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**Statement by the Honorable Bobby L. Rush, Chairman  
Subcommittee on Commerce, Trade and Consumer Protection  
For Subcommittee Mark-up on  
H.R. 2221, H.R. 1706, H.R. 2309, and H.R. 2190**

June 3, 2009

WASHINGTON, DC — “The subcommittee will come to order.

“Today, the subcommittee will consider four bills for mark-up. The subcommittee has held legislative hearings on all four bills, and today’s markup represents another step forward towards these bills eventually becoming law.

“At the outset, I want to emphasize that all four bills remain works in progress. I will be introducing manager’s amendments on three of the four bills, and I fully expect that all four bills will undergo further changes from subcommittee to full committee. While I cannot guarantee that we will all ultimately agree on the final legislative products, I can assure my friends on the other side of the aisle and all affected stakeholders that we will continue to work in a cooperative and deliberative manner. My intent is to produce legislation that is strong and adequately protects consumers, but at the same time is careful and thoughtful.

“The first bill we will be considering today is H.R. 2221, the Data Accountability and Trust Act. This bill was originally introduced in the 109<sup>th</sup> Congress by, then, Subcommittee Chairman Stearns and it eventually passed the full committee by a unanimous vote. This bipartisan bill addresses the problem of data breaches and the harm those breaches impose on consumers. H.R. 2221 requires companies that hold data with personal information to develop reasonable security measures for that data and notification protocols in case of a breach. I will be introducing a bipartisan manager’s amendment that makes several changes to the underlying bill.

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“The second bill we will be considering today is H.R. 2309, the Consumer Credit and Debt Protection Act. I am the principle author of this bill, and the subcommittee has had numerous hearings on consumer credit matters this session of Congress. H.R. 2309 provides the Federal Trade Commission with much-needed, standard rulemaking authority under the Administrative Procedures Act in order to address consumer protection in the credit markets. Currently, the Commission is burdened with rulemaking authority under the so-called Magnusson-Moss Act, which can take years to craft important rules. I will be introducing a manager’s amendment to this bill as well.

“Third, the subcommittee will take up H.R. 1706, the Protecting Consumer Access to Generic Drugs Act, introduced by Chairman Waxman and me. H.R. 1706 prohibits the practice of “pay for delay” in drug patent settlements, whereby the brand name drug company pays the generic drug company to stay off the market. During a time when we are deliberating on universal health care and ways to cut down costs, this bill will save taxpayers and consumers billions of dollars from increased generic competition in the marketplace.

“Last, the subcommittee will consider H.R. 2190, the Mercury Pollution Reduction Act, introduced by my friend, the vice chair of the subcommittee, Ms. Schakowsky. H.R. 2190 prohibits the use of mercury in the manufacturing of chlorine in the United States two years after enactment. The bill further prohibits the export of mercury from the plants, effective immediately. There are only four plants in the United States that still use mercury in the production of chlorine, and I believe this bill will move those plants towards production methods that are not only healthier for the environment and public, but more efficient and cost-effective in the long run. I will also introduce a manager’s amendment for this bill.

“I want to thank all of the subcommittee Members and their staff for their hard work on all of these bills. These bills are all going through regular order to provide all of the Members of the subcommittee with the ability to make their mark. As I stated earlier, this is only the beginning of the process, and I look forward to working will all of the members of the subcommittee as we move forward to the full committee.

“With that, I yield back the balance of my time.”

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