduct.

"This law will greatly enhance one of the Division's core missions, its anti-cartel enforcement program. The increase in criminal penalties will bring antitrust penalties in line with those for other white collar crimes and will ensure the penalties more accurately reflect the enormous harm inflicted by cartels in today's marketplace. The detrebling provision of the Act removes a major disincentive for submitting amnesty applications, encouraging the exposure of more cartels, and making the Division's Corporate Leniency Program even more effective. The enhanced enforcement measures provided for by the Act will aid in the continued successful detection, prosecution, punishment, and deterrence of hard core cartel activity, further protecting free and open competition."

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