

118TH CONGRESS
1ST SESSION

H. R. 1696

To repeal certain exemptions from antitrust laws, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 2023

Mr. COSTA (for himself, Mr. GARAMENDI, Mr. PANETTA, Mr. JOHNSON of South Dakota, and Mr. HARDER of California) 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 repeal certain exemptions from antitrust laws, 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 the “Ocean Shipping Anti-
5 trust Enforcement Act of 2023”.

1 **SEC. 2. ASSESSMENT AGREEMENTS.**

2 (a) IN GENERAL.—Section 40305 of title 46, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 “(d) EXEMPTION FROM ANTITRUST LAWS.—The
6 antitrust laws do not apply to an assessment agreement
7 that has been filed with the Commission and is effective
8 under this chapter.”.

9 (b) CONFORMING AMENDMENT.—Section 40301(e)
10 of title 46, United States Code, is amended by striking
11 “sections 40305 and 40307(a)” and inserting “section
12 40305”.

13 **SEC. 3. REPEAL.**

14 Section 40307 of title 46, United States Code, and
15 the item relating to that section in the analysis for chapter
16 403 of such title, are repealed.

17 **SEC. 4. WRITTEN VIEWS ON MERGERS AND ACQUISITIONS.**

18 (a) IN GENERAL.—Chapter 413 of title 46, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 **“§ 41311. Written views on mergers and acquisitions**

22 “(a) IN GENERAL.—Commissioners of the Federal
23 Maritime Commission may analyze and submit written
24 views on merger, acquisition, or other transactions of com-
25 mon carriers and marine terminal operators, under the

1 antitrust laws, to the Assistant Attorney General for Anti-
2 trust.

3 “(b) REPORT.—If the Commissioners transmit a
4 written view to the Assistant Attorney General for Anti-
5 trust under subsection (a), the Commissioners shall trans-
6 mit to the Committee on Commerce, Science, and Trans-
7 portation of the Senate and the Committee on Transpor-
8 tation and Infrastructure of the House of Representatives
9 a copy of such views accompanied by a report analyzing
10 the following:

11 “(1) Whether each common carrier pertaining
12 to such transaction is a controlled carrier.

13 “(2) The impact of the proposed merger, acqui-
14 sition, or other transaction on competition within the
15 ocean shipping industry.

16 “(3) The impact of the proposed merger, acqui-
17 sition, or other transaction on the trade position of
18 the United States in the international ocean ship-
19 ping market, including any trade imbalance resulting
20 from the business practices of ocean common car-
21 riers.

22 “(4) Any other matter the Commissioners con-
23 sider to be of interest to Congress or the public.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 413 of title 46, United States Code, is amended by
3 adding at the end the following:

“41311. Written views on mergers and acquisitions.”.

