

## S 146

### Railroad Antitrust Enforcement Act of 2009

**Congress:** 111 (2009–2011, Ended)

**Chamber:** Senate

**Policy Area:** Commerce

**Introduced:** Jan 6, 2009

**Current Status:** Cloture motion on the motion to proceed withdrawn by unanimous consent in Senate. (consideration: CR

**Latest Action:** Cloture motion on the motion to proceed withdrawn by unanimous consent in Senate. (consideration: CR S5908) (Jun 1, 2009)

**Official Text:** <https://www.congress.gov/bill/111th-congress/senate-bill/146>

### Sponsor

**Name:** Sen. Kohl, Herb [D-WI]

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

### Cosponsors (14 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Dorgan, Byron L. [D-ND]	D · ND		Jan 6, 2009
Sen. Feingold, Russell D. [D-WI]	D · WI		Jan 6, 2009
Sen. Klobuchar, Amy [D-MN]	D · MN		Jan 6, 2009
Sen. Leahy, Patrick J. [D-VT]	D · VT		Jan 6, 2009
Sen. Rockefeller, John D., IV [D-WV]	D · WV		Jan 6, 2009
Sen. Schumer, Charles E. [D-NY]	D · NY		Jan 6, 2009
Sen. Vitter, David [R-LA]	R · LA		Jan 6, 2009
Sen. Kaufman, Edward E. [D-DE]	D · DE		Feb 25, 2009
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Mar 16, 2009
Sen. Tester, Jon [D-MT]	D · MT		Mar 30, 2009
Sen. Harkin, Tom [D-IA]	D · IA		May 4, 2009
Sen. Hatch, Orrin G. [R-UT]	R · UT		Jun 1, 2009
Sen. Franken, Al [D-MN]	D · MN		Nov 3, 2009
Sen. Johnson, Tim [D-SD]	D · SD		Nov 20, 2009

### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	Mar 18, 2009

### Subjects & Policy Tags

#### Policy Area:

Commerce

## Related Bills

Bill	Relationship	Last Action
111 HR 233	Related bill	Nov 30, 2010: Placed on the Union Calendar, Calendar No. 399.

## Summary (as of Mar 18, 2009)

**(This measure has not been amended since it was introduced. The summary of that version is repeated here.)**

Railroad Antitrust Enforcement Act of 2009 - Amends the Clayton Act to grant the United States exclusive authority to bring suit for injunctive relief against a common carrier that is not a rail common carrier subject to the jurisdiction of the Surface Transportation Board (STB).

Revises provisions prohibiting anticompetitive transactions except for those approved by specified federal agencies acting under certain statutes to eliminate the exemption for certain STB approved transactions.

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.

Empowers the Federal Trade Commission (FTC) to regulate, and engage in antitrust enforcement regarding, collective rate agreements and certain transactions, including railroad mergers and acquisitions.

Permits treble damages against railroad common carriers in antitrust suits to parties injured by antitrust violations without regard to whether such railroads have filed rates or whether a complaint challenging rates has been filed.

Amends federal transportation law to terminate the exemptions from antitrust laws for collective ratemaking agreements.

Requires the STB, when reviewing a proposed agreement, to take into account its impact upon shippers, consumers, and affected communities.

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. Makes such provision inapplicable to any transaction relating to the pooling of railroad cars approved by the STB or its predecessor agency.

## Actions Timeline

- **Jun 1, 2009:** Cloture motion on the motion to proceed withdrawn by unanimous consent in Senate. (consideration: CR S5908)
- **May 21, 2009:** Motion to proceed to consideration of measure made in Senate. (consideration: CR S5887)
- **May 21, 2009:** Cloture motion on the motion to proceed to the measure presented in Senate. (consideration: CR S5887; text: CR S5887)
- **May 21, 2009:** Motion to proceed to consideration of measure withdrawn in Senate. (consideration: CR S5887)
- **Mar 18, 2009:** Committee on the Judiciary. Reported by Senator Leahy without amendment. With written report No. 111-9.
- **Mar 18, 2009:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 33.
- **Mar 5, 2009:** Committee on the Judiciary. Ordered to be reported favorably.
- **Jan 6, 2009:** Introduced in Senate
- **Jan 6, 2009:** Sponsor introductory remarks on measure. (CR S129-130)
- **Jan 6, 2009:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S130-131)