

**ANTITRUST AND CONSUMER PROTECTION LEGISLATION**  
**109<sup>TH</sup> CONGRESS**  
(As of Nov. 16, 2005)

<b>Bills</b>	<b>Key Sponsors</b>	<b>Total Sponsors</b>	<b>Committee/ Subcommittee Referrals</b>	<b>Committee Action</b>	<b>Floor Action</b>	<b>Status</b>	<b>Explanation of Bill</b>	<b>Antitrust Section/ Administration Positions</b>
S 443	Sen. Mike DeWine (R-OH)	2	Senate Judiciary Committee & House Committee on the Judiciary	10/20/05: Reported out of Committee	0/25/05: Passed Senate	Passed Senate, Pending in House Committee.	1) Improves the investigation of criminal antitrust offenses. 2) Authorizes interception of wire, oral, and electronic communications.	
HR 1201	Rep. Rick Boucher (D-VA)	2	House Judiciary Committee			Pending in committee	1) Amends the Federal Trade Commission Act to provide that the advertising or sale of a mislabeled copy-protected music disc is an unfair method of competition and an unfair and deceptive act or practice, and for other purposes.	
HR 532	Rep. Coble (R-NC)	3	House Judiciary Committee			Pending in committee	1) Modifies the application of the antitrust laws to permit collective development and implementation of a standard contract form for playwrights for the licensing of their plays.	

Bills	Key Sponsors	Total Sponsors	Committee/ Subcommittee Referrals	Committee Action	Floor Action	Status	Explanation of Bill	Antitrust Section/ Administration Positions
S 256	Sen. Chuck Grassley (R-IA)	12	Senate Judiciary Committee	<p>2/10/05: Committee hearings held</p> <p>2/17/05: Committee markup held</p> <p>2/17/05: Reported out of Committee</p> <p>4/8/05: Reported out of House Committee</p>	<p>3/10/05: Passed by Senate (74-25)</p> <p>4/14/2005: Passed by House</p>	4/20/05: Signed by President and is Public Law No: 109-8	<p>1) Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.</p> <p>2) Creates a “flexible means test” to make it more difficult for higher income individuals to completely eliminate debt by filing for bankruptcy.</p> <p>3) Amends the Truth in Lending Act to require: (1) specified minimum payment warnings applicable to an open end credit plan upon which finance charges are accruing; and (2) disclosure of a toll-free number to call for an estimate of the time required to repay the balance making only minimum payments.</p>	The Administration supports S 256 as reported by the Senate Judiciary Committee.
HR 685	Rep. James Sensenbrenner (R-WI)	88	<p>House Judiciary Committee</p> <p>House Financial Services Committee</p>			SEE ABOVE: Became public law 109-8	<p>4) Requires FTC to establish a toll-free number for the same purpose in the case of a creditor with respect to which the FTC is enforcing compliance with such Act.</p> <p>5) Directs the Board of Governors of the Federal Reserve System (the Board) to promulgate implementing regulations.</p>	

<b>Bills</b>	<b>Key Sponsors</b>	<b>Total Sponsors</b>	<b>Committee/ Subcommittee Referrals</b>	<b>Committee Action</b>	<b>Floor Action</b>	<b>Status</b>	<b>Explanation of Bill</b>	<b>Antitrust Section/ Administration Positions</b>
S 555	Sen. Mike DeWine (R-OH) Sen. Herb Kohl (D-WI)	13	Senate Judiciary Committee	4/14/05: Reported by Committee.	6/21/05: Attached to H.R. 6 but subsequently removed in Conference		1) Amends the Sherman Act to make oil-producing and exporting cartels illegal.	
HR 695	Rep. John Conyers (D-MI)	1	House Judiciary Committee			Pending in committee		
S 5	Sen. Chuck Grassley (R-IA)	34	Senate Judiciary Committee	2/3/05: Reported by committee without amendment. (S. Rept. 109-002)	2/10/05: Passed by Senate (72-26) 2/17/05: Passed by House (279-149)	2/18/05: Enacted as Public Law No. 109-002	1) Class Action Fairness Act of 2005. 2) Amends procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants.	

Bills	Key Sponsors	Total Sponsors	Committee/ Subcommittee Referrals	Committee Action	Floor Action	Status	Explanation of Bill	Antitrust Section/ Administration Positions
HR 29	Rep. Mary Bono (R-CA)	61	House Energy & Commerce/ Subcommittee on Commerce, Trade, and Consumer Protection & Senate Committee on Commerce, Science, and Transportation	1/26/05: Committee hearings held 2/4/05: Subcommittee markup held 2/16/05: Committee markup held 3/9/05: Committee markup held 4/12/2005 Reported by Committee	5/23/05: Passed by the House.	5/24/05: Received by Senate Committee	1) Securely Protect Yourself Against Cyber Trespass Act (SPY Act). 2) Makes it unlawful for any person who is not the owner or authorized user of a protected computer to engage in deceptive acts or practices in connection with specified conduct. 3) Directs the FTC to report to Congress regarding the use of computer tracking cookies in the delivery or display of advertising to computer owners and users.	
HR 744	Rep. Bob Goodlatte (R-VA)	14	House Judiciary Committee & Senate Committee on the Judiciary	5/18/05: Committee mark-up held 5/23/05: Reported by Committee 5/24/05: Referred to Senate Committee	5/23/05: Passed the House	Pending in Senate committee	1) Internet Spyware (I-SPY) Prevention Act of 2005. 2) Makes it unlawful for any person to intentionally access (or to exceed access of) a protected computer without authorization to obtain, transmit personal information or impair the security of the protected computer. 3) Authorizes \$10,000,000 for each of FY 2006-09 to Attorney General for prosecutions needed to discourage use of spyware and phishing.	

<b>Bills</b>	<b>Key Sponsors</b>	<b>Total Sponsors</b>	<b>Committee/ Subcommittee Referrals</b>	<b>Committee Action</b>	<b>Floor Action</b>	<b>Status</b>	<b>Explanation of Bill</b>	<b>Antitrust Section/ Administration Positions</b>
HR 1080	Rep. Edward Markey (D-MA)	9	House Energy & Commerce/ Subcommittee on Commerce Trade & Consumer Protection			Pending in subcommittee	1) Information Protection and Security Act. 2) Directs the FTC to promulgate regulation governing the conduct of information brokers and the protection of personally identifiable information held by such brokers. 3) Requires violations of such regulations to be treated as unfair or deceptive acts or practices under the FTC Act.	
S 500	Sen. Bill Nelson (D-FL)	1	Senate Commerce, Science & Transportation Committee			Pending in committee	4) Authorizes States to bring civil actions on behalf of State residents in Federal District court to (1) enjoin such acts or practices (2) enforce compliance with FTC regulations, or (3) obtain appropriate relief. 5) Establishes a private right of action for individuals injured by violations of regulations promulgated under this Act.	
S 29	Sen. Dianne Feinstein (D-CA)	5	Senate Judiciary Committee			Pending in committee	1) Social Security Number Prevention Act. 2) Amends the Federal criminal code to prohibit the display, sale, or purchase of social security numbers without the expressed consent of the individual. 3) Prohibits a commercial entity from requiring an individual to provide a social security number when purchasing a good or service.	

Bills	Key Sponsors	Total Sponsors	Committee/ Subcommittee Referrals	Committee Action	Floor Action	Status	Explanation of Bill	Antitrust Section/ Administration Positions
S 115	Sen. Dianne Feinstein (D-CA)	1	Senate Judiciary Committee			Pending in committee	<p>1) Notification of Risk to Personal Data Act.</p> <p>2) Requires federal agencies, and persons engaged in interstate commerce, in possession of electronic data containing personal information, to disclose any unauthorized acquisition of such information.</p> <p>3) Notifies any U.S. resident whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person.</p> <p>4) Provides civil penalties, rights and remedies in connections with violations, as well as enforcement by State attorneys general.</p>	
HR 1263	Rep. Cliff Stearns (R-FL)	2	House Energy and Commerce  House International Relations			Pending in committee	<p>1) Consumer Privacy Protection Act of 2005.</p> <p>2) Requires data collection agencies to establish a privacy policy with respect to the collection, sale, disclosure for consideration, dissemination, use and security of the personally identifiable information of consumers.</p> <p>3) FTC may disseminate regulations and interpretive rules (as allowed by Sect. 18 of the FTC Act) to assist compliance with these practices.</p> <p>4) Provides that the FTC will take action, if necessary, to permit consumers that have a reasonable belief that they are a victim of identify theft to complete an "Identity Theft Affidavit."</p>	

Bills	Key Sponsors	Total Sponsors	Committee/ Subcommittee Referrals	Committee Action	Floor Action	Status	Explanation of Bill	Antitrust Section/ Administration Positions
S 472	Sen. Patrick Leahy (D-VT)	1	Senate Judiciary Committee			Pending in committee	1) Anti-phishing Act of 2005. 2) Criminalizes Internet scams involving fraudulently obtaining personal information, commonly known as phishing.	
HR 1099	Rep. Darlene Hooley (D-OR)	2	House Judiciary Committee			Pending in committee		
S 3	Sen. Judd Gregg (R-NH)	8	Senate Finance Committee			Pending in committee	1) Strengthens and protects America in the war on terror. 2) Provides program revisions that would address some of the concerns raised by companies, including their assertion that the existing law does not offer enough protection against liability they could incur for health problems that might arise from use of the vaccines.	
HR 22	Rep. John McHugh (R-NY)	43	House Government Reform Committee	4/28/05: Reported by Committee  7/26/05: Referred to Senate Committee	7/26/05: Passed the House	Pending in Senate	1) Reforms the postal laws of the United States. 2) Restructures the Postal Service to create a flexible rate-setting system, insert a strong regulatory board and establish fair-competition rules.	
HR 1079	Rep. Roscoe Bartlett (R-MD)	58	House Energy & Commerce/Subcommittee on Health			Pending in subcommittee	1) RU-486 Suspension and Review Act of 2005. 2) Provides that the approved application under the Federal Food, Drug, and Cosmetic Act for RU-486 is deemed to have been withdrawn. 3) Provides for the review by the Comptroller General of the process by which the FDA approved such drug.	
HR 3318	Rep. Mark Green (R-WI)	1	House Judiciary  House Transportation & Infrastructure			Pending in committee	1) Amends Clayton Act 2) Restores application of antitrust laws to rail carriers	
HR 3074	Rep. Ron Paul (R-TX)	0	House Judiciary			Pending in committee	1) Quality Health Care Coalition Act of 2005 2) Exempts health care professionals from the Federal antitrust laws in their negotiations with health plans and health insurance issuers	

<b>Bills</b>	<b>Key Sponsors</b>	<b>Total Sponsors</b>	<b>Committee/ Subcommittee Referrals</b>	<b>Committee Action</b>	<b>Floor Action</b>	<b>Status</b>	<b>Explanation of Bill</b>	<b>Antitrust Section/ Administration Positions</b>
HR 1671	Rep. Anthony Weiner (D-NY)	45	House Judiciary			Pending in committee	1) Community Pharmacy Fairness Act of 2005 2) Provides for the application of antitrust laws to negotiations between groups of independent pharmacies and health plans and health insurance issuers	
HR 2401	Rep. Peter DeFazio (D-OR)	6	House Judiciary			Pending in committee	1) Insurance Competitive Pricing Act of 2005 2) Modifies the antitrust exemption applicable to the business of insurance	
HR 2944	Rep. Alcee Hastings (D-FL)	4	House Energy & Commerce/Subcommittee on Energy & Air Quality			Pending in subcommittee	1) Gross Overcharging Undermines Gasoline Economics Act 2) Provides for the assessment of a penalty to gasoline retailers who charge prices grossly in excess of the prescribed index price for gasoline	
HR 328	Rep. Gil Gutknecht (R-MN)	111	House Energy & Commerce/Subcommittee on Health & House Judiciary/Subcommittee on Courts, the Internet, & Intellectual Property			Pending in subcommittee	1) Pharmaceutical Market Access Act 2) Amends the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes	
S. 109	Sen. David Vitter (R-LA)	3	Senate Health, Education, Labor, & Pensions			Pending in committee		
S. 919	Sen. Conrad Burns (R-MT)	11	Senate Commerce, Science, & Transportation			Pending in committee	1) Railroad Competition Act of 2005 2) Amends title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates	
HR 2047	Rep. Richard Baker (R-LA)	22	House Transportation & Infrastructure/Subcommittee on Railroads			Pending in subcommittee	1) Railroad Competition Improvement & Reauthorization Act of 2005 2) Authorizes appropriations for the Surface Transportation Board, to enhance rail transportation competition	



<b>Bills</b>	<b>Key Sponsors</b>	<b>Total Sponsors</b>	<b>Committee/ Subcommittee Referrals</b>	<b>Committee Action</b>	<b>Floor Action</b>	<b>Status</b>	<b>Explanation of Bill</b>	<b>Antitrust Section/ Administration Positions</b>
HR 3893	Rep. Joe Barton (R-TX)	1	House Energy and Commerce & House Transportation and Infrastructure & House Armed Services & Senate Committee on Energy and Natural Resources	9/26/05: Reported from Committee  10/6/05 Reported Amended from Committee  10/24/05: Referred to Senate Committee	10/7/05: Passed House	Pending in Senate Committee	1) Gasoline for America's Security Act of 2005 2) Sets forth a statutory framework in the wake of Hurricanes Katrina and Rita to increase refinery capacity, reduce environmental and other regulations under the Clean Air Act, and coordinate permitting requirements and other regulations affecting refineries. Directs the FTC to investigate recent nationwide gas prices including any evidence of price-gouging.	
S. 1549	Sen. Smith (R-OR)	1	Senate Committee on Commerce, Science, and Transportation			Pending in Senate Committee	1) Cooperative Hake Improvement and Conservation Act 2) Establishes a program of market-based incentives for management and conservation of Pacific whiting fisheries. Provides for the issuance of limited entry permits and processor permits to fishermen and processors.	
HR 3675	Rep. Bass (R-NH)	1	House Committee on Energy and Commerce & Senate Committee on Commerce, Science, and Transportation		10/25/05: Passed House	Referred to Senate Committee	1) American Spirit Fraud Prevention Act. 2) Amends the FTC Act to double the existing statutory civil penalty for a violation involving an unfair or deceptive act or practice during a disaster.	
S. 1326	Sen. Sessions (R-AL)	1	Senate Committee on the Judiciary	10/20/05: Reported out of Judiciary Committee		Pending in the Senate	1) Notification of Risk to Personal Data Act. 2) Requires agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft.	

<b>Bills</b>	<b>Key Sponsors</b>	<b>Total Sponsors</b>	<b>Committee/ Subcommittee Referrals</b>	<b>Committee Action</b>	<b>Floor Action</b>	<b>Status</b>	<b>Explanation of Bill</b>	<b>Antitrust Section/ Administration Positions</b>
HR 2862 A. 1703	Sen. Pryor (D-Ark)	1			9/14/05: Amendment 1703 added to HR 1703  9/15/05: Passed Senate  11/19/05: Passed House	Pending Senate Vote	1) An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies. 2) Includes an amendment that would require the FTC to conduct an immediate investigation into gasoline price-gouging.	
HR 3997	Rep. LaTourette (R-OH)	6	House Committee on Financial Services	11/9/05: Committee hearing held.		Pending in House committee	1) Financial Data Protection Act of 2005 2) Amends the Fair Credit Reporting Act to require companies holding sensitive consumer data to notify consumers about data breaches that could pose substantial harm or inconvenience.	
HR 4127	Rep. Stearns (R-FL)	1	House Committee on Energy and Commerce & Subcommittee on Commerce, Trade and Consumer Protection	11/3/05: Subcommittee mark-up held.  11/3/05: Forwarded to Full Committee		Pending in House committee.	1) Data Accountability and Trust Act 2) Protects consumers by requiring reasonable security policies and procedures to protect computerized data containing personal information, and to provide for nationwide notice in the event of a security breach.	
HR 1332	Sen. Specter (R-PA) Sen. Leahy (D-VT)	2				Placed on Senate legislative calendar.	1) Personal Data Privacy and Security Act. 2) Prevents identity theft and ensures privacy by enhancing criminal penalties, law enforcement assistance, and other protections against security breaches and misuse of personally identifiable information.	
S. 714	Sen. Smith (R-OR)	10	Senate Committee on Commerce, Science, and Transportation	6/7/05: Reported by Committee.	6/24/05: Passed Senate  6/28/05: Passed House	Signed by President: Public Law No. 109-21	1) Junk Fax Prevention Act of 2005 2) Prohibits any person from sending unsolicited advertisements via fax unless an established business relationship already exists.	
S. 1392	Sen. Smith (R-OR)	2	Senate Committee on Commerce, Science, and Transportation	7/21/05: Reported from Committee		Pending Senate action.	1) FTC Reauthorization Act of 2005 2) Funds the FTC through 2010 and includes an amendment that would allow the re-importation of prescription drugs.	

<b>Bills</b>	<b>Key Sponsors</b>	<b>Total Sponsors</b>	<b>Committee/ Subcommittee Referrals</b>	<b>Committee Action</b>	<b>Floor Action</b>	<b>Status</b>	<b>Explanation of Bill</b>	<b>Antitrust Section/ Administration Positions</b>
S. 1350	Sen. Specter (R-PA) Sen. Boxer (D-CA)		Senate Committee on Commerce, Science, and Transportation			Pending in Senate Committee	1) Wireless 411 Privacy Act 2) Prohibits providers of commercial mobile services from using the wireless telephone number of any subscriber in any wireless directory assistance service without notice or express prior authorization.	
S. 603	Sen. Landrieu (D-LA)	20	Senate Committee on Banking, Housing, and Urban Affairs			Pending in Committee	1) Consumer Rental-Purchase Agreement Act of 2005. 2) Provides meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, and to provide certain substantive rights to consumers under such agreements.	
HR 1651	Rep. Jones (R-NC)	41	Subcommittee on Financial Institutions and Consumer Credit			Pending in Subcommittee		
S. 1608	Sen. Smith (R-OR)	4	Senate Committee on Commerce, Science, and Transportation.			Pending in Committee	1) U.S. Safe Web Act of 2005. 2) Enhances FTC enforcement against illegal spam, spyware, and cross-border fraud and deception.	
S. 1145	Rep. Baca (D-CA)	31	Subcommittee on Commerce, Trade, and Consumer Protection			Pending in Subcommittee	1) SAFE Rating Act 2) Requires the FTC to study the rating system of the video game industry and their labeling practices to determine if such practices are unfair or deceptive.	
HR 3032	Rep. Green (D-TX)	2	Subcommittee on Telecommunications and the Internet			Pending in Subcommittee	1) TV Truth Act of 2005 2) Requires manufacturers and retailers to disclose to customers that analog televisions will no longer receive broadcast transmissions after the public broadcast spectrum changes to digital after December 31, 2006.	
S. 1004	Sen. Allen (R-VA)	6	Senate Committee on Commerce, Science, and Transportation			Pending in Committee	1) Enhanced Consumer Protection against Spyware Act of 2005 2) Provides the FTC resources to protect Internet users from unfair and deceptive acts associated with Spyware.	

<b>Bills</b>	<b>Key Sponsors</b>	<b>Total Sponsors</b>	<b>Committee/ Subcommittee Referrals</b>	<b>Committee Action</b>	<b>Floor Action</b>	<b>Status</b>	<b>Explanation of Bill</b>	<b>Antitrust Section/ Administration Positions</b>
HR 1038	Rep. Sensenbrenner (R-WI)	1	House Judiciary Committee & Senate Committee on the Judiciary	3/9/2005: Reported by Committee	4/19/05: Passed House	Pending in Senate Committee	1) Multidistrict Litigation Restoration Act of 2005 2) Streamlines multidistrict litigation by allowing the same district court to handle both the pretrial proceedings and trial in the same case.	
H.Res 376	Rep. Upton (R-MI)	3	House Committee on Energy and Commerce		7/25/05: Passed the House		1) Expressing the sense of the House that the FTC should investigate the video game "Grand Theft Auto" to determine if the publisher deceived the ratings board to avoid an "Adults-Only" rating.	

**Section of Antitrust Law  
Legislation Committee**

**Co-Chairs:**

**Melanie Sabo** (202) 661-3790  
**Makan Delrahim** (202) 872-5288

[melanies@prestongates.com](mailto:melanies@prestongates.com)  
[mdelrahim@bhf-law.com](mailto:mdelrahim@bhf-law.com)