



NEWS FROM

## Congressman Bobby L. Rush

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**Statement by the Honorable Bobby L. Rush, Chairman**  
Energy and Commerce Subcommittee on  
Commerce, Trade and Consumer Protection  
**Hearing on H.R. 2221, the Data Accountability and Trust Act;**  
**and H.R. 1319, the Informed P2P User Act.**

May 5, 2009

WASHINGTON — “The subcommittee will come to order.

“Today the subcommittee is holding a legislative hearing on two bills: H.R. 1319, the Informed P2P User Act, introduced by two distinguished members of the subcommittee, Ms. Bono-Mack and Mr. Barrow; and H.R. 2221, the Data Accountability and Trust Act, also known as “DATA,” introduced by myself and Mr. Stearns. Both bills represent strong, bipartisan efforts to address high-profile problems affecting American consumers.

“H.R. 1319, the Informed P2P User Act, addresses the increasingly frequent problem of consumers inadvertently exposing their private, sensitive information by way of peer-to-peer file sharing programs. Too often, when consumers download these programs onto their computers with the intent of sharing and downloading certain files on the network, they are unaware that they are also sharing other files they otherwise want to keep private. For instance, recent media reports have focused on consumers unknowingly sharing their tax returns and social security numbers on P2P networks. Such inadvertent file sharing can be the result of deceptive or misleading disclosures by

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P2P software companies; or from simple confusion on the part of consumers. Whatever the case, the intent of H.R. 1319 is to provide consumers with the power of informed consent before they download P2P software onto their computers and share folders and files with network participants.

“The second bill we will be discussing today is H.R. 2221, the Data Accountability and Trust Act, and this is the third Congress in which this bill has been introduced. Mr. Stearns, as Chairman of this subcommittee in the 109<sup>th</sup> Congress, originally introduced the bill as H.R. 4127, and with the help of, then, Ranking Member Schakowsky, it eventually passed the full Energy and Commerce Committee by a unanimous vote.

“However, no further action was taken on the bill as a result of jurisdictional disputes. In the subsequent 110<sup>th</sup> Congress, I reintroduced the bill as H.R. 958, but we were unable to take any action. Once again, in the 111<sup>th</sup> Congress, I have re-introduced the bill with Mr. Stearns, Mr. Barton, Ms. Schakowsky, and Mr. Radanovich as H.R. 2221, with the intent that it eventually becomes law.

“H.R. 2221 has two basic components. First, the bill requires that persons possessing electronic data that contain personal information must take steps to ensure that the data is secure. Second, the bill establishes notification procedures that a company must take when a data breach occurs in order to allow affected consumers to protect themselves. Companies do not have to initiate such notices if they determine that “there is no reasonable risk of identity theft, fraud or other unlawful conduct.” H.R. 2221 also imposes special requirements on data brokers, but accommodates other laws that govern how certain data brokers are regulated.

“I fully appreciate that both bills may need some revision in order to make them stronger and more effective. While this is not the first time we are taking up data security, and H.R. 2221 already reflects significant changes forged by compromises made in the 109<sup>th</sup> Congress, the bill may be dated and in need of an update. From now until mark-up, I pledge to not only work with my friends on the other side of the aisle in a bipartisan fashion, but to receive input from all affected stakeholders, including those represented by the witnesses at this table, in order to craft legislation that is protective, but smart. This subcommittee has a long, distinguished history of bipartisan cooperation, and I expect that reputation to be at work with both of these bills.

“Finally, I want to announce my intent to hold a joint hearing on consumer privacy with Chairman Boucher and the subcommittee on Communications, Technology and the Internet and work

on comprehensive legislation. Today's hearing is part of a larger process in crafting a bill that protects American consumers from their increasing inability to control how their private information is used in commerce.

"I yield back the balance of my time."

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