

106TH CONGRESS
1ST SESSION

H. R. 3138

To amend the Shipping Act of 1984 to restore the application of the antitrust laws to certain agreements and conduct to which such Act applies.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 25, 1999

Mr. HYDE 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 Shipping Act of 1984 to restore the application of the antitrust laws to certain agreements and conduct to which such Act applies.

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 “Free Market Antitrust
5 Immunity Reform (FAIR) Act of 1999”.

6 **SEC. 2. AMENDMENTS.**

7 Section 7(a) of the Shipping Act of 1984 (46 U.S.C.
8 App. 1706(a)) is amended—

1 (1) in paragraph (1)—

2 (A) by inserting “entered into only among
3 marine terminal operators with respect to an
4 activity described in section 4(b)” after “agree-
5 ment”,

6 (B) by striking “section 5(d) or”, and

7 (C) by adding “and” at the end,

8 (2) in paragraph (2)—

9 (A) by striking “or agreement” and insert-
10 ing “, assessment agreement, or agreement of
11 the kind described in paragraph (1) that is”,
12 and

13 (B) by striking the semicolon at the end
14 and inserting a period, and

15 (3) by striking paragraphs (3), (4), (5), and
16 (6).

17 **SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

18 (a) **EFFECTIVE DATE.**—Except as provided in sub-
19 section (b), this Act and the amendments made by this
20 Act shall take effect 1 year after the date of the enactment
21 of this Act.

22 (b) **APPLICATION OF AMENDMENTS.**—The amend-
23 ments made by this Act shall not apply with respect to
24 conduct occurring before the effective date of this Act.

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