

110TH CONGRESS  
2D SESSION

# S. 3081

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

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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

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## 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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