

105TH CONGRESS
1ST SESSION

S. 533

To exempt persons engaged in the fishing industry from certain Federal antitrust laws.

IN THE SENATE OF THE UNITED STATES

APRIL 9, 1997

Mr. MURKOWSKI (for himself and Mr. STEVENS) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To exempt persons engaged in the fishing industry from
certain Federal antitrust laws.

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 the “Fishing Industry Bar-
5 gaining Act”.

6 **SEC. 2. EXEMPTION FROM FEDERAL ANTITRUST LAWS.**

7 (a) The Act of June 25, 1934 (48 Stat. 1213 and
8 1214, chapter 742; 15 U.S.C. 521 and 522) is amended—

1 (1) in section 2, by striking “If the Secretary”
 2 and inserting “Subject to section 3, if the Sec-
 3 retary”; and

4 (2) by adding at the end the following new sec-
 5 tion:

6 **“SEC. 3. PRICING.**

7 “(a) IN GENERAL.—For purposes of section 2, a
 8 price paid pursuant to a collective agreement entered into
 9 under subsection (b) shall not constitute a monopolization
 10 or restraint of trade in interstate or foreign commerce.

11 “(b) COLLECTIVE AGREEMENT.—Persons described
 12 in the first undesignated paragraph of section 1, acting
 13 through one or more associations described in that section,
 14 may enter into a collective agreement with fish processors,
 15 including fish processors acting through an association of
 16 fish processors, that establishes—

17 “(1) the price to be paid to those persons by
 18 fish processors for an aquatic product; and

19 “(2) the minimum price that a fish processor
 20 may accept for the sale of an aquatic product.

21 “(c) RULES OF CONSTRUCTION.—

22 “(1) IN GENERAL.—Nothing in this section is
 23 intended to permit fish processors to collectively
 24 agree with other fish processors on a price referred

1 to in subsection (b)(1) without entering into an
 2 agreement under subsection (b).

3 “(2) FEDERAL ANTITRUST LAWS.—The estab-
 4 lishment and implementation of a collective agree-
 5 ment under subsection (b) shall not be construed to
 6 be a violation of any of the Federal antitrust laws,
 7 including—

8 “(A) the Act of July 2, 1890, commonly
 9 known as the ‘Sherman Act’ (26 Stat. 209 et
 10 seq., chapter 647; 15 U.S.C. 1 et seq.);

11 “(B) the Act of October 15, 1914, com-
 12 monly known as the ‘Clayton Act’ (38 Stat. 730
 13 et seq., chapter 323; 15 U.S.C. 12 et seq.);

14 “(C) the Federal Trade Commission Act
 15 (15 U.S.C. 41 et seq.); and

16 “(D) the Act of June 19, 1936, commonly
 17 known as the ‘Robinson-Patman Antidiscrimi-
 18 nation Act’ (49 Stat. 1526 et seq., chapter 592;
 19 15 U.S.C. 13, 13a, 13b, 13c, and 21a).”.

○