

110TH CONGRESS
2D SESSION

S. 3081

To establish a Petroleum Industry Antitrust Task Force within the
Department of Justice.

IN THE SENATE OF THE UNITED STATES

JUNE 4, 2008

Mr. KERRY introduced the following bill; which was read twice and referred
to the Committee on the Judiciary

A BILL

To establish a Petroleum Industry Antitrust Task Force
within the Department of Justice.

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. ESTABLISHMENT OF DEPARTMENT OF JUSTICE**

4 **PETROLEUM INDUSTRY ANTITRUST TASK**
5 **FORCE.**

6 (a) ESTABLISHMENT OF TASK FORCE.—The Attor-
7 ney General shall establish in the Department of Justice
8 a Petroleum Industry Antitrust Task Force (in this sec-
9 tion referred to as the “Task Force”).

1 (b) RESPONSIBILITIES OF TASK FORCE.—The Task
2 Force shall have the responsibility for—

3 (1) developing, coordinating, and facilitating
4 the implementation of the investigative and enforce-
5 ment policies of the Department of Justice relating
6 to petroleum industry antitrust issues under Federal
7 law;

8 (2) consulting with, and requesting assistance
9 from, other Federal departments and agencies, as
10 may be appropriate; and

11 (3) preparing and submitting to the Congress
12 an annual report that—

13 (A) describes all investigatory and enforce-
14 ment efforts of the Department of Justice relat-
15 ing to petroleum industry antitrust issues; and

16 (B) addresses the issues described in sub-
17 section (c).

18 (c) ISSUES TO BE EXAMINED BY TASK FORCE.—The
19 Task Force shall examine all issues relating to the applica-
20 tion of Federal antitrust laws to the market for petroleum
21 and petroleum products, including—

22 (1) the existence and effects of any price
23 gouging in sales of gasoline;

24 (2) the existence and effects of any inter-
25 national oil cartels;

1 (3) the existence and effects of any collusive be-
2 havior in controlling or restricting petroleum refin-
3 ery capacity;

4 (4) the existence and effects of any anticompeti-
5 tive price discrimination by petroleum refiners or
6 other wholesalers of gasoline to retail sellers of gaso-
7 line;

8 (5) the existence and effects of any unilateral
9 actions, by refiners or other wholesalers of petroleum
10 products, in the nature of withholding supply or oth-
11 erwise refusing to sell petroleum products in order
12 to inflate the price of such products above competi-
13 tive levels;

14 (6) the existence and effects of any anticompeti-
15 tive manipulation in futures markets or other trad-
16 ing exchanges relating to petroleum or petroleum
17 products;

18 (7) the existence and effects of any other anti-
19 competitive market manipulation activities involving
20 petroleum or petroleum products;

21 (8) any other anticompetitive behavior that im-
22 pacts the price or supply of petroleum or petroleum
23 products;

24 (9) the advisability of revising the merger
25 guidelines issued by the Department of Justice and

1 the Federal Trade Commission to appropriately take
2 into account particular aspects of the petroleum and
3 petroleum products marketplace;

4 (10) the advisability of amending the antitrust
5 laws in light of any competitive problems in the pe-
6 troleum and petroleum products marketplace identi-
7 fied as part of the review of the issues described in
8 paragraphs (1) through (8) that cannot be effec-
9 tively addressed under such laws as in effect on the
10 date of enactment of this Act; and

11 (11) the impact of excessive speculation relating
12 to petroleum or petroleum products within the com-
13 modities futures trading market.

14 (d) DIRECTOR OF TASK FORCE.—The Attorney Gen-
15 eral shall appoint a Director to head the Task Force.

16 (e) INITIAL REPORT.—The first report required
17 under subsection (b)(3) shall be submitted to Congress not
18 later than December 31, 2008.

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