

(B) the court shall take into consideration, among other factors, the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(b) **CRIMINAL PENALTY.**—Violation of section 203 of this title is punishable by a fine of not more than \$5,000,000, imprisonment for not more than 5 years, or both.

SEC. 208. EFFECT ON OTHER LAWS.

(a) **OTHER AUTHORITY OF THE COMMISSION.**—Nothing in this title shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) **STATE LAW.**—Nothing in this title preempts any State law.

TITLE III—STRATEGIC PETROLEUM RESERVE

SEC. 301. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.

(a) **IN GENERAL.**—Except as provided in subsection (b) and notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending on December 31, 2008—

(1) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(b) **RESUMPTION.**—Not earlier than 30 days after the date on which the President notifies Congress that the President has determined that the weighted average price of petroleum in the United States for the most recent 90-day period is \$75 or less per barrel—

(1) the Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(c) **EXISTING CONTRACTS.**—In the case of any oil scheduled to be delivered to the Strategic Petroleum Reserve pursuant to a contract entered into by the Secretary of Energy prior to, and in effect on, the date of enactment of this Act, the Secretary shall, to the maximum extent practicable, negotiate a deferral of the delivery of the oil for a period of not less than 1 year, in accordance with procedures of the Department of Energy in effect on the date of enactment of this Act for deferrals of oil.

TITLE IV—NO OIL PRODUCING AND EXPORTING CARTELS

SEC. 401. NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2008.

(a) **SHORT TITLE.**—This section may be cited as the “No Oil Producing and Exporting Cartels Act of 2008” or “NOPEC”.

(b) **SHERMAN ACT.**—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

“SEC. 7A. OIL PRODUCING CARTELS.

“(a) **IN GENERAL.**—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

“(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

“(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

“(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

“(b) **SOVEREIGN IMMUNITY.**—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

“(c) **INAPPLICABILITY OF ACT OF STATE DOCTRINE.**—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

“(d) **ENFORCEMENT.**—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.”.

(c) **SOVEREIGN IMMUNITY.**—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking “or” after the semicolon;

(2) in paragraph (7), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(8) in which the action is brought under section 7A of the Sherman Act.”.

TITLE V—MARKET SPECULATION

SEC. 501. SPECULATIVE LIMITS AND TRANSPARENCY FOR OFF-SHORE OIL TRADING.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended by adding at the end the following:

“(e) **FOREIGN BOARDS OF TRADE.**—

“(1) **IN GENERAL.**—In the case of any foreign board of trade for which the Commission has granted or is considering an application to grant a board of trade located outside of the United States relief from the requirement of subsection (a) to become a designated contract market, derivatives transaction execution facility, or other registered entity, with respect to an energy commodity that is physically delivered in the United States, prior to continuing to or initially granting the relief, the Commission shall determine that the foreign board of trade—

“(A) applies comparable principles or requirements regarding the daily publication of trading information and position limits or accountability levels for speculators as apply to a designated contract market, derivatives transaction execution facility, or other registered entity trading energy commodities physically delivered in the United States; and

“(B) provides such information to the Commission regarding the extent of speculative and nonspeculative trading in the energy commodity that is comparable to the information the Commission determines necessary to publish a Commitment of Traders report for a designated contract market, derivatives transaction execution facility, or other registered entity trading energy commodities physically delivered in the United States.

“(2) **EXISTING FOREIGN BOARDS OF TRADE.**—During the period beginning 1 year after the date of enactment of this subsection and ending 18 months after the date of enactment of this subsection, the Commission shall determine whether to continue to grant relief in accordance with paragraph (1) to any foreign board of trade for which the Commission granted relief prior to the date of enactment of this subsection.”.

SEC. 502. MARGIN LEVEL FOR CRUDE OIL.

(a) **IN GENERAL.**—Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)) is amended by adding at the end the following:

“(G) **MARGIN LEVEL FOR CRUDE OIL.**—Not later than 90 days after the date of enactment of this subparagraph, the Commission shall promulgate regulations to set a substantial increase in margin levels for crude oil traded on any trading facility or as part of any agreement, contract, or transaction covered by this Act in order to reduce excessive speculation and protect consumers.”.

(b) **STUDIES.**—

(1) **STUDY RELATING TO EFFECT OF CERTAIN REGULATIONS.**—Not later than 1 year after the date of enactment of this Act, the Commodity Futures Trading Commission shall submit to the appropriate committees of Congress a report describing the effect of the amendment made by subsection (a) on any trading facilities and agreements, contracts, and transactions covered by the Commodity Exchange Act (7 U.S.C. 1 et seq.).

(2) **STUDY RELATING TO EFFECTS OF CHANGES IN MARGIN LEVELS.**—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report describing the effect (including any effect relating to trade volume or volatility) of any change of a margin level that occurred during the 10-year period ending on the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 554—EXPRESSING THE SENSE OF THE SENATE ON HUMANITARIAN ASSISTANCE TO BURMA AFTER CYCLONE NARGIS

Mr. KERRY (for himself, Mr. LUGAR, Mr. BIDEN, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. DURBIN, Mr. DODD, Mr. OBAMA, Mr. WEBB, Ms. MURKOWSKI, Mr. KENNEDY, Mr. MENENDEZ, Mr. FEINGOLD, Mr. LIEBERMAN, Mr. HAGEL, Mrs. BOXER, Mrs. CLINTON, Mrs. DOLE, Mr. MCCAIN, and Mr. COLEMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 554

Whereas, on May 3, 2008, Cyclone Nargis devastated Burma, leaving an estimated 22,500 people dead, 41,000 missing, and 1,000,000 homeless;

Whereas, on May 5, 2008, the United States embassy in Burma issued a disaster declaration authorizing \$250,000 in immediate humanitarian assistance to the people of Burma;

Whereas, on May 5, 2008, First Lady Laura Bush stated that the United States will “work with the U.N. and other international nongovernmental organizations to provide water, sanitation, food, and shelter. More assistance will be forthcoming”;

Whereas, on May 5, 2008, Department of State Deputy Spokesman Tom Casey stated that the United States has “a disaster assistance response team that is standing by and ready to go in to Burma to help try to assess need there”;

Whereas, on May 6, 2008, President George W. Bush said, “The United States has made an initial aid contribution, but we want to do a lot more. We’re prepared to move U.S. Navy assets to help find those who’ve lost their lives, to help find the missing, to help stabilize the situation. But in order to do so, the military junta must allow our disaster assessment teams into the country.”;

Whereas, on May 6, 2008, President Bush pledged \$3,000,000 in emergency assistance to victims of Cyclone Nargis, and stated that allowing the disaster assistance response team to enter the country would facilitate additional support;

Whereas the European Union has pledged to deliver \$3,000,000 in initial emergency disaster assistance to Burma;

Whereas according to the United Nations Country Team in Burma, the average household in Burma is forced to spend almost ¼ of its budget on food and 1 in 3 children under the age of 5 is suffering from malnutrition;

Whereas the prevalence of tuberculosis in Burma is among the highest in the world, with nearly 97,000 new cases detected annually, malaria is the leading cause of mortality in Burma, with 70 percent of the population living in areas at risk, at least 37,000 died of HIV/AIDS in Burma in 2005 and over 600,000 are currently infected, and the World Health Organization has ranked the health sector of Burma as 190th out of 191 countries;

Whereas the failure of Burma's ruling State Peace and Development Council to meet the most basic humanitarian needs of the people of Burma has caused enormous suffering inside Burma and driven hundreds of thousands of Burmese citizens to seek refuge in neighboring countries, creating a threat to regional peace and stability; and

Whereas, in the aftermath of Cyclone Nargis, the State Peace and Development Council continues to restrict the access and freedom of movement of international nongovernmental organizations to deliver humanitarian assistance throughout Burma: Now, therefore, be it

Resolved, That it is the Sense of the Senate—

(1) to express deep sympathy to and strong support for the people of Burma, who have endured tremendous hardships over many years and face especially dire humanitarian conditions in the aftermath of Cyclone Nargis;

(2) to support the decision of President Bush to provide immediate emergency humanitarian assistance to Burma through nongovernmental organizations that are not affiliated with the Burmese regime or its officials and can effectively provide such assistance directly to the people of Burma;

(3) to stand ready to appropriate additional funds, beyond existing emergency international disaster assistance resources, if necessary to help address dire humanitarian conditions throughout Burma in the aftermath of Cyclone Nargis and beyond;

(4) to call upon the State Peace and Development Council to immediately lift restrictions on delivery of humanitarian assistance and allow free and unfettered access to the United States Government's disaster assistance response team and any organizations that legitimately provide humanitarian assistance; and

(5) that the United States Agency for International Development should conduct a comprehensive evaluation of which organizations are capable of providing humanitarian assistance directly to the people throughout Burma without interference by the State Peace and Development Council.

SENATE CONCURRENT RESOLUTION 80—URGING THE PRESIDENT TO DESIGNATE A NATIONAL AIRBORNE DAY IN RECOGNITION OF PERSONS WHO ARE SERVING OR HAVE SERVED IN THE AIRBORNE FORCES OF THE ARMED SERVICES

Mr. HAGEL (for himself, Mr. GREGG, Mr. KERRY, Mr. REED, Mr. REID, Ms.

SNOWE, and Mr. STEVENS) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 80

Whereas the airborne forces of the Armed Forces have a long and honorable history as units of adventuresome, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas August 16 marks the anniversary of the first official Army parachute jump on August 16, 1940, an event that validated the innovative concept of inserting United States ground combat forces behind the battle line by means of a parachute;

Whereas the United States experiment of airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War, and was launched when 48 volunteers began training in July 1940;

Whereas the success of the Parachute Test Platoon in the days immediately preceding the entry of the United States into World War II led to the formation of a formidable force of airborne units that have served with distinction and have had repeated success in armed hostilities;

Whereas among those airborne units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Ranger Regiment, the 173rd Airborne Brigade, the 187th Infantry (Airborne) Regiment, the 503rd, 507th, 508th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th Glider Infantry Regiment, the 509th, 551st, and 555th Parachute Infantry Battalions, and the 550th Airborne Infantry Battalion;

Whereas the achievements of the airborne forces during World War II prompted the evolution of those forces into a diversified force of parachute and air assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia, and have engaged in peace-keeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas the modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 75th Ranger Regiment;

Whereas the modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, and Air Force combat control teams, all or most of which comprise the forces of the United States Special Operations Command;

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division and the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism by carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas in the aftermath of the President's announcement of Operation Iraqi

Freedom in March 2003, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), the 173rd Airborne Brigade, and the 4th Brigade Combat Team (Airborne) of the 25th Infantry Division, together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations, conducting civil affairs missions, and assisting in establishing democracy in Iraq;

Whereas the airborne forces are and will continue to be at the ready and the forefront until the Global War on Terrorism is concluded;

Whereas of the members and former members of the United States combat airborne forces, all have achieved distinction by earning the right to wear the airborne's "Silver Wings of Courage", thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States combat airborne forces are members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operation forces, and (in former days) glider troops;

Whereas the history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the gratitude of the American people; and

Whereas, since the airborne community celebrates August 16 as the anniversary of the first official jump by the Army Parachute Test Platoon, August 16 would be an appropriate day to recognize as National Airborne Day: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress urges the President to designate a National Airborne Day.

SENATE CONCURRENT RESOLUTION 81—SUPPORTING THE GOALS AND IDEALS OF NATIONAL WOMEN'S HEALTH WEEK

Mr. FEINGOLD (for himself, Ms. SNOWE, Ms. MIKULSKI, and Mr. DODD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 81

Whereas women of all backgrounds have the power to greatly reduce their risk of common diseases through preventive measures, such as leading a healthy lifestyle that includes engaging in regular physical activity, eating a nutritious diet, and visiting a healthcare provider to receive regular check-ups and preventative screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African-American women, Asian-Pacific Islander women, Latinas, and American Indian-Alaska Native women;

Whereas healthy habits should begin at a young age;

Whereas preventive care saves Federal dollars designated for health care;

Whereas it is important to educate women and girls about the significance of awareness of key female health issues;

Whereas the offices of women's health within the Department of Health and Human Services, the Food and Drug Administration,