

HR 1086

Standards Development Organization Advancement Act of 2003

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Commerce

Introduced: Mar 5, 2003

Current Status: Became Public Law No: 108-237.

Latest Action: Became Public Law No: 108-237. (Jun 22, 2004)

Law: 108-237 (Enacted Jun 22, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/1086>

Sponsor

Name: Rep. Sensenbrenner, F. James, Jr. [R-WI-5]

Party: Republican • **State:** WI • **Chamber:** House

Cosponsors (16 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Berman, Howard L. [D-CA-28]	D · CA		Mar 5, 2003
Rep. Boehlert, Sherwood [R-NY-24]	R · NY		Mar 5, 2003
Rep. Coble, Howard [R-NC-6]	R · NC		Mar 5, 2003
Rep. Conyers, John, Jr. [D-MI-14]	D · MI		Mar 5, 2003
Rep. Delahunt, William D. [D-MA-10]	D · MA		Mar 5, 2003
Rep. Feeney, Tom [R-FL-24]	R · FL		Mar 5, 2003
Rep. Forbes, J. Randy [R-VA-4]	R · VA		Mar 5, 2003
Rep. Frank, Barney [D-MA-4]	D · MA		Mar 5, 2003
Rep. Hall, Ralph M. [D-TX-4]	D · TX		Mar 5, 2003
Rep. Hart, Melissa A. [R-PA-4]	R · PA		Mar 5, 2003
Rep. Issa, Darrell E. [R-CA-49]	R · CA		Mar 5, 2003
Rep. Jackson-Lee, Sheila [D-TX-18]	D · TX		Mar 5, 2003
Rep. Keller, Ric [R-FL-8]	R · FL		Mar 5, 2003
Rep. Meehan, Martin T. [D-MA-5]	D · MA		Mar 5, 2003
Rep. Smith, Lamar [R-TX-21]	R · TX		Mar 5, 2003
Rep. Weiner, Anthony D. [D-NY-9]	D · NY		Mar 5, 2003

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported By	Jun 4, 2003
Judiciary Committee	Senate	Reported By	Nov 6, 2003

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
108 S 1799	Identical bill	Oct 30, 2003: Read twice and referred to the Committee on the Judiciary.

Title I: Standards Development Organization Advancement Act of 2004 - Standards Development Organization Advancement Act of 2004 - (Sec. 104) Amends the National Cooperative Research and Production Act of 1993 to provide that the conduct of a standards development organization (SDO) while engaged in a standards development activity shall be subject to a rule of reason standard in any action under the antitrust laws.

Defines "standards development activity" as an action for the purpose of developing, promulgating, revising, interpreting, or maintaining a voluntary consensus standard, or using such standard in conformity assessment activities, including actions related to the intellectual property policies of the SDO. Excludes as such an activity: (1) exchanging information among competitors relating to cost, sales, profitability, prices, marketing, or distribution of any product, process, or service that is not reasonably required for the purpose of developing or promulgating a voluntary consensus standard; (2) entering into any agreement or engaging in any other conduct that would allocate a market with a competitor; and (3) entering into any agreement or conspiracy that would set or restrain prices of any good or service.

(Sec. 105) Limits the amount of damages and attorney's fees recoverable with respect to standards development activity engaged in by an SDO if advance notice of such joint venture activity has been filed.

(Sec. 107) Authorizes an SDO, by the later of 90 days after the commencement of voluntary consensus standards activity or the enactment of this Act, to file simultaneously with the Attorney General and the Federal Trade Commission a written notification disclosing: (1) the name and principal place of business of the SDO; and (2) documents showing the nature and scope of such activity. Allows an SDO to file additional disclosure notifications as appropriate to extend protections under this Act to activities that are not covered by, or that have changed significantly since, the initial filing.

(Sec. 108) Provides that nothing in this title shall be construed to alter or modify the antitrust treatment under existing law of: (1) parties participating in standards development activity of SDOs within the scope of this title; or (2) other organizations and parties engaged in standard-setting processes not within the scope of this title.

Title II: Antitrust Criminal Penalty Enhancement and Reform Act of 2004 - Antitrust Criminal Penalty Enhancement and Reform Act of 2004 - **Subtitle A: Antitrust Enforcement Enhancements and Cooperation Incentives** - (Sec. 211) Sunsets provisions of this subtitle, regarding limitation of recovery, five years after this Act's enactment.

(Sec. 213) Provides that in a civil action alleging a violation of the Sherman Act or of any similar State law based on conduct covered by an antitrust leniency agreement (i.e., an agreement between a person and the Department of Justice Antitrust Division pursuant to the Division's Corporate Leniency Policy), the amount of damages recovered by a claimant from an applicant and cooperating individuals who satisfy this Title's requirements shall not exceed that portion of the actual damages sustained by the claimant that is attributable to the commerce done by the applicant in the goods or services affected by the violation (thus shielding organizations that cooperate with the Government from liability for treble damages).

Provides that an applicant or cooperating individual satisfies this Act's requirements if the court determines that the applicant or individual has provided satisfactory cooperation to the claimant, including: (1) by providing a full account of all facts known that are potentially relevant to the civil action; (2) by furnishing all potentially relevant items that are in the applicant's or cooperating individual's possession or control; (3) in the case of a cooperating individual, by making himself or herself available for such interviews, depositions, or testimony as the claimant may reasonably require and by responding completely and truthfully, without making any attempt falsely to protect or implicate any person or entity and

without intentionally withholding any potentially relevant information, to all questions asked by the claimant in court proceedings; and (4) in the case of an applicant, by using best efforts to secure and facilitate cooperation from individuals covered by a cooperation agreement.

(Sec. 215) Amends the Sherman Act to increase maximum prison sentences (from three years to ten years) and raise the maximum fine for individuals (from \$350,000 to \$1 million) for restraint of trade among the States, monopolizing trade, and other restraints of trade.

Subtitle B: Tunney Act Reform - (Sec. 221) Amends the Antitrust Procedures and Penalties Act (Tunney Act) to: (1) allow the district court, upon application by the United States, to authorize an alternative method of public dissemination of public comments and responses based on a finding that the expense exceeds the public interest benefits of publication in the Federal Register; and (2) require (currently, allows) the court to consider specified factors, such as the competitive impact of a judgment and the impact of entry of such judgment upon competition in the relevant markets. Prohibits such amendments from being construed to require the court to either conduct an evidentiary hearing or permit anyone to intervene.

Requires the filing in the appropriate district court of any and all written and oral communications on behalf of a defendant by any officer, director, employee, or agent of such defendant with respect to a proposal for a consent judgment.

Actions Timeline

- **Jun 22, 2004:** Signed by President.
- **Jun 22, 2004:** Signed by President.
- **Jun 22, 2004:** Became Public Law No: 108-237.
- **Jun 22, 2004:** Became Public Law No: 108-237.
- **Jun 10, 2004:** Presented to President.
- **Jun 10, 2004:** Presented to President.
- **Jun 2, 2004:** Mr. Sensenbrenner moved that the House suspend the rules and agree to the Senate amendment.
- **Jun 2, 2004:** DEBATE - The House proceeded with forty minutes of debate on H.R. 1086.
- **Jun 2, 2004:** Resolving differences -- House actions: On motion that the House suspend the rules and agree to the Senate amendment Agreed to by voice vote.(consideration: CR H3654-3660; text as House agreed to Senate amendment: CR H3654-3656)
- **Jun 2, 2004:** On motion that the House suspend the rules and agree to the Senate amendment Agreed to by voice vote. (consideration: CR H3654-3660; text as House agreed to Senate amendment: CR H3654-3656)
- **Jun 2, 2004:** Motion to reconsider laid on the table Agreed to without objection.
- **Apr 2, 2004:** Measure laid before Senate by unanimous consent. (consideration: CR S3610-3619; text of measure as reported in Senate: CR S3610-3613)
- **Apr 2, 2004:** The committee substitute as amended agreed to by Unanimous Consent.
- **Apr 2, 2004:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
- **Apr 2, 2004:** Passed Senate with an amendment by Unanimous Consent.
- **Apr 2, 2004:** Message on Senate action sent to the House.
- **Nov 6, 2003:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Nov 6, 2003:** Committee on the Judiciary. Reported by Senator Hatch with an amendment in the nature of a substitute. Without written report.
- **Nov 6, 2003:** Committee on the Judiciary. Reported by Senator Hatch with an amendment in the nature of a substitute. Without written report.
- **Nov 6, 2003:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 376.
- **Jun 11, 2003:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Jun 10, 2003:** Mr. Sensenbrenner moved to suspend the rules and pass the bill, as amended.
- **Jun 10, 2003:** Considered under suspension of the rules. (consideration: CR H5104-5106)
- **Jun 10, 2003:** DEBATE - The House proceeded with forty minutes debate on H.R. 1086.
- **Jun 10, 2003:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H5104-5105)
- **Jun 10, 2003:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H5104-5105)
- **Jun 10, 2003:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 4, 2003:** Supplemental report filed by the Committee on Judiciary, H. Rept. 108-125, Part II.
- **Jun 4, 2003:** Supplemental report filed by the Committee on Judiciary, H. Rept. 108-125, Part II.
- **May 22, 2003:** Reported by the Committee on Judiciary. H. Rept. 108-125, Part I.
- **May 22, 2003:** Reported by the Committee on Judiciary. H. Rept. 108-125, Part I.
- **May 22, 2003:** Placed on the Union Calendar, Calendar No. 63.
- **May 7, 2003:** Committee Consideration and Mark-up Session Held.
- **May 7, 2003:** Ordered to be Reported by Voice Vote.
- **Apr 9, 2003:** Hearing Held by Full Committee Task Force on Antitrust.
- **Mar 5, 2003:** Introduced in House
- **Mar 5, 2003:** Introduced in House
- **Mar 5, 2003:** Referred to the House Committee on the Judiciary.