

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 3081**  
**OFFERED BY M .**

Strike all after the enacting clause and insert the following:

1    **SECTION 1. SHORT TITLE.**

2        This Act may be cited as the “No Oil Producing and  
3    Exporting Cartels Act of 2023” or “NOPEC”.

**4 SEC. 2. SHERMAN ACT.**

5       The Sherman Act (15 U.S.C. 1 et seq.) is amended  
6 by adding after section 7 the following:

**7 “SEC. 7A. OIL PRODUCING CARTELS.**

8           “(a) IN GENERAL.—It shall be illegal and a violation  
9 of this Act for any foreign state, or any instrumentality  
10 or agent of any foreign state, to act collectively or in com-  
11 bination with any other foreign state, any instrumentality  
12 or agent of any other foreign state, or any other person,  
13 whether by cartel or any other association or form of co-  
14 operation or joint action—

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

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

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

7           “(b) INAPPLICABILITY OF DEFENSES.—No court of  
8           the United States shall decline, based on the act of state,  
9           foreign sovereign compulsion, or political question doc-  
10          trines to make a determination on the merits in an action  
11          brought under this section.

12          “(c) ENFORCEMENT.—The Attorney General of the  
13          United States shall have the sole authority to bring an  
14          action to enforce this section. Any such action shall be  
15          brought in any district court of the United States as pro-  
16          vided under the antitrust laws.”.

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

18          Title 28 of the United States Code is amended—

19               (1) in section 1605(a)—

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

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

24                       (C) by adding at the end the following:

1 “(7) in which the action is brought under sec-  
2 tion 7A of the Sherman Act.”, and

3 (2) in section 1610(a)—

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

6 (B) by adding at the end the following:

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

9 **SEC. 4. SEVERABILITY.**

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

