

Search CPI

The Global Resource for Antitrust and Competition Policy

This article is part of a Chronicle. [See more from this Chronicle](#)

## Your Shopping Car

There are no items in your cart.

## Your Order History

You first need to [login](#) to view your order history.

# Repeal the FTAIA! (Or At Least Consider It as Coextensive with Hartford Fire)

Robert Connolly, Sep 17, 2014

The goal of this article is to advance two propositions: 1) that the Foreign Trade Improvements Act ("FTAIA") should be repealed; and 2) that Motorola Mobility can be decided through the principles set forth in Hartford Fire and Illinois Brick.

The FTAIA was passed in 1982. A primary motivation behind the FTAIA was to give immunity to American exporters to engage in anticompetitive conduct—as long as it negatively affected only foreign consumers. With a purpose like that, what could go wrong? The FTAIA did not establish the extraterritorial reach of the Sherman Act and its repeal would not remove it.

Deciding Motorola Mobility through the application of Hartford Fire and Illinois Brick would preserve the ability of the U.S. Department of Justice's Antitrust Division to prosecute international cartels that harm American consumers but, at the same time, give weight to foreign governments that seek to limit the reach of antitrust treble damage actions for sales made abroad.

## Links to Full Content

The full content is available to paid subscribers only.

Have a paid subscription?  
[Login with your Customer ID](#)

Not a subscriber yet?  
[Purchase a subscription at the CPI Store](#)

### Paid subscribers only

Have a paid subscription?  
[Login with your Customer ID](#)

Not a subscriber yet?  
[Purchase a subscription at the CPI Store](#)

[post a comment](#)

[bookmark article](#)

[e-mail this](#)

[tweet this](#)

[share](#)

## Comments

Post your comment

You can't post comments until you have logged in. Please [login here](#) or [register](#).

### Comments

No one has commented on this page yet.

[RSS feed for comments on this page](#) | [RSS feed for all comments](#)

### About CPI

Competition Policy International (CPI) provides comprehensive resources and continuing education for members.  
[More About CPI](#)

[CPI Terms & Conditions](#)

### Quick Links

[Our Editorial Policy](#)  
[Site Feedback](#)  
[Support](#)  
[Sitemap](#)

### Get Started

[Contact Us](#)  
[Advertise With Us](#)  
[Partner With Us](#)  
[Subscribe](#)  
[RSS Feed](#)

### Signup for CPI Newsletter

Email Address

[Signup](#)

visited on 12/16/2014

Follow CPI