

S 49

Railroad Antitrust Enforcement Act of 2011

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Commerce

Introduced: Jan 25, 2011

Current Status: By Senator Leahy from Committee on the Judiciary filed written report. Report No. 112-38.

Latest Action: By Senator Leahy from Committee on the Judiciary filed written report. Report No. 112-38. (Jul 18, 2011)

Official Text: <https://www.congress.gov/bill/112th-congress/senate-bill/49>

Sponsor

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

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

Cosponsors (7 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Franken, Al [D-MN]	D · MN		Jan 25, 2011
Sen. Hatch, Orrin G. [R-UT]	R · UT		Jan 25, 2011
Sen. Klobuchar, Amy [D-MN]	D · MN		Jan 25, 2011
Sen. Leahy, Patrick J. [D-VT]	D · VT		Jan 25, 2011
Sen. Tester, Jon [D-MT]	D · MT		Jan 25, 2011
Sen. Vitter, David [R-LA]	R · LA		Jan 25, 2011
Sen. Schumer, Charles E. [D-NY]	D · NY		Jan 26, 2011

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	Mar 28, 2011

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

No related bills are listed.

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

Railroad Antitrust Enforcement Act of 2011 - 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

- **Jul 18, 2011:** By Senator Leahy from Committee on the Judiciary filed written report. Report No. 112-38.
- **Mar 28, 2011:** Committee on the Judiciary. Reported by Senator Leahy without amendment. Without written report.
- **Mar 28, 2011:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 19.
- **Mar 3, 2011:** Committee on the Judiciary. Ordered to be reported without amendment favorably.
- **Jan 25, 2011:** Introduced in Senate
- **Jan 25, 2011:** Sponsor introductory remarks on measure. (CR S161-162)
- **Jan 25, 2011:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S162-163)