

109TH CONGRESS
1ST SESSION

S. 752

To require the United States Trade Representative to pursue a complaint of anti-competitive practices against certain oil exporting countries.

IN THE SENATE OF THE UNITED STATES

APRIL 11, 2005

Mr. LAUTENBERG (for himself, Mr. DURBIN, and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To require the United States Trade Representative to pursue a complaint of anti-competitive practices against certain oil exporting countries.

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 “OPEC Accountability
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Gasoline prices have nearly doubled since
2 January, 2002, with oil recently trading at more
3 than \$58 per barrel for the first time ever.

4 (2) Rising gasoline prices have placed an inordi-
5 nate burden on American families.

6 (3) High gasoline prices have hindered and will
7 continue to hinder economic recovery.

8 (4) The Organization of Petroleum Exporting
9 Countries (OPEC) has formed a cartel and engaged
10 in anti-competitive practices to manipulate the price
11 of oil, keeping it artificially high.

12 (5) Six member nations of OPEC—Indonesia,
13 Kuwait, Nigeria, Qatar, the United Arab Emirates
14 and Venezuela—are also members of the World
15 Trade Organization.

16 (6) The agreement among OPEC member na-
17 tions to limit oil exports is an illegal prohibition or
18 restriction on the exportation or sale for export of a
19 product under article XI of the GATT 1994.

20 (7) The export quotas and resulting high prices
21 harm American families, undermine the American
22 economy, impede American and foreign commerce,
23 and are contrary to the national interests of the
24 United States.

1 **SEC. 3. ACTIONS TO CURB CERTAIN CARTEL ANTI-COM-**
 2 **PETITIVE PRACTICES.**

3 (a) DEFINITIONS.—In this Act:

4 (1) GATT 1994.—The term “GATT 1994” has
 5 the meaning given such term in section 2(1)(B) of
 6 the Uruguay Round Agreements Act (19 U.S.C.
 7 3501(1)(B)).

8 (2) UNDERSTANDING ON RULES AND PROCE-
 9 DURES GOVERNING THE SETTLEMENT OF DIS-
 10 PUTES.—The term “Understanding on Rules and
 11 Procedures Governing the Settlement of Disputes”
 12 means the agreement described in section
 13 101(d)(16) of the Uruguay Round Agreements Act
 14 (19 U.S.C. 3511(d)(16)).

15 (3) WORLD TRADE ORGANIZATION.—

16 (A) IN GENERAL.—The term “World
 17 Trade Organization” means the organization
 18 established pursuant to the WTO Agreement.

19 (B) WTO AGREEMENT.—The term “WTO
 20 Agreement” means the Agreement Establishing
 21 The World Trade Organization entered into on
 22 April 15, 1994.

23 (b) ACTION BY PRESIDENT.—

24 (1) IN GENERAL.—Notwithstanding any other
 25 provision of law, the President shall, not later than
 26 15 days after the date of enactment of this Act, ini-

1 tiate consultations with the countries described in
 2 paragraph (2) to seek the elimination by those coun-
 3 tries of any action that—

4 (A) limits the production or distribution of
 5 oil, natural gas, or any other petroleum prod-
 6 uct,

7 (B) sets or maintains the price of oil, nat-
 8 ural gas, or any petroleum product, or

9 (C) otherwise is an action in restraint of
 10 trade with respect to oil, natural gas, or any pe-
 11 troleum product, when such action constitutes
 12 an act, policy, or practice that is unjustifiable
 13 and burdens and restricts United States com-
 14 merce.

15 (2) COUNTRIES DESCRIBED.—The countries de-
 16 scribed in this paragraph are the following:

17 (A) Indonesia.

18 (B) Kuwait.

19 (C) Nigeria.

20 (D) Qatar.

21 (E) The United Arab Emirates.

22 (F) Venezuela.

23 (c) INITIATION OF WTO DISPUTE PROCEEDINGS.—

24 If the consultations described in subsection (b) are not
 25 successful with respect to any country described in sub-

1 section (b)(2), the United States Trade Representative
2 shall, not later than 60 days after the date of enactment
3 of this Act, institute proceedings pursuant to the Under-
4 standing on Rules and Procedures Governing the Settle-
5 ment of Disputes with respect to that country and shall
6 take appropriate action with respect to that country under
7 the trade remedy laws of the United States.

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