

AMENDMENT NO. _____ Calendar No. _____

Purpose: To establish the Chief Energy and Energy Services Negotiator in the Office of the United States Trade Representative and to require studies and reports relating to energy subsidies provided by foreign countries.

IN THE SENATE OF THE UNITED STATES—110th Cong., 2d Sess.

S. 3268

To amend the Commodity Exchange Act to prevent excessive price speculation with respect to energy commodities, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. INHOFE

Viz:

1 On page 43, after line 24, add the following:

2 **SEC. 17. ESTABLISHMENT OF CHIEF ENERGY AND ENERGY**

3 **SERVICES NEGOTIATOR.**

4 (a) IN GENERAL.—Section 141(b)(2) of the Trade
5 Act of 1974 (19 U.S.C. 2171(b)(2)) is amended to read
6 as follows:

7 “(2)(A) There shall be in the Office 3 Deputy United
8 States Trade Representatives, 1 Chief Agricultural Nego-

1 tiator, and 1 Chief Energy and Energy Services Nego-
2 tiator.

3 “(B) The 3 Deputy United States Trade Representa-
4 tives, the Chief Agricultural Negotiator, and the Chief En-
5 ergy and Energy Services Negotiator shall be appointed
6 by the President, by and with the advice and consent of
7 the Senate.

8 “(C) As an exercise of the rulemaking power of the
9 Senate, any nomination of a Deputy United States Trade
10 Representative, the Chief Agricultural Negotiator, or the
11 Chief Energy and Energy Services Negotiator submitted
12 to the Senate for its advice and consent, and referred to
13 a committee, shall be referred to the Committee on Fi-
14 nance.

15 “(D) Each Deputy United States Trade Representa-
16 tive, the Chief Agricultural Negotiator, and the Chief En-
17 ergy and Energy Services Negotiator shall hold office at
18 the pleasure of the President and shall have the rank of
19 Ambassador”.

20 (b) DUTIES.—Section 141(c) of the Trade Act of
21 1974 (19 U.S.C. 2171(c)) is amended by adding at the
22 end the following:

23 “(6) The principal function of the Chief Energy and
24 Energy Services Negotiator shall be to eliminate energy

1 subsidies and policies of foreign governments that distort
2 trade and adversely affect the United States.”.

3 **SEC. 18. STUDIES AND REPORTS ON SUBSIDIZATION OF**
4 **FUELS AND ENERGY USE BY FOREIGN COUN-**
5 **TRIES.**

6 (a) ITC ANNUAL STUDY AND REPORT ON ECONOMIC
7 IMPACT OF FOREIGN SUBSIDIZATION OF RETAIL FUEL
8 AND ENERGY.—

9 (1) STUDY.—Not later than 60 days after the
10 date of the enactment of this Act and annually
11 thereafter, the International Trade Commission shall
12 commence a study on—

13 (A) the subsidization by foreign govern-
14 ments of retail fuel and energy use in foreign
15 countries; and

16 (B) the impact of such subsidization on the
17 economy of the United States.

18 (2) REPORT.—Not later than June 1, 2009,
19 and June 1 of each year thereafter, the Secretary
20 shall submit to Congress a report describing the
21 findings of the Secretary with respect to the most
22 recent study commenced by the Secretary under
23 paragraph (1).

1 (b) USTR BI-ANNUAL STUDY AND REPORT ON EN-
2 ERGY USE SUBSIDIES PROVIDED BY FOREIGN GOVERN-
3 MENTS.—

4 (1) STUDY.—Not later than 90 days after the
5 date of the enactment of this Act and every 180
6 days thereafter, the United States Trade Represent-
7 ative shall conduct a study on the provision by for-
8 eign governments of energy use subsidies.

9 (2) REPORT.—Not later than January 1, 2009,
10 and every 180 days thereafter, the United States
11 Trade Representative shall submit to the Industry
12 Trade Advisory Committee on Energy and Energy
13 Services of the Department of Commerce and Con-
14 gress a report on the findings of the United States
15 Trade Representative with respect to the most re-
16 cent study conducted by the United States Trade
17 Representative under paragraph (1), including a de-
18 scription of the amounts of energy use subsidies pro-
19 vided by foreign governments.

20 (c) ENERGY INFORMATION AGENCY ANNUAL STUDY
21 AND REPORT ON FOREIGN SUBSIDIZATION OF ENERGY
22 AND FUEL USE.—

23 (1) ANNUAL STUDY.—Each year, the Secretary
24 of Energy shall, acting through the Administrator of
25 the Energy Information Administration, conduct a

1 study on foreign governments that subsidize energy
2 and fuel use and assess the impact of such sub-
3 sidization on energy costs in the United States.

4 (2) ANNUAL REPORT.—Not later than June 1
5 of each year, the Secretary of Energy shall submit
6 to the President and Congress a report on the find-
7 ings of the Secretary with respect to the most recent
8 study conducted under paragraph (1).

9 **SEC. 19. DEPARTMENT OF STATE ANNUAL REPORT ON EN-**
10 **ERGY SECURITY.**

11 (a) ANNUAL REPORT.—Not later than March 1 of
12 each year, the Secretary of State shall submit to the ap-
13 propriate committees of Congress a report on the efforts
14 undertaken by the Secretary in the previous calendar year
15 to achieve the following goals:

16 (1) To eliminate energy subsidies and policies
17 of foreign governments that distort trade and ad-
18 versely affect the United States.

19 (2) To enhance United States and global energy
20 security by—

21 (A) promoting open and transparent, inte-
22 grated, and diversified energy markets;

23 (B) encouraging appropriate energy-sector
24 investments to expand access to energy and in-
25 crease economic growth and opportunity; and

1 (C) developing clean and efficient energy
2 technologies.

3 (b) APPROPRIATE COMMITTEES OF CONGRESS.—In
4 this section, the term “appropriate committees of Con-
5 gress” means—

6 (1) the Committee on Foreign Relations of the
7 Senate;

8 (2) the Committee on Energy and Natural Re-
9 sources of the Senate;

10 (3) the Committee on Foreign Affairs of the
11 House of Representatives; and

12 (4) the Committee on Energy and Commerce of
13 the House of Representatives.