

## COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

December 15, 2009

Purpose: To replace section 214.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION—111TH Cong., 1ST Sess.**

**S. ———, 111TH Congress, 1ST Session**

DECEMBER 17, 2009

INTENDED to be proposed by Ms. KLOBUCHAR

Viz:

1       Beginning with line 7 on page 23, strike through line  
2 7 on page 24 and insert the following:  
3       “(a) IN GENERAL.—In any proceeding in which it is  
4 alleged that a carrier was a party to an agreement, con-  
5 spiracy, or combination in violation of the Sherman Act  
6 (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12  
7 etseq.), sections 73 and 74 of the Wilson Tariff Act (15  
8 U.S.C. 8 and 9), or the Act of June 19, 1936 (15 U.S.C.  
9 13, 13a, 13b, 21a) or of any similar State law, in which  
10 it is alleged that 2 or more rail carriers acted together  
11 with respect to an interline rate or related matter and that  
12 a party to such action took similar action with respect to  
13 a rate or related matter on another route or traffic, liabil-

1 ity may be imposed only upon evidence under the antitrust  
2 rule of reason.

3       “(b) INFERENCES.—In any proceeding in which such  
4 a violation is alleged, an agreement, conspiracy or com-  
5 bination in violation of the laws enumerated in subsection  
6 (a) may not be inferred solely from evidence of a discus-  
7 sion or agreement between or among such rail carrier and  
8 one or more other rail carriers, or of any rate or other  
9 action resulting from such discussion or agreement.”.

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