

110TH CONGRESS
2D SESSION

S. 3122

To amend the Commodity Exchange Act to provide for the regulation of oil commodities markets, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2008

Ms. CANTWELL (for herself and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Commodity Exchange Act to provide for the regulation of oil commodities markets, and for other purposes.

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 “Policing United States
5 Oil Commodities Markets Act of 2008”.

6 **SEC. 2. ENERGY COMMODITIES AND RELATED SWAPS**
7 **TRADED ON FOREIGN BOARDS OF TRADE.**

8 Section 5 of the Commodity Exchange Act (7 U.S.C.
9 7) is amended by adding at the end the following:

1 “(f) DESIGNATION OF CERTAIN CONTRACT MARKETS
2 AND ELECTRONIC TRADING FACILITIES.—

3 “(1) DEFINITION OF COVERED MARKET OR FA-
4 CILITY.—In this subsection, the term ‘covered mar-
5 ket or facility’ means a contract market or electronic
6 trading facility—

7 “(A) that operates 1 or more trading ter-
8 minals within the United States (including any
9 territory or possession of the United States);

10 “(B) on which there is transacted or facili-
11 tated any agreement, contract, or transaction
12 that serves a price discovery function for any
13 energy commodity that is delivered in the
14 United States; and

15 “(C) that is regulated by a foreign regu-
16 latory agency.

17 “(2) DESIGNATION REQUIREMENT.—

18 “(A) IN GENERAL.—Notwithstanding any
19 other provision of this Act, not later than 180
20 days after the date of enactment of this sub-
21 section, a covered market or facility shall—

22 “(i) register with the Commission as a
23 designated contract market under this sec-
24 tion; and

1 “(ii) be subject to each rule estab-
2 lished and regulation promulgated by the
3 Commission (including each disclosure re-
4 quirement that applies to a designated con-
5 tract market).

6 “(B) EFFECT ON EXEMPTIONS.—Effective
7 beginning on the earlier of the date of registra-
8 tion of a covered market or facility under sub-
9 paragraph (A) or the date that is 180 days
10 after the date of enactment of this subsection,
11 the authority of each exemption provided to a
12 covered market or facility relating to the reg-
13 istration of the covered market or facility as a
14 designated contract market (including any no
15 action letter issued by the Commission) shall
16 terminate.”.

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