

“(1) IN GENERAL.—In accordance with paragraph (2), to improve the ability to evaluate the energy security of the United States, any person holding or controlling energy futures contracts or energy commodity swaps (as defined in section 202 of the Energy Policy and Conservation Act) at a level to be determined by the Secretary for which the underlying energy commodity is physically delivered within the United States shall report on a monthly basis, with respect to the energy commodities and the byproducts of the energy commodities—

“(A) the quantity of physical stocks owned;

“(B) the quantity of fixed price purchase commitments open;

“(C) the quantity of fixed price sales commitments open;

“(D) the physical storage capacity owned or leased; and

“(E) such other information as the Secretary determines is necessary to provide adequate transparency with respect to entities that control critical energy assets in the United States.

“(2) USE OF DATA.—Any data collected under paragraph (1) shall not be made public in a manner that is inconsistent with this Act.

“(p) FINANCIAL MARKET ANALYSIS OFFICE.—

“(1) ESTABLISHMENT.—There shall be within the Energy Information Administration a Financial Market Analysis Office, headed by a director, who shall report directly to the Administrator of the Energy Information Administration.

“(2) DUTIES.—The Office shall be responsible for analysis of the financial aspects of energy markets.

“(3) ANALYSES.—The Administrator of the Energy Information Administration shall take analyses by the Office into account in conducting analyses and forecasting of energy prices.”

(c) CONFORMING AMENDMENT.—Section 645 of the Department of Energy Organization Act (42 U.S.C. 7255) is amended by inserting “(15 U.S.C. 3301 et seq.) and the Natural Gas Act (15 U.S.C. 717 et seq.)” after “Natural Gas Policy Act of 1978”.

#### SEC. 14. NATIONAL NATURAL GAS MARKET INVESTIGATION.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, in order to ensure the integrity of natural gas markets, the Federal Energy Regulatory Commission (referred to in this section as the “Commission”) shall commence an investigation into the role of financial institutions in natural gas markets, including—

(1) trends in investment in natural gas storage, transportation capacity, and pipeline infrastructure;

(2) factors contributing to potential effects on wholesale natural gas prices, including the mechanisms covered by physical natural gas supply contracts;

(3) the character and number of positions held in related financial markets; and

(4) any international considerations the Commission considers relevant.

(b) ASSESSMENT.—The Commission may include in the investigation an assessment of real-time market dynamics during the 2008 winter heating season.

(c) REQUIRED DATA.—Each Federal department and agency shall comply with any request from the Commission for records, papers, and information in the possession of the department or agency relating to any agreement, contract, or transaction for the sale of an energy commodity for future delivery in interstate or foreign commerce, or any energy commodity swap.

(d) REPORTS.—Not later than 270 days after the date of enactment of this Act, the Commission shall submit to the Committee on

Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the findings, conclusions, and recommendations of the investigation conducted under this section.

(e) ADDITIONAL INVESTIGATIONS.—On an annual basis and during any other period the Commission determines necessary, the Commission shall—

(1) conduct an investigation that is similar to the investigation required under subsections (a) through (c); and

(2) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the findings, conclusions, and recommendations of the investigation.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

#### SEC. 15. STUDIES; REPORTS.

(a) STUDY RELATING TO INTERNATIONAL REGULATION OF ENERGY COMMODITY MARKETS.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the international regime for regulating the trading of energy commodity futures and derivatives.

(2) ANALYSIS.—The study shall include an analysis of, at a minimum—

(A) key common features and differences among countries in the regulation of energy commodity trading, including with respect to market oversight and enforcement standards and activities;

(B) variations among countries with respect to the use of position limits, accountability limits, or other thresholds to detect and prevent price manipulation, excessive speculation, or other unfair trading practices;

(C) variations in practices regarding the differentiation of commercial and non-commercial trading;

(D) agreements and practices for sharing market and trading data among regulatory bodies and among individual regulators and the entities that the bodies and regulators oversee; and

(E) agreements and practices for facilitating international cooperation on market oversight, compliance, and enforcement.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report that—

(A) describes the results of the study;

(B) addresses the effects of excessive speculation and energy price volatility on energy futures; and

(C) provides recommendations to improve openness, transparency, and other necessary elements of a properly functioning market in a manner that protects consumers in the United States.

(b) STUDY RELATING TO EFFECTS OF NON-COMMERCIAL SPECULATORS ON ENERGY FUTURES MARKETS AND ENERGY PRICES.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of the effects of noncommercial speculators on energy futures markets and energy prices.

(2) ANALYSIS.—The study shall include an analysis of, at a minimum—

(A) the effect of increased amounts of capital in energy futures markets;

(B) the impact of the roll-over of positions by index fund traders and swap dealers on energy futures markets and energy prices; and

(C) the extent to which each factor described in subparagraphs (A) and (B) and noncommercial speculators—

(i) affect—

(I) the pricing of energy commodities; and

(II) risk management functions; and

(ii) contribute to economically efficient price discovery.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report that describes the results of the study.

(c) REPORTS OF COMMODITY FUTURES TRADING COMMISSION.—

(1) IN GENERAL.—The Commission shall submit to Congress—

(A) not later than 60 days after the date of enactment of this Act, a report that describes in detail the actions the Commission has taken, is taking, and intends to take to carry out this subsection (including any recommended legislative changes that are necessary to carry out this subsection); and

(B) not later than 45 days after the date described in subparagraph (A) and every 45 days thereafter until the date of implementation of this subsection, an update on the report required under subparagraph (A).

(2) ADDITIONAL EMPLOYEES OR RESOURCES.—Not later than 60 days after the date of enactment of this Act, the Commission shall submit to Congress a report that describes the number of additional positions and resources that the Commission determines to be necessary to carry out this subsection (including the specific duty of each additional employee).

#### SEC. 16. EXPEDITED PROCEDURES.

(a) IN GENERAL.—Subject to subsection (b), the Commodity Futures Trading Commission (referred to in this section as the “Commission”) shall use emergency and expedited procedures (including any administrative or other procedure as appropriate) to carry out this Act (including the amendments made by this Act).

(b) REPORT.—If the Commission decides not to use the procedures described in subsection (a) in a specific instance, not later than 30 days after the date of the decision, the Commission shall submit to Congress a detailed report that describes in each instance the reasons for not using the procedures.

#### SUBMITTED RESOLUTIONS

#### SENATE CONCURRENT RESOLUTION 93—SUPPORTING THE GOALS AND IDEALS OF “NATIONAL SUDDEN CARDIAC AWARENESS MONTH”

Mr. DORGAN (for himself and Mr. CRAPO) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor and Pensions:

S. CON. RES. 93

Whereas sudden cardiac arrest is a leading cause of death in the United States;

Whereas sudden cardiac arrest takes the lives of more than 250,000 people in the United States each year, according to the Heart Rhythm Society;

Whereas anyone can experience sudden cardiac arrest, including infants, high school athletes, and people in their 30s and 40s who have no sign of heart disease;

Whereas sudden cardiac arrest is extremely deadly, with the National Heart, Lung, and Blood Institute giving the disease a mortality rate of approximately 95 percent;

Whereas to have a chance of surviving an attack, the American Heart Association states that victims of sudden cardiac arrest must receive a lifesaving defibrillation within the first 4 to 6 minutes of an attack;

Whereas for every minute that passes without a shock from an automated external defibrillator, the chance of survival decreases by approximately 10 percent;

Whereas lifesaving treatments for sudden cardiac arrest are effective if administered in time;

Whereas according to joint research by the American College of Cardiology and the American Heart Association, implantable cardioverter defibrillators are 98 percent effective at protecting people at risk for sudden cardiac arrest;

Whereas according to the American Heart Association, cardiopulmonary resuscitation and early defibrillation with an automated external defibrillator more than double the chances that a victim will survive;

Whereas the Yale-New Haven Hospital and the New England Journal of Medicine state that women and African-Americans are at a higher risk than the general population for dying as a result of sudden cardiac arrest, yet this fact is not well known to people at risk;

Whereas there is a need for comprehensive educational efforts designed to increase awareness of sudden cardiac arrest and related therapies among medical professionals and the greater public in order to promote early detection and proper treatment of this disease and to improve quality of life; and

Whereas the Heart Rhythm Society and the Sudden Cardiac Arrest Coalition are preparing related public awareness and education campaigns on sudden cardiac arrest to be held each year during the month of October: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) supports the goals and ideals of "National Sudden Cardiac Arrest Awareness Month";

(2) supports efforts to educate people about sudden cardiac arrest and to raise awareness about the risk of sudden cardiac arrest, identifying warning signs, and the need to seek medical attention in a timely manner;

(3) acknowledges the critical importance of sudden cardiac arrest awareness to improving national cardiovascular health; and

(4) calls upon the people of the United States to observe this month with appropriate programs and activities.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 5080. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2731, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; which was ordered to lie on the table.

SA 5081. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 2731, *supra*.

SA 5082. Mr. KYL proposed an amendment to the bill S. 2731, *supra*.

SA 5083. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2731, *supra*; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 5080.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2731, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for

other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

#### **SEC. 502. CONTRIBUTIONS TO THE GLOBAL FUND TO FIGHT HIV/AIDS, TUBERCULOSIS AND MALARIA.**

(a) **SHORT TITLE.**—This section may be cited as the "Accountability for United States Taxpayer Contributions to the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria Act".

(b) **DEFINITIONS.**—In this section:

(1) **GLOBAL FUND.**—The term "Global Fund" means any Global Fund to Fight HIV/AIDS, Tuberculosis, and Malaria agency, commission, conference, council, court, department, forum, fund, institute, office, organization, partnership, program, subsidiary body, tribunal, trust, university or academic body, related organization, or subsidiary body, wherever located, that uses the Global Fund name, or is authorized to use the Global Fund logo, and their funding recipients and subrecipients.

(2) **OVERSIGHT INFORMATION.**—The term "oversight information" includes—

(A) internally and externally commissioned audits, program reviews, performance reports, and evaluations, including reports of the Inspector General of the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria;

(B) financial statements, records, and billing systems;

(C) program budgets and program budget implications, including revised estimates and reports produced by or provided to the Executive Director and the Executive Director's agents on budget related matters;

(D) operational plans, budgets, and budgetary analyses;

(E) analyses and reports regarding the scale of current and future resource needs;

(F) databases and other data systems containing financial or programmatic information;

(G) documents or other records alleging or involving improper use of resources, misconduct, mismanagement, or other violations of rules and regulations applicable to the Global Fund;

(H) documentation related to activities of the Global Fund regarding quality, safety and efficacy of pharmaceuticals and medical or public health chemicals and devices eligible for procurement with Global Fund funding or applying for eligibility for such procurement; and

(I) other documentation relevant to the audit and investigative work of the United States Inspector General for Contributions to the Global Fund.

(3) **TRANSPARENCY CERTIFICATION.**—The term "Transparency Certification" means an annual, written affirmation by the Executive Director of the Global Fund that the Global Fund will cooperate with the Inspector General, including by providing the Inspector General, upon request, with full access to oversight information.

(4) **UNITED STATES CONTRIBUTION.**—The term "United States contribution" means a voluntary contribution, whether financial, in-kind, or otherwise, from the United States Government to the Global Fund, including contributions passed through other entities for ultimate use by the Global Fund.

(c) **ESTABLISHMENT AND MANAGEMENT OF THE OFFICE OF THE UNITED STATES INSPECTOR GENERAL FOR CONTRIBUTIONS TO THE GLOBAL FUND.**—

(1) **ESTABLISHMENT.**—There is established the Office of the United States Inspector General for Contributions to the Global Fund (referred to in this subsection as the "Global Fund Contributions Office").

(2) **PURPOSE.**—The purpose of this subsection is to facilitate—

(A) independent and objective audits and investigations relating to United States contributions; and

(B) the use of such contributions by the Global Fund—

(i) to eliminate and deter waste, fraud, and abuse in the use of such contributions; and

(ii) to develop greater transparency, accountability, and internal controls throughout the Global Fund.

(3) **INSPECTOR GENERAL.**—

(A) **APPOINTMENT.**—The Global Fund Contributions Office shall be headed by the Inspector General for Contributions to the Global Fund (referred to in this subsection as the "Inspector General"), who shall be appointed by the President, not later than 30 days after the date of the enactment of this Act, on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(B) **REMOVAL.**—The Inspector General may be removed from office by the President, who shall communicate the reasons for any such removal to the Senate and the House of Representatives.

(C) **COMPENSATION.**—The Inspector General shall be paid at the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(D) **RELATIONSHIP TO BOARD.**—

(i) **IN GENERAL.**—Except as provided under clause (ii), the Inspector General shall report directly to, and be under the general supervision of, the Board of Overseers established under paragraph (4).

(ii) **INDEPENDENCE.**—The Board, any officer of the Board, and any officer of the Federal Government may not prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation.

(E) **DUTIES.**—The Inspector General shall—

(i) conduct, supervise, and coordinate audits and investigations of—

(I) the treatment, handling, expenditure, and use of United States contributions by and to the Global Fund; and

(II) the adequacy of accounting, oversight, quality assurance, and internal control mechanisms at the Global Fund;

(ii) establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duties described in clause (i);

(iii) carry out the duties described in clauses (i) and (ii) in accordance with section 4(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.);

(iv) collect and maintain current records regarding Transparency Certifications by the Global Fund; and

(v) fully and promptly inform Congress and the Board of Overseers regarding how the Global Fund is spending United States contributions through reports, testimony, document transfers, and briefings.

(F) **REFERRALS.**—

(i) **TO APPROPRIATE LAW ENFORCEMENT ENTITIES.**—The Inspector General shall promptly report to the law enforcement entity of jurisdiction if the Inspector General has reasonable grounds to believe that a criminal law of such jurisdiction has been violated by the Global Fund or by an employee, grantee, contractor, or representative of the Global Fund.

(ii) **TO EXECUTIVE DIRECTOR.**—The Inspector General shall promptly report to the Executive Director, as appropriate, regarding cases in which the Inspector General reasonably believes that—

(I) mismanagement, misfeasance, or malfeasance is likely to have taken place within the Global Fund; and