^{115TH CONGRESS} 2D SESSION **S. 3214**

AUTHENTICATED U.S. GOVERNMENT INFORMATION

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

IN THE SENATE OF THE UNITED STATES

JULY 16, 2018

Mr. GRASSLEY (for himself, Ms. KLOBUCHAR, Mr. LEE, and Mr. LEAHY) introduced the following bill; which was read twice and 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:

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1 "SEC. 7A. OIL PRODUCING CARTELS.

"(a) IN GENERAL.—It shall be illegal and a violation
of this Act for any foreign state, or any instrumentality
or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality
or agent of any other foreign state, or any other person,
whether by cartel or any other association or form of cooperation or joint action—

9 "(1) to limit the production or distribution of
10 oil, natural gas, or any other petroleum product;

11 "(2) to set or maintain the price of oil, natural12 gas, or any petroleum product; or

"(3) to otherwise take any action in restraint of
trade for oil, natural gas, or any petroleum product;
when such action, combination, or collective action has a
direct, substantial, and reasonably foreseeable effect on
the market, supply, price, or distribution of oil, natural
gas, or other petroleum product in the United States.

19 "(b) INAPPLICABILITY OF ACT OF STATE DOC20 TRINE.—No court of the United States shall decline,
21 based on the act of state doctrine, to make a determina22 tion on the merits in an action brought under this section.

23 "(c) ENFORCEMENT.—The Attorney General of the
24 United States shall have the sole authority to bring an
25 action to enforce this section. Any such action shall be

brought in any district court of the United States as pro vided under the antitrust laws.".

3 SEC. 3. NO SOVEREIGN IMMUNITY IN OIL CARTEL CASES.

4 Section 1605(a) of title 28, United States Code, is
5 amended—

6 (1) in paragraph (5) by striking "or" after the7 semicolon;

8 (2) in paragraph (6) by striking the period and9 inserting "; or"; and

(3) by adding at the end the following:

11 "(7) in which the action is brought under sec-12 tion 7A of the Sherman Act.".

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