

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

# H. R. 1253

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2001

Mr. SENSENBRENNER (for himself, Mr. HYDE, and Mr. HUTCHINSON) 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

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## 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 2001”.

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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