117TH CONGRESS
1ST SESSION

S.

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

IN THE SENATE OF THE UNITED STATES

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 

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 2021” 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:
"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—

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

"(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, 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.

"(b) Inapplicability of Defenses.—No court of the United States shall decline, based on the act of state, foreign sovereign compulsion, or political question doctrine to make a determination on the merits in an action brought under this section.

"(c) Enforcement.—The Attorney General of the United States shall have the sole authority to bring an action to enforce this section. Any such action shall be
brought in any district court of the United States as provided under the antitrust laws.”.

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

Title 28, United States Code, is amended—

(1) in section 1605(a)—

(A) in paragraph (5), by striking “or” after the semicolon;

(B) in paragraph (6), by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(7) in which the action is brought under section 7A of the Sherman Act.”; and

(2) in section 1610(a)—

(A) in paragraph (7) by striking the period at the end and inserting “, or”; and

(B) by adding at the end the following:

“(8) the judgment relates to a claim that is brought under section 7A of the Sherman Act.”.

SEC. 4. SEVERABILITY.

If any provision of this Act (or of an amendment made by this Act) is held invalid the remainder of this Act (or of the amendment) shall not be affected thereby.