

ANTITRUST AND CONSUMER PROTECTION LEGISLATION
108TH CONGRESS
(As of August 13, 2004)

Bills	Key Sponsors	Total Sponsors	Committee/ Subcommittee Referrals	Committee Action	Floor Action	Status	Explanation of Bill	Antitrust Section/ Administration Positions
AGRICULTURE								
H.R. 324 Dairy Consumers and Producers Protection Act	Rep. Vitter (R - LA)	5	House Judiciary/ Subcommittee on Commercial and Administrative Law			Pending in committee	1) Would eliminate the termination date for currently established regional dairy compacts. 2) FTC would be authorized to establish a compact overorder price for milk to be paid by pool plants and partially regulated plants. 3) Would prevent most states from joining a dairy compact.	
CLASS ACTION								
H.R. 1115 (House) Class Action Fairness Act of 2003	Rep. Goodlatte (R -VA)	51	House Judiciary Committee	5/21/03: Mark-up held by Judiciary Committee 6/9/03: Reported out of Judiciary Committee (H. Rept. 108-144)	6/12/03: Passed House 253 – 170 with Sensenbrenner amendment increasing threshold for federal jurisdiction over class actions from \$2 million to \$5 million	Pending in Senate committee	Establishes a consumer class action bill of rights. Provisions include: 1) Judicial review and approval of non-cash settlements. 2) Protection against loss by class members because of payments to class counsel. 3) A prohibition against court approval of a proposed settlement providing for greater payments to class members because they are located in closer geographic proximity to the court. 4) A prohibition against court approval of a proposed settlement providing for payment of a greater share of the award to a class representative serving on behalf of a class. 5) Standardized settlement notification information. 6) Specific requirements regarding proposed settlement notifications to Federal and State officials.	Administration supports H.R. 1115, but would prefer a \$2 million threshold for federal jurisdiction and provisions preventing the Supreme Court from altering the legislative scheme with rules of their own.
H.R. 1115 (Senate) Class Action Fairness Act of 2003	Rep. Goodlatte (R -VA)	51	Senate Judiciary Committee			Pending in committee		
S. 274 Class Action Fairness Act of 2003	Sen. Grassley (R - IA)	23	Senate Judiciary Committee	4/10-11/03: Markup held by Judiciary Committee 7/31/03: Reported out of Judiciary Committee (S. Rept. 108-123)	Placed on Senate Calendar.	No further action		
S. 1751 Class Action Fairness Act of 2003	Sen. Grassley (R - IA)	14	No committee referral		10/22/03: Cloture on motion to proceed to measure not invoked in Senate (59-39)	No further action		

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S. 2062 Class Action Fairness Act of 2004	Sen. Grassley (R – IA)	14	No committee referral		7/8/04: Cloture on motion to proceed to measure not invoked in Senate (44-43)			
E-COMMERCE								
H.R. 21 Unlawful Internet Gambling Funding Prohibition Act	Rep. Leach (R - IA)	36	House Financial Services Committee; House Judiciary/ Subcommittee on Crime, Terrorism, and Homeland Security	3/13/03: Mark-up held by Financial Services Committee 3/27/03: Reported with amendment out of Financial Services Committee (H. Rept. 108-51 , Part I) 4/29/03: Hearing held by Judiciary Subcommittee 5/6/03: Mark-up held by Judiciary Subcommittee 5/14/03: Mark-up held by Judiciary Committee 5/22/03: Reported out of Judiciary Committee (H. Rept. 108-51 , Part II)	5/22/03: Placed on House Calendar	Awaiting House floor consideration	1) Prohibits any person engaged in a business of betting or wagering from knowingly accepting in connection with the participation of another person in Internet gambling: (a) credit; (b) electronic fund transfers or funds transmitted by or through a money transmitting business; (c) any instrument drawn by or on behalf of another and payable through any financial institution; or (d) the proceeds of any other form of financial transaction involving a financial institution as payer or financial intermediary for another. 2) Excludes securities trading activities.	

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H.R. 131 Consumer Protection for On-Line Games Act of 2003	Rep. Kilpatrick (D – MI)	1	House Energy and Commerce/ Subcommittee on Commerce, Trade, and Consumer Protection			Pending in subcommittee	1) Directs the Federal Trade Commission to prescribe rules to prohibit unfair and deceptive acts and practices in the labeling and advertising of games offered by means of the communications networks by network game operators including: (a) making false, unsubstantiated, non-verifiable, or misleading claims regarding game fairness; (b) displaying or advertising any seal or insignia attesting to the fairness of any game unless it's awarded by a complying self-regulatory organization; and (c) unfair or deceptive acts or practices that evade such rules or undermine customer rights. 2) Qualifying self-regulatory organization must be able to enforce member compliance and have rules designed to prevent the prohibited practices.	
H.R. 2143 (House) Unlawful Internet Gambling Funding Prohibition Act	Rep. Bachus (R –AL)	3	House Financial Services Committee	5/21/03: Mark-up held by Financial Services Committee 6/2/03: Reported out of Financial Services Committee (H. Rept. 108-133 , Part I) 6/3/03: Supplemental report filed by Financial Services Committee (H. Rept. 108-133 , Part II)	6/10/03: Passed as amended, 319-104	Pending in Senate committee	Would require Federal functional regulators to develop methods of identifying transactions used to pay for internet gambling and means of blocking such transactions.	
H.R. 2143 (Senate) Unlawful Internet Gambling Funding Prohibition Act	Rep. Bachus (R-AL)	3	Senate Banking, Housing, and Urban Affairs Committee			Pending in committee		

INSURANCE/HEALTHCARE

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H.R. 414 Life Insurance Employee Notification Act	Rep. Green (D - TX)	21	House Energy and Commerce/ Subcommittee on Commerce, Trade and Consumer Protection; House Education and the Workforce/ Subcommittee on Employer-Employee Relations			Pending in subcommittees	1) Would require an employer to notify an employee in writing upon the purchase of an employer-owned insurance policy on the employee's life. 2) Failure to notify would be deemed an unfair trade practice under the FTCA.	
H.R. 448 Insurance Competitive Pricing Act of 2003	Rep. DeFazio (D - OR)	14	House Judiciary Committee			Pending in committee	Would amend the McCarran-Ferguson Act to eliminate the antitrust exemption applicable to insurance where the conduct involves: (1) price fixing; (2) allocating with a competitor a geographical area or potential customers; (3) unlawfully tying one type of insurance to another type of insurance or any other service or product; or (4) monopolizing, or attempting to monopolize.	
H.R. 1120 Health Care Antitrust Improvements Act of 2003	Rep. Bachus (R - AL)	21	House Judiciary Committee			Pending in committee	Clarifies application of antitrust laws to negotiations between groups of health care professionals, health plans, and health care insurance issuers. 1) Applies rule of reason standard to negotiations between a health plan and two or more physicians. 2) Physicians cooperatives facing antitrust liability for negotiations with a health plan may avoid punitive and treble damages by filing notice with the Attorney General. 3) Prohibits medical plan practice of "tying" participation in one product line to another. 4) Instructs Attorney General to create at least six physician cooperative demonstration projects – allowing physicians to bargain with health plans collectively.	In January 2000, the Section of Antitrust Law submitted comments opposing a similar bill (H.R. 1304).

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H.R. 1158 Medical Malpractice Insurance Competitive Pricing Act of 2003	Rep. Sandlin (D -TX)	1	House Judiciary Committee; House Education and the Workforce/ Subcommittee on Employer-Employee Relations; House Energy and Commerce/ Subcommittee on Health; House Ways and Means Committee			Pending in committees	1) Would amend the McCarran-Ferguson Act to exempt joint conduct regarding medical malpractice information. 2) Reforms medical malpractice litigation by encouraging the use of alternative dispute resolution methods. Mandates mediation before trial. 3) Would direct HHS to appoint an advisory commission to study medical malpractice insurance.	
H.R. 1247 Quality Health Care Coalition Act of 2003	Rep. Paul (R - TX)	1	House Judiciary Committee			Pending in committee	1) Exempts health care professionals from the Federal antitrust laws in their negotiations with health plans and health insurance issuers. 2) Would not extend to collective plans to refuse service to patients. 3) Negotiations under federally funded programs, such as Medicare and Medicaid, would not be exempted from antitrust liability.	In January 2000, the Section of Antitrust Law submitted comments opposing a similar bill (H.R. 1304).
S. 352 Medical Malpractice Insurance Antitrust Act of 2003	Sen. Leahy (D – VT)	9	Senate Judiciary Committee			Pending in committee	1) Would hold that nothing in the McCarran-Ferguson Act shall be construed to permit commercial insurers to engage in any form of price fixing, bid rigging, or market allocations in connection with the conduct of the business of providing medical malpractice insurance. 2) Exempts the information gathering and rate setting activities of any State insurance commissions or any other State regulatory body with authority to set insurance rates.	
PHARMACEUTICALS								
H.R. 1 (House) Medicare Prescription Drug and Modernization Act of 2003	Rep. Hastert (R-IL)	21	House Energy and Commerce/ Subcommittee on Health; House Ways and Means Committee		6/27/03: Passed House 216-215 (1 present)	12/8/03: Enacted as Public Law No. 108-173	1) Limit 30-month stays and allow for the forfeiture of 180-day exclusivity for the first generic product to ANDA approval. 2) Limit a pioneer to a single 30-month stay per generic drug application. A 30-month stay is available only for patents listed by the pioneer before the filing of an ANDA. 3) In circumstances under which an NDA	The FTC has supported legislative changes to the Hatch-Waxman Act designed to speed generic entry.

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H.R. 1 (Senate) Medicare Prescription Drug and Modernization Act of 2003	Rep. Hastert (R-IL)	21			7/7/03: Passed Senate by Unanimous Consent with amendment striking all after enacting clause and substituting the language of S. 1	12/8/03: Enacted as Public Law No. 108-173	holder sues an ANDA applicant for infringement, authorize the ANDA applicant to assert a counterclaim seeking an order to correct or delete patent information submitted to FDA. 4) Limits the ability of the first generic with an approvable application to gain 180-days of marketing exclusivity against subsequent generics. The following will result in forfeiture of 180-exclusivity by the first generic: (i) failure to market within specified time periods; (ii) withdrawal of the ANDA; (iii) an amendment or withdrawal of the first generic applicant's certification for all patents that would qualify the applicant for the 180 day period; (iv) failure of the first generic applicant to gain tentative approval of its application; (v) a decision by the FTC or a court that an agreement between the first generic applicant and the pioneer, and another ANDA applicant or a patent holder, has violated the antitrust laws; (vi) expiration of all patents as to which the first generic applicant has submitted a certification qualifying it for the 180-day exclusivity period.	
S. 1 Prescription Drug and Medicare Improvement Act of 2003	Sen. Frist (R-TN)	5	Senate Finance Committee	6/12/03: Reported by Finance Committee with an amendment in the nature of a substitute. (no written report)	6/27/03: Passed by Senate 76-21 with amendments. Amended bill includes provision incorporating S. 946, Drug Competition Act of 2003 (see summary of bill below) 7/7/03: Senate incorporated measure into H.R. 1 as an amendment.	No further action		
H.R. 828 Pharmaceutical Fiscal Accountability Act of 2003	Rep. McCarthy (D - NY)	9	House Energy and Commerce/ Subcommittee on Health			Pending in subcommittee	1) Amends the Federal Food, Drug, and Cosmetic Act to treat certain expedited new drug applications as an initial application entitled to a 180-day generic drug exclusivity. 2) Amends the Public Health Service Act to require the Director of the NIH to support qualifying clinical research on the development of new drugs at designated small public or private entities. 3) Emphasizes drug research that has the potential to make a significant contribution for the prevention, diagnosis, or treatment of a disease that has not received significant Federal funding. 4) Entitles the Director to five percent of the profits from sales during the patent period.	

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H.R. 1199 Medicare Rx Drug Benefit and Discount Act	Rep. Rangel (D - NY)	133	House Energy and Commerce/ Subcommittee on Health; House Ways and Means/ Subcommittee on Health			Pending in subcommittees	1) Amends Title XVIII (Medicare) of the Social Security Act (SSA) to add a new part D (Voluntary Prescription Drug Benefit Program) under which each individual who is entitled to benefits under Medicare part A (Hospital Insurance) or eligible to enroll under Medicare part B (Supplemental Medical Insurance) is entitled to obtain qualified prescription drug coverage. 2) Outlines standard coverage benefit packages. Includes for the standard package a monthly premium of \$25, an annual deductible of \$100, a coinsurance of 20 percent and an annual out-of-pocket spending limit of \$2,000. Directs the Secretary to negotiate fair prices with pharmaceutical manufacturers. 3) Provides for accelerated generic drug competition under the Federal Food, Drug, and Cosmetic Act.	
S. 7 Prescription Drug Benefit and Cost Containment Act of 2003	Sen. Daschle (D - SD)	22	Senate Finance Committee			Pending in committee	1) Amends Title XVIII (Medicare) of the Social Security Act (SSA) to establish: (i) a Medicare Outpatient Prescription Drug Benefit Program under new part D; (ii) a Prescription Drug Account in the Federal Supplementary Medical Insurance Trust Fund; and (iii) a Medicare Prescription Drug Advisory Committee. 2) Requires pharmaceutical companies to register their patents with the FDA within 30 days of approval. Makes failure to timely register a bar to civil actions for patent infringement. 3) First generic applicants filing for 180-day marketing exclusivity would forfeit that market advantage if they delay or prevent the marketing of a generic drug.	

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S. 54 Greater Access to Affordable Pharmaceuticals Act of 2003	Sen. Schumer (D - NY)	22	Senate Health, Education, Labor, and Pensions Committee			Pending in committee	1) Amends the Federal Food, Drug, and Cosmetic Act to revise provisions concerning the timing of generic drug availability. 2) Would require pharmaceutical companies to register patents with the FDA within 30 days of drug approval. Failure to register acts as a bar against any civil action for patent infringement. 3) First generic applicants filing for 180-day marketing exclusivity would forfeit that market advantage if they delay or prevent the marketing of a generic drug.	
S. 946 Drug Competition Act of 2003	Sen. Leahy (D-VT)	7	Senate Judiciary Committee		6/25/03: Incorporated into S. 1, the Prescription Drug and Medicare Improvement Act of 2003 (S.Amdt. 974), and enacted as part of P.L. No. 108-173 (see discussion, above).	Pending in committee	1) Sets filing requirements for a generic drug applicant that has submitted an Abbreviated New Drug Application (ANDA) and a brand name drug company that enter into an agreement, before a drug enters the market, regarding: (i) the manufacture, marketing, or sale of the brand name or the generic drug; or (ii) the 180-day semi-exclusivity period referred to in the Federal Food, Drug, and Cosmetic Act as it applies to such ANDA or any other ANDA based on the same brand name drug. Requires each such party to file such agreement and any related agreements with the Assistant Attorney General and the Federal Trade Commission (FTC). Makes an exception for agreements that solely concern purchase orders for raw material supplies, equipment and facility contracts, or employment or consulting contracts. 2) Exempts any such information or documentary material filed from disclosure under the Freedom of Information Act. 3) Subjects an applicant or company to a civil penalty of up to \$11,000 for each day such entity fails to comply with this Act.	2/5/02: Sections of Antitrust Law and Intellectual Property Law commented on a predecessor bill (S. 754). 7/30/02: FTC report recommends legislation imposing filing requirement for pharmaceuticals agreements.

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S. 2328 Pharmaceutical Market Access and Drug Safety Act of 2004	Sen. Dorgan (D – ND)	31	Senate Judiciary Committee Senate Health, Education, Labor and Pensions Committee	7/14/04: Senate Judiciary Committee held hearings.		Pending in Committee	<p>The act immediately legalizes drug importation from Canada, and from other listed countries in one year. Only section 27 of the act involves antitrust issues.</p> <p>1) Section 27 prohibits pharmaceutical company from charging entities that export drugs more than they charge non-exporters in the same country; 2) Prohibits sellers from charging drug importers more than other entities in the U.S. 3) Prohibits sellers from arbitrarily refusing to sell to importers or exporters; 4) Makes it unlawful for a seller to change the active ingredient, dosage or form of a prescription for export in order to prevent its re-importation. 5) Includes a presumption that any difference between a exported drug and its domestic counterpart is intended to prevent its re-importation 6) Applies paragraph (1)-(5) and (11) of subsection (a) of section 27 of the Clayton Act to drug importation from Canada 7) Applies paragraph (6) of section 27 of the Clayton Act to notices respecting drug for importation</p>	

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TELEMARKETING								
H.R. 395 "Do Not Call" Implementation Act	Rep. Tauzin (R - LA) Rep. Dingell (D - MI)	26	House Energy and Commerce Committee	1/29/03: Mark-up held by Energy and Commerce Committee 2/11/03: Reported out of Energy and Commerce Committee (H. Rept. 108-8)	2/12/03: Passed the House 418-7 2/13/03: Passed the Senate by unanimous consent	3/11/03: Enacted as Public Law No. 108-10	1) Directs FCC to implement provisions of the Telephone Consumer Fraud and Abuse Prevention Act. 2) Permits FTC to establish user fees for the purposes of implementing and enforcing the legislation.	Administration FY 2004 budget included \$18 million for implementation. Rollout date was expedited to July 2003. FTC has testified in support of the bill.
H.R. 526 Telemarketing Relief Act	Rep. Johnson (R - CT)	2	House Financial Services/ Subcommittee on Financial Institutions and Consumer Credit/ Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises; House Energy and Commerce/ Subcommittee on Telecommunications and the Internet; House Agriculture/ Subcommittee on Farm Commodities and Risk Management			Pending in subcommittees	1) Telemarketing Relief Act of 2003 - Requires the following agencies, subject to specified exceptions, to issue rules that are substantially similar to the Telemarketing Sales Rule promulgated by the FTC: (a) the SEC; (b) the CFTC; (c) the Board of Governors of the Federal Reserve System; (d) the Federal Home Loan Bank Board; (e) the National Credit Union Administration Board; and (f) the FCC. 2) Requires such rules to prohibit the making of any telephone call for telemarketing purposes to a telephone number included on the registry established and published by the FTC. 3) Declares that such rules will not prohibit use of a consumer's telephone number for: (a) charitable, political opinion polling or other political activities, or other nonprofit activities; (b) use with the consumer's prior written or verbal permission; (c) use primarily in connection with an existing consumer debt or contract that has not been paid or performed; (d) compilation by certain providers of a telephone exchange service or telephone toll service; and (e) use by business to business communication.	

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H.R. 3161 Do-Not-Call-Registry bill	Rep. Tauzin (R - LA) Rep. Dingell (D - MI) Rep. Upton (R - MI) Rep. Markey (D - MA)	40	Energy and Commerce/ Subcommittee on Commerce, Trade, and Consumer Protection		9/25/03: Passed House 412-8; 9/25/03: Passed Senate 95-0	9/29/03: Enacted as Public Law No. 108-82	1) Authorizes the Federal Trade Commission to implement and enforce a national do-not-call registry under the Telemarketing and Consumer Fraud and Abuse Prevention Act 2) Ratifies the do-not-call registry provision of the Telemarketing Sales Rule which was promulgated by the Federal Trade Commission, effective March 31, 2003.	
S. 1652 Do-Not-Call-Registry bill	Sen. DeWine (R-OH) Sen. Feinstein (D - CA)	11	Committee on Commerce, Science and Transportation			Pending in committee		
S. 1654 Do-Not-Call-Registry bill	Sen. Stevens (R-AK) Sen. Hollings (D - SC) Sen. Murkowski (R - AK)	3	Committee on Commerce, Science and Transportation			Pending in committee		
S. 335 Family Dinnertime Protection Act of 2003	Sen. Johnson (D - SD)	2	Senate Commerce, Science and Transportation Committee			Pending in committee	1) Directs the Federal Trade Commission to modify telemarketing sales regulations to expand the calling time restrictions period for telemarketing telephone calls to the period between 5:30 p.m. and 7:30 p.m. local time. 2) Requires the FTC to modify specified regulations in order to ensure that an outbound telephone call regarding suspicious or illegal activity would not constitute an abusive telemarketing act or practice.	

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SPAM								
H.R. 1933 Reduce Spam Act of 2003	Rep. Lofgren (D - CA)	29	House Energy and Commerce/ Subcommittee on Telecommunications and the Internet; House Judiciary/ Subcommittee on Crime, Terrorism, and Homeland Security			Pending in subcommittees	1) Would apply to commercial spam messages, particularly those that carry adult content. Such messages would be required to carry specific content identifiers in their subject heading and provide a return address. 2) FTC would have authority to seek criminal sanctions of a fine or 1 year imprisonment for failure to properly identify messages. Private person aggrieved by the spam would be permitted to seek damages in the amount of \$10 per violation.	FTC has testified in support of legislative measures to enhance tools, develop and deploy technological tools to fight spam, and to improve business and consumer education.
H.R. 2214 Reduction in Distribution of Spam Act of 2003	Rep. Burr (R - NC)	38	House Energy and Commerce/ Subcommittee on Commerce, Trade and Consumer Protection; House Judiciary/ Subcommittee on Crime, Terrorism, and Homeland Security	7/8/03: Hearing held by Subcommittee on Crime, Terrorism, and Homeland Security		Pending in subcommittees	1) Amends the Federal Criminal Code to provide criminal penalties for: (a) falsifying the identity of a spam mail sender; (b) failing to place warning labels on spam containing sexually oriented material; (c) bulk email violations and repeat offenses; and (d) illegally harvesting email addresses. 2) Provides enforcement of such penalties through actions by the DOJ, internet service providers, and state attorneys general. 3) Provides maximum fines of \$1.5 million for willful violations.	DOJ has endorsed the bill.

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H.R. 2515 Anti-Spam Act of 2003	Rep. Wilson (R - NM)	76	House Energy and Commerce/ Subcommittee on Commerce, Trade and Consumer Protection; House Judiciary/ Subcommittee on Crime, Terrorism, and Homeland Security			Pending in subcommittees	1) Would introduce criminal penalties for use of false identity in mass mailings, failure to include subject headings required by the FTC for marketing, and the illicit harvesting of electronic mail addresses. 2) Would provide treble damages for intentional violations. 3) Provides for action by State attorneys general, ISPs, and private individuals harmed by spam. 4) Exclusive federal court jurisdiction over all claims by consumers, ISPs, and State AGs. 5) FTC would have the right to intervene in any civil action under this section.	
S. 877 Controlling the Assault of Non-Solicited Pornography and Marketing ("CAN-SPAM") Act of 2003	Sen. Burns (R - MT) Sen. Wyden (D - OR)	23	Senate Commerce, Science, and Transportation Committee	7/16/03: Reported by Commerce Committee with an amendment in the nature of a substitute (S. Rept. 108-102).	7/16/03: Placed on Senate calendar; 10/22/03: Passed Senate 97-0, with amendments. Amended bill incorporates S. 1293, Criminal Spam Act of 2003 (see summary of bill below); 11/22/03: Passed House 392-5, with amendment; 11/25/03: Senate agreed to House amendment with an amendment (SA 2219) by unanimous consent; 12/8/03: House agreed to Senate amendment by unanimous consent.	12/16/03: Enacted as Public Law No. 108-187	1) Amends Federal criminal law to subject to a fine or imprisonment anyone who initiates the transmission to a protected computer of a spam message with knowledge and intent that it contains header information that is materially misleading. 2) Orders the FTC to initiate enforcement actions against mailers of improper spam. 3) Spam would be required to accurately disclose purpose in header, provide contact information (including physical address) in body text, and provide the recipient an opportunity to refuse future contact. 4) Requires the FTC to prepare and implement plan for do-not-spam registry within certain time limits. (Amended language added on floor). 5) Directs Sentencing Commission to review and revise penalties for violations involving large quantities of unsolicited email (Amended on floor by voice vote).	

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S. 1052 Ban on Deceptive Unsolicited Bulk Electronic Mail Act of 2003	Sen. Nelson (D – FL)	2	Senate Commerce, Science and Transportation Committee			Pending in committee	Would institute RICO punishments for those who falsify electronic mail transmission information, transmit electronic mail messages to a recipient who requests not to receive unsolicited bulk commercial electronic mail, or collect electronic mail addresses from public and private spaces for the purpose of transmitting unsolicited bulk commercial electronic mail.	
S. 1231 Stop Pornography and Abusive Marketing Act	Sen. Schumer (D - NY)	3	Senate Commerce, Science and Transportation			Pending in committee	<p>1) FTC would establish a national No-Spam Registry. Solicitation of those on the list would be a violation of the Act.</p> <p>2) The FTC would be given the authority to create specific categories of messages for the protection of minors, including pornographic material.</p> <p>3) Spam industry would be allowed to voluntarily create a code of conduct, which, if satisfactory to the FTC, would provide an alternative means of complying with the Act.</p> <p>4) Enforcement would be carried out by the FTC, a variety of federal agencies, State attorneys general, ISPs, and consumers.</p>	

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S. 1293 Criminal Spam Act of 2003	Sen. Hatch (R - UT)	12	Senate Judiciary Committee	9/25/03: Ordered to be reported with amendment by Judiciary Committee; 10/22/03: Report filed by committee (S. Rept. <u>108-170</u>)	9/25/03: Placed on Senate Calendar	Incorporated into S. 877, Controlling the Assault of Non-Solicited Pornography and Marketing ("CAN-SPAM") Act of 2003 (see summary of bill above).	1) Would apply to those who intentionally initiate the transmission of multiple commercial electronic mail messages via computer or retransmit multiple commercial electronic mail messages, falsify header information, or use information that falsifies the identity of the actual registrant, for 5 or more electronic mail accounts. 2) Fine or 1 year in prison for small violations. Fine or 3 years for distributors who make large number of transmissions or who have caused \$5,000 worth of damage to spam recipients. Fine or 5 years if spam is used to aid in the commission of a felony or if the sender has been previously been convicted under this act. 3) Civil action permitted by State attorney generals or internet service providers.	

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S. 1327 Reduce Spam Act of 2003	Sen. Corzine (D - NJ)	1	Senate Commerce, Science and Transportation Committee			Pending in committee	<p>1) Amends the Federal criminal code to prohibit the initiation of a transmission spam with the knowledge that such message contains or is accompanied by false or misleading header (identifying) information.</p> <p>2) Prohibits any person from initiating the transmission of a spam message to an e-mail address within the United States unless the subject line includes legally compliant identifying information or "ADV" as its first characters for commercial advertisements or "ADV:ADLT" for adult advertisements.</p> <p>3) Requires a sender to establish a valid sender operated return e-mail address where the recipient may notify the sender not to send further spam.</p> <p>4) Permits a spam recipient or a provider of Internet access service adversely affected by a violation of this Act to bring a civil action.</p> <p>5) Requires the FTC to submit to Congress a detailed analysis of this Act and the need, if any, for modifications.</p> <p>6) Directs the President to study and report to Congress on the possibility of an international agreement to reduce spam.</p>	
Privacy and FCRA								
H.R. 69 Online Privacy Protection Act of 2003	Rep. Frelinghuysen (R - NJ)	1	House Energy and Commerce/ Subcommittee on Commerce, Trade and Consumer Protection			Pending in subcommittee	<p>1) Would require the FTC to prescribe regulations to protect the privacy of personal information collected from and about individuals who are not covered by the Children's Online Privacy Protection Act of 1998 on the Internet.</p> <p>2) Improper disclosure would be treated as an unfair or deceptive act or practice under the FTCA.</p>	

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H.R. 70 Social Security On-line Privacy Protection Act	Rep. Frelinghuysen (R - NJ)	1	House Energy and Commerce/ Subcommittee on Commerce, Trade and Consumer Protection			Pending in subcommittee	1) Would prohibit an interactive computer service from disclosing to a third party an individual's social security number or related personally identifiable information without the individual's prior informed written consent. Requires such service to permit an individual to revoke any consent at any time. 2) Would permit the FTC to issue a cease and desist order as if such service were in violation of section 5 of the FTCA. 3) A service that knowingly engages in prohibited conduct would be liable for civil penalties under section 5(m)(1) of the FTCA.	
H.R. 2622 (House) Fair and Accurate Credit Transactions Act of 2003	Rep. Bachus (R – AL)	59	Financial Services/ Subcommittee on Financial Institutions Consumer Credit	7/10/03: Hearing held by Financial Services Committee 7/16/03: Mark-up held by Financial Services Subcommittee 7/24/03: Mark-up held by Financial Services Committee 9/4/03: Reported as amended out of Financial Services Committee (H. Rept. 108-263) 9/9/03: Supplemental report filed by Financial Services Committee (H. Rept. 108-263 , Part II)	9/10/03: Passed the House 392-30 (1 present) 11/21/03: House passed conference report (H. Rept. 108-396) 379-49 (1 present)	12/4/03: Enacted as Public Law No: 108-159	1) Identity theft and credit card fraud provision would require notification of card holder any time an additional card is requested after a change in address. 2) Consumer reporting agencies would be required to block all information in the consumer file resulting from alleged identity theft. 3) Federal banking institutions and the FTC would be required to develop “red-flag” guidelines for finding identity theft and resolving resulting consumer disputes more rapidly.	FTC has testified in support of changes to the FCRA to enhance consumer protection and combat identity theft.

Bills	Key Sponsors	Total Sponsors	Committee/ Subcommittee Referrals	Committee Action	Floor Action	Status	Explanation of Bill	Antitrust Section/ Administration Positions
H.R. 2622 (Senate) Fair and Accurate Credit Transactions Act of 2003	Rep. Bachus (R – AL)	59	Senate Committee on Housing, Banking, and Urban Affairs	11/5/03: Banking Committee discharged by unanimous consent	11/5/03: Senate struck all after enacting clause and substituted language of S. 1753 (see summary of bill below); 11/5/03: Passed Senate 95-2, with amendment 11/22/03: Senate passed conference report (H. Rept. 108-396) by unanimous consent	12/4/03: Enacted as Public Law No: 108-159		
H.R. 2633 Identity Theft Protection and Information Blackout Act of 2003	Rep. Emanuel (D.– IL)	21	House Ways and Means; Energy and Commerce/ Subcommittee on Health; House Judiciary Committee/ Subcommittee on Crime, Terrorism, and Homeland Security House Financial Services/ Subcommittee on Financial Institutions and Consumer Credit			Pending in committees and subcommittees	1) Would require the government and private persons to obtain consent before displaying an individual's social security number. 2) Would prohibit the State and Federal Governments from revealing social security numbers on checks and drivers licenses. 3) Refusal to do business without receipt of social security number would be deemed an unfair or deceptive trade practice. 4) Would restrict the transfer of medical information by consumer reporting agencies.	
S. 22 Justice Enhancement and Domestic Security Act of 2003	Sen. Daschle (D - SD)	15	Senate Judiciary Committee			Pending in committee	Incorporates, among other provisions: 1) Identity Theft Victims Assistance Act of 2003; 2) The Identity Theft Prevention Act of 2003; 3) The Social Security Number Misuse Prevention Act of 2003; 4) Increases penalties for Sherman Act Sections 1, 2, and 3 from \$10 million to \$100 million.	

Bills	Key Sponsors	Total Sponsors	Committee/ Subcommittee Referrals	Committee Action	Floor Action	Status	Explanation of Bill	Antitrust Section/ Administration Positions
S. 660 Economic Opportunity Protection Act of 2003	Sen. Johnson (D – SD)	1	Senate Banking, Housing, and Urban Affairs Committee	7/10/03: FTC submitted testimony to Congress supporting nationally uniform credit reporting guidelines		Pending in committee	Would amend Fair Credit Reporting Act to permit the Federal Government to preempt more stringent State consumer protection laws.	
S. 1753 Fair Credit Reporting Bill	Sen. Shelby (R-AL)	1	Senate Committee on Banking, Housing and Urban Affairs	10/17/03: Reported out of Banking Committee (S. Rept. 108-166)	11/4/03: Senate floor debate on bill; 11/5/03: Bill incorporated into HR 2622 (see above) , passed by Senate 95-2.	No further action.	1) Identify theft and credit card fraud provision would require notification of card holder any time an additional card is requested after a change in address. 2) Consumer reporting agencies would be required to block all information in the consumer file resulting from alleged identity theft. 3) Federal banking institutions and the FTC would be required to develop “red-flag”	FTC has testified in support of changes to the FCRA to enhance consumer protection and combat identity theft.
FTC/DOJ RELATED LEGISLATION								
H.R. 346 (House) American Spirit Fraud Prevention Act	Rep. Bass (R - NH)	1	House Energy and Commerce Committee	2/4/03: Reported by Energy and Commerce Committee (H. Rept. <u>108-5</u>)	2/12/03: Passed House, 422 – 1	Pending in Senate committee	Would amend the FTCA to: 1) Double civil penalties imposed for committing unfair or deceptive acts if they exploit popular reaction during a presidentially declared emergency or disaster period. 2) Direct the courts to impose a monetary civil penalty on persons that have committed such a violation (including dissemination of a false advertisement).	
H.R. 346 (Senate) American Spirit Fraud Prevention Act	Rep. Bass (R - NH)	1	Senate Commerce, Science and Transportation Committee			Pending in committee		

Bills	Key Sponsors	Total Sponsors	Committee/ Subcommittee Referrals	Committee Action	Floor Action	Status	Explanation of Bill	Antitrust Section/ Administration Positions
H.R. 2929 Safeguard Against Privacy Invasions Act	Rep. Bono (R – CA) Rep. Towns (D – NY)	32	House Energy and Commerce Committee	7/20/04: Reported by Energy and Commerce Committee (H. Rept. 108-619)		7/20/04: Placed on the Union Calendar. (Calendar No. 374)	1) Prohibits any person from engaging in deceptive acts or practices relating to taking control of someone else's computer and using it to send information, modifying their internet options or installing software without their knowledge. 2) Prohibits the collection of information from someone else's computer without their knowledge and consent. 2) Directs the FTC to enforce the provisions of this act as unfair and deceptive acts.	
H.R. 4661 Internet Spyware Prevention Act of 2004	Rep. Goodlatte (R – VA)	3	House Judiciary Committee	6/23/04: Referred to House Judiciary Committee		Pending in committee	1) Would amend section 1030 chapter 47 title 18, United States Code, by adding section 1030A. 2) Section 1030A establishes criminal penalties for intentionally accessing a protected computer for the purpose of obtaining or transferring personal information or impairing the security of the computer; the penalty is a fine or a maximum two year prison term, or both.	
S. 2145 Software Principles Yielding Better Levels of Consumer Knowledge Act (Spy Block Act)	Sen. Burns (R – MT) Sen. Boxer (D – CA) Sen. Wyden (R – OR)	4	Senate Commerce, Science, and Transportation Committee/ Subcommittee on Communications	3/23/04: Hearings held by Communications Subcommittee		Pending in Subcommittee	1) Would make it unlawful for any person to install, or allow to be installed, software on a computer, unless the owner has received notice and granted consent and the uninstall program satisfies the act. 2) Would require clear notice on the screen and separate notice for each information collecting, advertising, etc., feature. Owner must consent to install the program and each feature.	
S. 2131 Controlling Invasive and Unauthorized Software Act	Sen. Burns (R – MT)	1	Senate Commerce, Science, and Transportation			Pending in committee	3) Would provide administration and enforcement through the FTC.	

Bills	Key Sponsors	Total Sponsors	Committee/ Subcommittee Referrals	Committee Action	Floor Action	Status	Explanation of Bill	Antitrust Section/ Administration Positions
S. 1080 Antitrust Improvements Act of 2003	Sen. Hatch (R – UT) Sen. Leahy (D-VT)	2	Senate Judiciary Committee			Pending in committee	1) Damages and fines for violations of Section 1, 2, and 3 of the Sherman Act would be raised from \$10 million to \$100 million. 2) The Sentencing Commission would be directed to review current antitrust penalties and revise penalties to increase deterrent effect.	8/17/99: Section of Antitrust Law report recommended unspecified increase in statutory maximum fine for corporations. The administration supports the repeal of the 1916 Act.
S. 1234 FTC Reauthorization Act of 2003	Sen. McCain (R – AZ)	3	Senate Commerce, Science, and Transportation Committee	6/19/03: Ordered reported out of Commerce Committee with amendment in the nature of a substitute; 8/26/03: Reported out of Commerce Committee (S. Rept. 108-127)	8/26/03: Placed on Senate Calendar	Awaiting Senate floor consideration	1) Permits FTC to share additional information with foreign law enforcement agencies. FTC need not disclose material from foreign law enforcement agency under FOIA. 2) Allows FTC to seek an order from Federal District Courts restraining a party from disclosing the receipt of a civil investigative demand. Intended to prevent targets of investigation from relocating assets overseas to evade investigation. 3) Extends FTC's jurisdiction over international unfair trade practices to include those practices involving foreign commerce that are likely to cause injury in the United States. Reauthorization of FTC through FY 2006. (S.1234 provision)	FTC has testified in support of these bills.
H.R. 3143 International Consumer Protection Act of 2003	Rep. Stearns (R-FL)	2	House Energy and Commerce/ Subcommittee on Commerce, Trade, and Consumer Protection	9/24/03: Mark-up held by Energy & Commerce Subcommittee; 10/1/03: Mark-up held by Energy & Commerce Committee. Ordered to be reported		Pending in Committee		

Bills	Key Sponsors	Total Sponsors	Committee/ Subcommittee Referrals	Committee Action	Floor Action	Status	Explanation of Bill	Antitrust Section/ Administration Positions
H.R. 4996 International Consumer Protection Act of 2003	Rep. Stearns (R-FL)	1	House Energy and Commerce Committee			Pending in Committee	<p>1) Permits FTC to share additional information with foreign law enforcement agencies. FTC need not disclose material from foreign law enforcement agency under FOIA.</p> <p>2) Allows FTC to seek an order from Federal District Courts restraining a party from disclosing the receipt of a civil investigative demand. Intended to prevent targets of investigation from relocating assets overseas to evade investigation.</p> <p>3) Extends FTC's jurisdiction over international unfair trade practices to include those practices involving foreign commerce that are likely to cause injury in the United States.</p>	
S. 1797 Antitrust Criminal Penalty Enhancement and Reform Act of 2003	Sen. DeWine (R-OH) Sen. Kohl (D-WI)	2	Senate Judiciary Committee	11/6/03: Bill language incorporated into H.R. 1086, Standards Development Organization Advancement Act of 2003 (see below) by Judiciary Committee		No further action	<p>1) Maximum prison sentences for antitrust violations would be increased from the current maximum of three years to ten years.</p> <p>2) Raise the maximum fine for individuals from \$350,000 to \$1 million, and maximum fines for corporations from \$10 million to \$100 million,</p> <p>3) Reform the Tunney Act by enhancing the authority of the federal judiciary to review settlements obtained by the Justice Department's Antitrust Division.</p> <p>4) Civil liability of corporations taking part in the division's corporate leniency program would be limited to single damages.</p>	8/17/99: Section of Antitrust Law report recommended unspecified increase in statutory maximum fine for corporations.

Bills	Key Sponsors	Total Sponsors	Committee/ Subcommittee Referrals	Committee Action	Floor Action	Status	Explanation of Bill	Antitrust Section/ Administration Positions
H.R. 1086 (House) Standards Development Organization Advancement Act of 2003	Rep. Sensenbrenner (R – WI)	17	House Judiciary Committee/ Full Committee Antitrust Task Force;	5/22/03: Reported out of Judiciary Committee (H. Rept. 108-125 , Part I); 6/4/03: Supplemental report filed by Judiciary Committee (H. Rept. 108-125 , Part II)	6/02/04: Passed the House by voice vote	6/22/2004: Enacted as Public Law No. 108-237	1) Amends the National Cooperative Research and Production Act of 1993 to provide that, in any action under the antitrust laws, the conduct of a standards development organization (SDO) while engaged in a standards development activity shall be subject to a rule of reason standard. 2) Limits damages resulting from antitrust claim against SDO employees to actual damages. Allows treble damage suits against SDOs, corporations, and individuals not employed by SDOs. 3) Would provide for an award of attorney's fees for successful plaintiffs against SDOs,	2/12/04: Section of Antitrust Law submitted comments questioning the need for increases in Antitrust fines and penalties and opposing the Amendments to the Tunney Act.
H.R. 1086 (Senate) Standards Development Organization Advancement Act of 2003	Rep. Sensenbrenner (R – WI)	17	Senate Judiciary Committee	11/6/03: Reported by Judiciary Committee with an amendment in the nature of a substitute incorporating S. 1797, Antitrust Criminal Penalty Enhancement and Reform Act of 2003 but deleting Sec. 105(d) regarding sentencing Guidelines revisions (see summary of bill above); no written report	4/2/04: Passed Senate with an amendment by unanimous consent			
MEDIA								
H.R. 107 Digital Media Consumers' Rights Act of 2003	Rep. Boucher (D-VA)	23	House Energy and Commerce/ Subcommittee on Commerce, Trade and Consumer Protection; House Judiciary/ Subcommittee on Courts, the Internet, and Intellectual Property			Pending in subcommittees	1) Amend FTCA to deem the introduction into commerce of prerecorded digital music disc products that are mislabeled, deceptively advertised or invoiced, or bearing labels that have been removed or mutilated prior to sale an unfair method of competition. 2) Circumventions of such copy protection requirements that do not result in violations of underlying copyright would be deemed fair use.	

Bills	Key Sponsors	Total Sponsors	Committee/ Subcommittee Referrals	Committee Action	Floor Action	Status	Explanation of Bill	Antitrust Section/ Administration Positions
H.R. 1763 Competition in Radio and Concert Industries Act of 2003	Rep. Weiner (D-NY)	2	House Energy and Commerce/ Subcommittee on Telecommunication and Internet			Pending in subcommittee	1) Would permit the FCC to revoke licensing for broadcasters convicted of antitrust violations or engaged in deceptive trade practices which hinder broadcasting of independently produced, developed, or promoted programming. 2) Requires the FCC to designate for hearing any application that would result in 60% consolidation in the national radio market. 3) Would prohibit any licensee of any radio station from using its control over broadcasting to "extract payment" from a record company, artist, concert promoter, or related entity.	
S. 221 Competition in Radio and Concert Industries Act of 2003	Sen. Feingold. (D - WI)	4	Senate Commerce, Science and Transportation Committee			Pending in committee		
H.R. 2052 FCC Media Ownership Bill	Rep. Burr (R – NC)	195	House Energy and Commerce/ Subcommittee on Telecommunications and the Internet			Pending in subcommittee	1) Would reverse recent FCC ruling that permits greater marketshare consolidation in broadcasting. 2) Would prevent FCC from allowing any grant, transfer, or assignment of a license that would result in a party or any of its stockholders, partners, or members, officers, or directors, directly or indirectly, owning, operating or controlling, or having a cognizable interest in television stations which have an aggregate national audience reach exceeding 35%. 3) Those companies that control more than 35% at the time the law is passed would be required to divest all excess holdings.	
S. 1046 FCC Media Ownership Bill	Sen. Stevens (R – AK)	48	Senate Commerce, Science and Transportation	9/3/03: Reported out of Commerce committee with amendment (S. Rept. 108-141)	9/3/03: Placed on Senate calendar	Awaiting Senate floor consideration		
S.J.Res. 17 Disapproving of FTC Order 03-127	Sen. Dorgan (D – ND)	25	Commerce, Science, and Transportation Committee	9/3/03: Discharged by Commerce, Science and Transportation Committee	9/16/03: Passed Senate 55-40	Awaiting House floor consideration	Resolution Reads: "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Federal Communications Commission relating to broadcast media ownership (Report and Order FCC 03-127, received by Congress on July 10, 2003), and such rule shall have no force or effect."	President's Advisors recommend a veto.

Bills	Key Sponsors	Total Sponsors	Committee/ Subcommittee Referrals	Committee Action	Floor Action	Status	Explanation of Bill	Antitrust Section/ Administration Positions
S. 2400 National Defense Authorization Bill for Fiscal Year 2005	Sen. Warner (R – VA)	1	Senate Armed Forces Committee	5/6/04: Committee on Armed Forces ordered to be reported an original measure. 5/11/04: Original Measure reported to Senate by Senator Warner. Placed on Senate Legislative Calendar under general orders.	5/17/04-6/23/04: Numerous amendments added to the bill. 6/22/04: Amendment SA 3465 proposed by Sen. Reid for Sen. Dorgan to Amendment SA 3235. To increase the fines for indecent broadcasts and to prevent the further relaxation of media ownership rules in order to stem the rise of indecent programming. Agreed to in Senate by unanimous consent. 6/23/04: Passed Senate by 97-0. After passage Senate attached S. 2400 to H.R. 4200 as an amendment.	In conference		
SPORTS								
H.R. 361 (House) Sports Agent Responsibility and Trust Act	Rep. Gordon (D – TN)	77	House Energy and Commerce Committee; House Judiciary/ Subcommittee on Commercial and Administrative Law	3/5/03: Reported out of Committee on Energy and Commerce (H. Rept. 108-24, Part I) 6/2/03: Reported out of Judiciary Committee (H. Rept. 108-24 , Part II)	6/4/03: Passed in House by voice vote	Pending in Senate committee	1) Prohibits an athletic agent from recruiting or soliciting a student athlete to enter into an agency contract by giving false or misleading information, entering into an agency contract with a student athlete without providing the required disclosure document, or predating or postdating an agency contract. 2) Requires notification of student’s athletic coordinator or athletic program before entering into a contract for representation. 3) Violations treated as unfair or deceptive trade practices under the FTCA.	
H.R. 361 (Senate) Sports Agent Responsibility and Trust Act	Rep. Gordon (D – TN)	77	Senate Commerce, Science, and Transportation Committee			Pending in committee		

Bills	Key Sponsors	Total Sponsors	Committee/ Subcommittee Referrals	Committee Action	Floor Action	Status	Explanation of Bill	Antitrust Section/ Administration Positions
S. 1170 Sports Agent Responsibility and Trust Act	Sen. Wyden (D – OR)	4	Senate Commerce, Science, and Transportation Committee			Pending in committee		
TELECOMMUNICATIONS								
H.R. 4412 Clarification of the Antitrust Provisions in the Telecommunications Act of 2004	Rep. Sensenbrenner (R-WI) Rep. Conyers (D-MI)	2	House Judiciary Committee			Pending in committee	Would Amend the Clayton Act (15 U.S.C 12 et seq.) by adding section 3A. Section 3A would make it unlawful for an incumbent local exchange provider to use its network to maintain a monopoly by engaging in anti-competitive behavior. Anti-competitive behavior includes failing to comply with section 251(c) or 271 of the Communication Act of 1934.	
OTHER RELEVANT LEGISLATION								
H.R. 439 Domestic Consumer Safety Act of 2003	Rep. Andrews (D - NJ)	3	House Energy and Commerce/ Subcommittee on Commerce, Trade and Consumer Protection			Pending in subcommittee	1) Would Direct the FTC to develop rules, through hearing on the record, requiring all businesses that send employees into private homes to perform adequate background checks. 2) Up to \$1 million civil penalty for rule violations.	

Bills	Key Sponsors	Total Sponsors	Committee/ Subcommittee Referrals	Committee Action	Floor Action	Status	Explanation of Bill	Antitrust Section/ Administration Positions
H.R. 949 To prohibit certain transfers or assignments of franchises, and to prohibit certain fixing or maintaining of motor fuel prices, under the Petroleum Marketing Practices Act.	Rep. Wynn (D - MD)	1	House Energy and Commerce/ Subcommittee on Energy and Air Quality			Pending in subcommittee	1) Intended to prohibit refiners and distributors of motor fuels from fixing or maintaining retail fuel prices, under the Petroleum Marketing Practices Act. 2) Franchisors, during a franchise term, may not convey their interest in the franchise to another party without giving a franchisee a bona fide offer to purchase the franchisor's interests in the leased marketing property. 3) Must grant franchisee 45 day right of first refusal regarding an offer made by another to acquire the franchisor's interest in the premises.	
H.R. 996 Consumer Rental Purchase Agreement Act	Rep. Jones (R - NC)	94	House Financial Services/ Subcommittee on Financial Institutions and Consumer Credit			Pending in subcommittee	1) Would amend the Consumer Credit Protection Act to prescribe consumer protection guidelines for rental-purchase transactions, including: (i) the determination of rental-purchase cost; (ii) disclosure requirements; (iii) proscriptions against confessions of judgment, wage assignments, and waiver of consumer claims or defenses; (iv) furnishing of statements of account; (v) point-of-rental disclosures; and (vi) rental-purchase advertising disclosures. 2) Grants enforcement powers to FTC and State attorneys general. 3) Criminal penalties for willful or knowing violations.	
H.R. 2221 Fairness to Contact Lens Consumers Act	Rep. Burr (R-NC)	10	Energy & Commerce Subcommittee on Commerce Trade and Consumer Protection	9/9/03: Hearing held by Energy & Commerce Subcommittee		Pending in subcommittee	Promotes greater competition among contact lens sellers and enhances consumer choice. Bill: 1) Requires a "prescriber" (a person permitted under State law to issue prescriptions for contact lenses) to provide to the patient a copy of the patient's contact lens prescription free of charge. 2) Prohibits advertising that lenses for which a prescription is required may be obtained without a prescription. Prohibits a prescriber from issuing certain waivers. 3) States that any violation of this Act shall be treated as a violation of the Federal Trade Commission Act regarding unfair or deceptive acts or practices.	FTC has testified in support of the bill.

Bills	Key Sponsors	Total Sponsors	Committee/ Subcommittee Referrals	Committee Action	Floor Action	Status	Explanation of Bill	Antitrust Section/ Administration Positions
HR. 3140 Fairness to Contact Lens Consumers Act	Rep. Burr (R-NC)	18	House Energy & Commerce Subcommittee on Commerce Trade and Consumer Protection	10/1/03: Mark-up held by Energy and Commerce Committee 10/15/03: Reported out of Energy and Commerce Committee (H. Rept. 108-318)	11/19/03: Passed the House 406-12 11/20/03: Passed the Senate by unanimous consent	12/6/03: Enacted as Public Law No. 108-164	Promotes greater competition among contact lens sellers and enhances consumer choice. Bill: 1) Requires a "prescriber" (a person permitted under State law to issue prescriptions for contact lenses) to provide to the patient a copy of the patient's contact lens prescription free of charge, and regardless of if it is requested. 2) Prohibits patients from being required to purchase lenses from the prescriber. 3) Prohibits a prescriber from requiring the patient to sign a waiver. 4) Prohibits a prescriber from disclaiming liability or responsibility for the accuracy of the eye exam. States that any violation of this Act shall be treated as a violation of the Federal Trade Commission Act regarding unfair or deceptive acts or practices.	FTC has testified in support of the bill.
S. 130 Truth in Tuna Labeling Act of 2003	Sen. Boxer (D - CA)	6	Senate Commerce, Science, and Transportation Committee			Pending in committee	Would amend the Dolphin Protection Consumer Information Act to declare that a tuna product labeled "dolphin safe" violates the Federal Trade Commission Act unless it is accompanied by a certificate stating that no dolphins were intentionally chased or harassed during the particular voyage on which the tuna were caught using purse seine nets.	
S. 1737 Gasoline Free Market Competition Act of 2003	Sen. Wyden (D - OR)	6	Senate Judiciary Committee			Pending in committee	Would Amend the Clayton Act to prohibit any person engaging in commerce from: 1) imposing any condition, agreement or understanding between an oil refiner and distributor that injures, destroys or otherwise limits competition; 2) selling a brand of gasoline at a lower price to dependent distributors than the seller charges independent distributors in a high concentration area Would also require the Federal Trade Commission and the Attorney General to notify refiners, distributors and retailers when they designate a high concentration area.	

Bills	Key Sponsors	Total Sponsors	Committee/ Subcommittee Referrals	Committee Action	Floor Action	Status	Explanation of Bill	Antitrust Section/ Administration Positions
S. 2270 No Oil Producing and Export Cartels Act of 2004	Sen. DeWine (R – OH) Sen. Kohl (D – WI)	15	Senate Judiciary Committee	4/22/04: Reported out of Senate Judiciary Committee.		4/22/04: Placed on Senate Calendar under General Orders (Calendar No. 474)	1) Would amend Sherman Act to make on producing and exporting cartels illegal. 2) Would deny sovereign immunity to a foreign state participating in such a cartel. 3) Would prohibit any State court from declining to decide on the merits any case brought under this act. 4) Would authorized the Attorney General and FTC to bring actions in U.S. District court to enforce this act. 5) Would amend the Federal Judicial Code to make an exception under this act to the jurisdictional immunity of a foreign state	
H.R. 4106 No Oil Producing and Exporting Cartels Act of 2004	Rep. Conyers (D – MI)	3	House Judiciary Committee	4/2/2004: Introductory remarks on the measure.				
S. 161 Children's Protection from Violent Programming Act	Sen. Hollings (D - SC)	5	Senate Commerce, Science, and Transportation Committee			Pending in committee	1) Would amend the Communications Act of 1934 to limit the broadcasting hours of violent video programming to times when children are not likely viewers. 2) Provides exception for rated content that may be blocked with v-chip technology, premium pay-per-view and direct-to-home satellite programming. 3) Would require FTC study of best methods to avoid violent programming's effects on children.	
S. 666 Biological, Chemical, and Radiological Weapons Countermeasures Research Act	Sen. Lieberman (D - CT)	2	Senate Finance Committee			Pending in committee	1) Would introduce limited antitrust exception for bio-tech companies joining government brokered agreements for the purchase of bio-terrorism countermeasures. 2) Antitrust law would not apply to such agreements so long as the Attorney General finds no anti-competitive impact to areas not directly related to the protection of public health.	The Administration supports alternative legislation it introduced – the Project BioShield Act of 2003 (H.R. 2122 & S. 15). H.R. 2122 has passed the House and S. 15 is expected to pass in the Senate.

Bills	Key Sponsors	Total Sponsors	Committee/ Subcommittee Referrals	Committee Action	Floor Action	Status	Explanation of Bill	Antitrust Section/ Administration Positions
S. 692 Digital Consumer Right to Know Act	Sen. Wyden (D - OR)	1	Senate Commerce, Science, and Transportation Committee			Pending in committee	Would require manufacturers to disclose the effects that a copy- protected media (including broadcast and cable, proprietary viewing technology,) have on legitimate end-uses of the product, such as backing up software, restricting use of limited excerpts, second hand sale.	
S. 2349 Playwrights Licensing Antitrust Initiative Act of 2004	Sen. Hatch (R – UT)	2	Senate Judiciary Committee	4/28/04: Senate Judiciary Committee held hearings.		Pending in committee	Would ensure that antitrust laws will not apply to: 1) any joint action or agreement among playwrights for the express purpose of developing a standard form contract containing minimum terms for artistic protection and compensation; 2) any joint action among playwrights to reach an agreement to adopt the standard form agreement as the exclusive means by which to license their plays to producers.	
H.R. 3108 (House) Pension Funding Equity Act of 2004	Rep. Boehner (R - OH)	11	House Education and Workforce Committee House Ways and Means Committee		4/2/04: Passed 336-69 (Roll No. 117)	4/10/04: Enacted as Public Law No. 108-218	Section 207 of the bill confirms that graduate medical resident matching programs do not violate State or Federal antitrust law.	
H.R. 3108 (Senate) Pension Funding Equity Act of 2004	Rep. Boehner (R – OH)		Senate Finance Committee	1/22/04: Discharged by Senate Finance Committee	4/8/04: Passed Senate by Yea-Nay vote 78-19 (Record Vote No. 68)			

This chart has been prepared by:
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