

Foreign Trade
Antitrust
Improvements
Act of 1982.

TITLE IV—FOREIGN TRADE ANTITRUST IMPROVEMENTS

SHORT TITLE

15 USC 1 note.

SEC. 401. This title may be cited as the “Foreign Trade Antitrust Improvements Act of 1982”.

AMENDMENT TO SHERMAN ACT

SEC. 402. The Sherman Act (15 U.S.C. 1 et seq.) is amended by inserting after section 6 the following new section:

15 USC 6a.

“**SEC. 7.** This Act shall not apply to conduct involving trade or commerce (other than import trade or import commerce) with foreign nations unless—

“(1) such conduct has a direct, substantial, and reasonably foreseeable effect—

“(A) on trade or commerce which is not trade or commerce with foreign nations, or on import trade or import commerce with foreign nations; or

“(B) on export trade or export commerce with foreign nations, of a person engaged in such trade or commerce in the United States; and

“(2) such effect gives rise to a claim under the provisions of this Act, other than this section.

If this Act applies to such conduct only because of the operation of paragraph (1)(B), then this Act shall apply to such conduct only for injury to export business in the United States.”.

AMENDMENT TO FEDERAL TRADE COMMISSION ACT

SEC. 403. Section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) is amended by adding at the end thereof the following new paragraph:

“(3) This subsection shall not apply to unfair methods of competition involving commerce with foreign nations (other than import commerce) unless—

“(A) such methods of competition have a direct, substantial, and reasonably foreseeable effect—

“(i) on commerce which is not commerce with foreign nations, or on import commerce with foreign nations; or

“(ii) on export commerce with foreign nations, of a person engaged in such commerce in the United States; and

“(B) such effect gives rise to a claim under the provisions of this subsection, other than this paragraph. If this subsection applies to such methods of competition only because of the operation of subparagraph (A)(ii), this subsection shall apply to such conduct only for injury to export business in the United States.”.

Approved October 8, 1982.

LEGISLATIVE HISTORY—S. 734 (H.R. 1799, H.R. 6016):

HOUSE REPORTS: No. 97-924 (Comm. of Conference), No. 97-637, pt. 1 accompanying H.R. 1799 (Comm. on Foreign Affairs), pt. 2 (Comm. on the Judiciary) and No. 97-629 accompanying H.R. 6016 (Comm. on Banking, Finance and Urban Affairs).

SENATE REPORTS: No. 97-27 (Comm. on Banking, Housing and Urban Affairs) and No. 97-644 (Comm. of Conference).

CONGRESSIONAL RECORD:

Vol. 127 (1981): Apr. 7, 8, considered and passed Senate.

Vol. 128 (1982): July 27, H.R. 1799 and H.R. 6016 considered and passed House; S. 734, amended, passed in lieu.

Oct. 1, Senate and House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:

Vol. 18, No. 41 (1982): Oct. 8, Presidential statement.