

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3318

To amend the Clayton Act to restore the application of the antitrust laws to rail carriers; and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2005

Mr. GREEN of Wisconsin (for himself and Mr. POMEROY) introduced the following bill; which was 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

---

## A BILL

To amend the Clayton Act to restore the application of the antitrust laws to rail carriers; and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as “Railroad Antitrust and  
5       Competition Enhancement Act of 2005”.

6       **SEC. 2. AMENDMENT TO THE CLAYTON ACT.**

7       The Clayton Act (15 U.S.C. 21(a)) is amended—

1 (1) in section 11(a) by inserting “(excluding  
2 part A)” after “subtitle IV”, and

3 (2) in the proviso to the 1st sentence of section  
4 16 by inserting “(excluding a railroad)” after “com-  
5 mon carrier”.

6 **SEC. 3. RELATED AMENDMENTS.**

7 (a) REGIONAL RAIL REORGANIZATION ACT OF  
8 1973.—Section 601 of the Regional Rail Reorganization  
9 Act of 1973 (45 U.S.C. 791) is amended by striking sub-  
10 section (a).

11 (b) TITLE 49 OF THE UNITED STATES CODE.—Title  
12 49 of the United States Code is amended—

13 (1) in section 333(d)—

14 (A) by striking paragraph (2), and

15 (B) by striking “(1)”,

16 (2) in section 10706 in the 3d sentence—

17 (A) in the heading by striking “: EXEMP-  
18 TION FROM ANTITRUST LAWS”,

19 (B) in subsection (a)(5)(A) by striking  
20 “and the antitrust laws set forth in paragraph  
21 (2) of this subsection do not apply to parties  
22 and other persons with respect to making or  
23 carrying out the agreement” and inserting “ex-  
24 cept that the antitrust laws set forth in para-  
25 graph (2) of this subsection shall apply to par-

1 ties and other persons with respect to making  
2 or carrying out the agreement”, and

3 (C) by striking subsections (d) and (e),  
4 (3) in section 11321(a) in the 3d sentence—

5 (A) by striking “from the antitrust laws  
6 and”, and

7 (B) by inserting “(excluding the antitrust  
8 laws)” after “other law”, and

9 (4) in section 14302(f) in the 2d sentence—

10 (A) by striking “from the antitrust laws  
11 and”, and

12 (B) by inserting “(excluding the antitrust  
13 laws)” after “other law”.

○