

HR 1650

Railroad Antitrust Enforcement Act of 2008

Congress: 110 (2007–2009, Ended)

Chamber: House

Policy Area: Commerce

Introduced: Mar 22, 2007

Current Status: Placed on the Union Calendar, Calendar No. 556.

Latest Action: Placed on the Union Calendar, Calendar No. 556. (Sep 18, 2008)

Official Text: <https://www.congress.gov/bill/110th-congress/house-bill/1650>

Sponsor

Name: Rep. Baldwin, Tammy [D-WI-2]

Party: Democratic • **State:** WI • **Chamber:** Senate

Cosponsors (28 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Alexander, Rodney [R-LA-5]	R · LA		Mar 22, 2007
Rep. Baker, Richard H. [R-LA-6]	R · LA		Mar 22, 2007
Rep. Pomeroy, Earl [D-ND-At Large]	D · ND		Mar 22, 2007
Rep. Walz, Timothy J. [D-MN-1]	D · MN		Mar 22, 2007
Rep. Kagen, Steve [D-WI-8]	D · WI		Mar 27, 2007
Rep. Grijalva, Raúl M. [D-AZ-7]	D · AZ		Mar 28, 2007
Rep. Boren, Dan [D-OK-2]	D · OK		May 9, 2007
Rep. Renzi, Rick [R-AZ-1]	R · AZ		May 9, 2007
Rep. Ross, Mike [D-AR-4]	D · AR		May 9, 2007
Rep. Snyder, Vic [D-AR-2]	D · AR		May 9, 2007
Rep. Wamp, Zach [R-TN-3]	R · TN		May 9, 2007
Rep. Berry, Marion [D-AR-1]	D · AR		May 21, 2007
Rep. Gillmor, Paul E. [R-OH-5]	R · OH		May 23, 2007
Rep. Inglis, Bob [R-SC-4]	R · SC		Jun 21, 2007
Rep. Kind, Ron [D-WI-3]	D · WI		Jun 21, 2007
Rep. Garrett, Scott [R-NJ-5]	R · NJ		Jul 10, 2007
Rep. Frelinghuysen, Rodney P. [R-NJ-11]	R · NJ		Sep 5, 2007
Rep. Peterson, Collin C. [D-MN-7]	D · MN		Oct 22, 2007
Rep. Perlmutter, Ed [D-CO-7]	D · CO		Oct 29, 2007
Rep. Bonner, Jo [R-AL-1]	R · AL		Dec 4, 2007
Rep. Herseth Sandlin, Stephanie [D-SD-At Large]	D · SD		Feb 6, 2008
Rep. Ellison, Keith [D-MN-5]	D · MN		Mar 3, 2008
Rep. Butterfield, G. K. [D-NC-1]	D · NC		May 19, 2008
Rep. Miller, Brad [D-NC-13]	D · NC		May 22, 2008
Rep. Braley, Bruce L. [D-IA-1]	D · IA		Sep 8, 2008
Rep. Melancon, Charlie [D-LA-3]	D · LA		Sep 8, 2008
Rep. Kline, John [R-MN-2]	R · MN		Sep 16, 2008
Rep. Cazayoux, Donald J., Jr. [D-LA-6]	D · LA		Sep 17, 2008

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Mar 23, 2007
Judiciary Committee	House	Reported By	Sep 18, 2008
Transportation and Infrastructure Committee	House	Referred to	Mar 23, 2007

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
110 S 772	Identical bill	Dec 19, 2007: Placed on Senate Legislative Calendar under General Orders. Calendar No. 551.

Railroad Antitrust Enforcement Act of 2008 - (Sec. 2) Amends the Clayton Act (the Act) to make federal antitrust laws applicable to all common carriers subject to the Surface Transportation Board (STB), regardless of whether the carrier filed a rail carrier rate or whether a complaint challenging a rate is filed.

(Sec. 3) Subjects to antitrust review agreements among rail carriers to pool or divide traffic, services, or earnings.

(Sec. 4) Authorizes the the Federal Trade Commission (FTC) to enforce certain provisions of the Act against STB-approved agreements or combinations, including those related to rates.

(Sec. 5) Removes the prohibition against a private party seeking injunctive relief against a rail carrier for a violation of the antitrust laws.

(Sec. 6) Provides that, in any civil action against a rail common carrier, the U.S. district court shall not be required to defer to the primary jurisdiction of the STB.

(Sec. 7) Amends the Federal Trade Commission Act to authorize FTC enforcement against rail carriers for unfair methods of competition.

(Sec. 8) Amends federal transportation law to terminate the exemptions from antitrust laws for rail carriers, including mergers and acquisitions and ratemaking agreements.

Requires the STB when reviewing a proposed rate agreement, to take into account its impact upon shippers, consumers, and affected communities, and to make findings regarding such impact, which shall be made part of the administrative record.

Revises STB authority to provide that a rail carrier, corporation, or a person participating in an approved transaction is not exempt from specified antitrust laws.

(Sec. 9) Makes the date of enactment of this Act its effective date. Makes an exception for parties engaging prior to such enactment in conduct or actions previously exempted by STB approval (such parties to have 180 days to discontinue such conduct or action or otherwise become subject to the antitrust laws).

Actions Timeline

- **Sep 18, 2008:** Reported (Amended) by the Committee on Judiciary. H. Rept. 110-860, Part I.
- **Sep 18, 2008:** Committee on Transportation discharged.
- **Sep 18, 2008:** Committee on Energy and Commerce discharged.
- **Sep 18, 2008:** Placed on the Union Calendar, Calendar No. 556.
- **Apr 30, 2008:** Committee Consideration and Mark-up Session Held.
- **Apr 30, 2008:** Ordered to be Reported (Amended) by Voice Vote.
- **Feb 25, 2008:** Hearing Held by the Task Force on Antitrust and Competition Policy.
- **Mar 23, 2007:** Referred to the Subcommittee on Railroads, Pipelines, and Hazardous Materials.
- **Mar 23, 2007:** Referred to the Subcommittee on Commerce, Trade and Consumer Protection.
- **Mar 22, 2007:** Introduced in House
- **Mar 22, 2007:** Referred to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.