

HR 233

Railroad Antitrust Enforcement Act of 2009

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Commerce

Introduced: Jan 7, 2009

Current Status: Placed on the Union Calendar, Calendar No. 399.

Latest Action: Placed on the Union Calendar, Calendar No. 399. (Nov 30, 2010)

Official Text: <https://www.congress.gov/bill/111th-congress/house-bill/233>

Sponsor

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

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

Cosponsors (21 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Alexander, Rodney [R-LA-5]	R · LA		Jan 7, 2009
Rep. Pomeroy, Earl [D-ND-At Large]	D · ND		Jan 7, 2009
Rep. Walz, Timothy J. [D-MN-1]	D · MN		Jan 7, 2009
Rep. Herseth Sandlin, Stephanie [D-SD-At Large]	D · SD		Jan 15, 2009
Rep. Kind, Ron [D-WI-3]	D · WI		Feb 3, 2009
Rep. Berry, Marion [D-AR-1]	D · AR		Feb 10, 2009
Rep. Jackson-Lee, Sheila [D-TX-18]	D · TX		Mar 23, 2009
Rep. Ross, Mike [D-AR-4]	D · AR		Mar 26, 2009
Rep. Ellison, Keith [D-MN-5]	D · MN		Mar 31, 2009
Rep. Fleming, John [R-LA-4]	R · LA		Mar 31, 2009
Rep. Snyder, Vic [D-AR-2]	D · AR		Apr 21, 2009
Rep. Perlmutter, Ed [D-CO-7]	D · CO		Apr 27, 2009
Rep. Peterson, Collin C. [D-MN-7]	D · MN		Apr 28, 2009
Rep. Doggett, Lloyd [D-TX-25]	D · TX		May 6, 2009
Rep. Giffords, Gabrielle [D-AZ-8]	D · AZ		May 6, 2009
Rep. Kagen, Steve [D-WI-8]	D · WI		Jun 3, 2009
Rep. Melancon, Charlie [D-LA-3]	D · LA		Jul 28, 2009
Rep. Johnson, Henry C. "Hank," Jr. [D-GA-4]	D · GA		Sep 17, 2009
Rep. Bean, Melissa L. [D-IL-8]	D · IL		Dec 2, 2009
Rep. Boustany, Charles W., Jr. [R-LA-7]	R · LA		Apr 21, 2010
Rep. Moore, Gwen [D-WI-4]	D · WI		Jul 21, 2010

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported by	Jul 30, 2009
Transportation and Infrastructure Committee	House	Referred to	Jan 7, 2009

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
111 S 146	Related bill	Jun 1, 2009: Cloture motion on the motion to proceed withdrawn by unanimous consent in Senate. (consideration: CR S5908)

Summary (as of Nov 30, 2010)

Railroad Antitrust Enforcement Act of 2009 - Amends the Clayton Act to remove an exemption from coverage under the federal antitrust laws with respect to mergers and acquisitions involving rail carriers. Removes from the Surface Transportation Board (STB) the authority to enforce federal antitrust laws with respect to rail carriers (thus vesting such authority in the federal antitrust agencies). Removes: (1) the prohibition against a private party seeking injunctive relief against a rail carrier for a violation of the antitrust laws; and (2) the rail carrier exemption from the Federal Trade Commission (FTC) prohibition against unfair methods of competition.

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.

Makes federal antitrust laws applicable to rail carriers regardless of whether the carrier filed a rail carrier rate or whether a complaint challenging a rate is filed. Provides that, in any civil action against a rail carrier, the U.S. district court shall retain the discretion to defer to the jurisdiction of the STB.

Sets forth an effective date for this Act as the date of enactment, but provides a 180-day grace period for conduct that was exempted under the antitrust laws before such date of enactment.

Actions Timeline

- **Nov 30, 2010:** Reported (Amended) by the Committee on Judiciary. H. Rept. 111-669, Part I.
- **Nov 30, 2010:** Committee on Transportation discharged.
- **Nov 30, 2010:** Placed on the Union Calendar, Calendar No. 399.
- **Sep 16, 2009:** Committee Consideration and Mark-up Session Held.
- **Sep 16, 2009:** Ordered to be Reported (Amended) by Voice Vote.
- **Jul 30, 2009:** Subcommittee Consideration and Mark-up Session Held.
- **Jul 30, 2009:** Forwarded by Subcommittee to Full Committee by Voice Vote .
- **May 19, 2009:** Subcommittee Hearings Held.
- **Feb 9, 2009:** Referred to the Subcommittee on Courts, the Internet, and Intellectual Property.
- **Jan 7, 2009:** Introduced in House
- **Jan 7, 2009:** Referred to House Judiciary
- **Jan 7, 2009:** Referred to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, 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.
- **Jan 7, 2009:** Referred to House Transportation and Infrastructure
- **Jan 7, 2009:** Referred to the Subcommittee on Railroads, Pipelines, and Hazardous Materials.