

Calendar No. 169

110TH CONGRESS
1ST SESSION**H. R. 2264**

IN THE SENATE OF THE UNITED STATES

MAY 23, 2007

Received; read twice and placed on the calendar

AN ACT

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 2007” 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:

9 “SEC. 7A. (a) It shall be illegal and a violation of
10 this Act for any foreign state, or any instrumentality or
11 agent of any foreign state, to act collectively or in com-

1 bination with any other foreign state, any instrumentality
2 or agent of any other foreign state, or any other person,
3 whether by cartel or any other association or form of co-
4 operation or joint action—

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

7 “(2) to set or maintain the price of oil, natural
8 gas, or any petroleum product; or

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

15 “(b) A foreign state engaged in conduct in violation
16 of subsection (a) shall not be immune under the doctrine
17 of sovereign immunity from the jurisdiction or judgments
18 of the courts of the United States in any action brought
19 to enforce this section.

20 “(c) No court of the United States shall decline,
21 based on the act of state doctrine, to make a determina-
22 tion on the merits in an action brought under this section.

23 “(d) The Attorney General of the United States may
24 bring an action to enforce this section in any district court

1 of the United States as provided under the antitrust
2 laws.”.

3 **SEC. 3. SOVEREIGN IMMUNITY.**

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

6 (1) in paragraph (6), by striking “or” after the
7 semicolon;

8 (2) in paragraph (7), by striking the period and
9 inserting “; or”; and

10 (3) by adding at the end the following:

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

Passed the House of Representatives May 22, 2007.

Attest: LORRAINE C. MILLER,
Clerk.

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