



May 10, 2023

The Honorable Jim Jordan
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

The Honorable Jerrold Nadler
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Jordan and Ranking Member Nadler:

The U.S. Chamber of Commerce opposes H.R. 3081, the “No Oil Producing and Exporting Cartels Act” (NOPEC), which your committee is scheduled to consider in a markup on May 10.

The Chamber is unalterably opposed to anti-competitive conduct in commercial markets by foreign states and their agents. However, H.R. 3081 ignores the legal and policy complexities at play when a nation-state engages in or directs commercial conduct. Antitrust cases involving nation-state commercial activity can already be brought under existing law. The proposed legislation would prohibit the courts from carefully evaluating sovereign immunity claims.

Although H.R. 3081 is intended to be limited to restraint of trade in oil, natural gas, or petroleum products, the Committee should be wary of the precedent it would create. Once sovereign immunity has been eliminated for one action of a state or its agents, it can be eliminated for all state actions and the actions of agents of the state.

Under reciprocal legal regimes, the United States and its agents throughout the world could be tried before foreign courts – perhaps including the military – for any activity that the foreign state wishes to make an offense.

This legislation would have zero impact at taming gasoline prices and could perversely cause prices to rise due to the geopolitical risk that comes with this legislation. The United States is the leading global energy producer, yet federal policies often stand in the way of leveraging America’s own abundant resources. Congress and the Administration should do more to support domestic production of reliable energy as the best means to provide greater insulation against price swings.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil L. Bradley".

Neil L. Bradley
Executive Vice President, Chief Policy Officer,
and Head of Strategic Advocacy
U.S. Chamber of Commerce

cc: Members of the House Committee on the Judiciary