

115TH CONGRESS 2D SESSION

H. R. 5904

To amend the Sherman Act to make oil-producing and exporting cartels illegal.

IN THE HOUSE OF REPRESENTATIVES

May 22, 2018

Mr. Chabot (for himself, Mr. Cicilline, Mr. Goodlatte, Mr. Nadler, Mr. Marino, and Mrs. Handel) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Sherman Act to make oil-producing and exporting cartels illegal.

- 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 "No Oil Producing and
- 5 Exporting Cartels Act of 2018" or "NOPEC".
- 6 SEC. 2. SHERMAN ACT.
- 7 The Sherman Act (15 U.S.C. 1 et seq.) is amended
- 8 by adding after section 7 the following:

1 "SEC. 7A. OIL PRODUCING CARTELS.

- 2 "(a) IN GENERAL.—It shall be illegal and a violation
- 3 of this Act for any foreign state, or any instrumentality
- 4 or agent of any foreign state, to act collectively or in com-
- 5 bination with any other foreign state, any instrumentality
- 6 or agent of any other foreign state, or any other person,
- 7 whether by cartel or any other association or form of co-
- 8 operation or joint action—
- 9 "(1) to limit the production or distribution of
- oil, natural gas, or any other petroleum product;
- 11 "(2) to set or maintain the price of oil, natural
- gas, or any petroleum product; or
- "(3) to otherwise take any action in restraint of
- trade for oil, natural gas, or any petroleum product;
- 15 when such action, combination, or collective action has a
- 16 direct, substantial, and reasonably foreseeable effect on
- 17 the market, supply, price, or distribution of oil, natural
- 18 gas, or other petroleum product in the United States.
- 19 "(b) Sovereign Immunity.—A foreign state en-
- 20 gaged in conduct in violation of subsection (a) shall not
- 21 be immune under the doctrine of sovereign immunity from
- 22 the jurisdiction or judgments of the courts of the United
- 23 States in any action brought to enforce this section.
- 24 "(c) Inapplicability of Act of State Doc-
- 25 TRINE.—No court of the United States shall decline,

- 1 based on the act of state doctrine, to make a determina-
- 2 tion on the merits in an action brought under this section.
- 3 "(d) Enforcement.—The Attorney General of the
- 4 United States may bring an action to enforce this section
- 5 in any district court of the United States as provided
- 6 under the antitrust laws.".

7 SEC. 3. SOVEREIGN IMMUNITY.

- 8 Section 1605(a) of title 28 of the United States Code
- 9 is amended—
- 10 (1) in paragraph (5) by striking "or" after the
- semicolon,
- 12 (2) in paragraph (6) by striking the period and
- inserting "; or", and
- 14 (3) by adding at the end the following:
- 15 "(7) in an action brought under section 7A of
- the Sherman Act.".

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