

107TH CONGRESS  
1ST SESSION

# H. R. 3266

To amend title 18, United States Code, to prohibit unauthorized trafficking in personal DNA information, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 2001

Ms. RIVERS introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to prohibit unauthorized trafficking in personal DNA information, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. UNAUTHORIZED TRAFFICKING IN PERSONAL**  
4               **DNA INFORMATION.**

5       (a) IN GENERAL.—Chapter 13 of title 18, United  
6       States Code, is amended by adding at the end the fol-  
7       lowing new section:

1 **“§ 249. Unauthorized trafficking in personal DNA in-**  
2 **formation**

3 “(a) PROHIBITED ACTIVITIES.—Whoever, without  
4 the consent in a signed writing of an individual (or, in  
5 the case of a minor, the parent or guardian of that indi-  
6 vidual), knowingly distributes or possesses with intent to  
7 distribute personal DNA information with respect to that  
8 individual, except when specifically authorized by law,  
9 shall be subject to the penalties provided in subsection (b)  
10 and the civil remedies provided in subsection (c).

11 “(b) PENALTIES.—Whoever violates this section shall  
12 be fined in accordance with this title, or imprisoned not  
13 more than 5 years, or both.

14 “(c) CIVIL REMEDIES.—

15 “(1) RIGHT OF ACTION.—

16 “(A) IN GENERAL.—Any person aggrieved  
17 by reason of the conduct prohibited by sub-  
18 section (a) may commence a civil action for the  
19 relief set forth in subparagraph (B).

20 “(B) RELIEF.—In any action under sub-  
21 paragraph (A), the court may award appro-  
22 priate relief, including temporary, preliminary,  
23 or permanent injunctive relief and compen-  
24 satory and punitive damages, as well as the  
25 costs of suit and reasonable fees for attorneys  
26 and expert witnesses. With respect to compen-

1           satory damages, the plaintiff may elect, at any  
2           time prior to the rendering of final judgment,  
3           to recover, in lieu of actual damages, an award  
4           of statutory damages in the amount of \$50,000  
5           per violation.

6           “(2) ACTION BY ATTORNEY GENERAL OF THE  
7           UNITED STATES.—

8                   “(A) IN GENERAL.—If the Attorney Gen-  
9           eral of the United States has reasonable cause  
10          to believe that any person or group of persons  
11          is being, has been, or may be injured by con-  
12          duct constituting a violation of this section, the  
13          Attorney General may commence a civil action  
14          in any appropriate United States district court.

15                   “(B) RELIEF.—In any action under sub-  
16          paragraph (A), the court may award appro-  
17          priate relief, including temporary, preliminary,  
18          or permanent injunctive relief, and compen-  
19          satory damages to persons aggrieved as de-  
20          scribed in paragraph (1)(B). The court, to vin-  
21          dicate the public interest, may also assess a  
22          civil penalty against each respondent in an  
23          amount not exceeding \$50,000 for each viola-  
24          tion.

1           “(3) ACTIONS BY STATE ATTORNEYS GEN-  
2       ERAL.—

3           “(A) IN GENERAL.—If the Attorney Gen-  
4       eral of a State has reasonable cause to believe  
5       that any person or group of persons is being,  
6       has been, or may be injured by conduct consti-  
7       tuting a violation of this section, such Attorney  
8       General may commence a civil action in the  
9       name of such State, as *parens patriae* on behalf  
10      of natural persons residing in such State, in  
11      any appropriate United States District Court.

12          “(B) RELIEF.—In any action under sub-  
13      paragraph (A), the court may award appro-  
14      priate relief, including temporary, preliminary  
15      or permanent injunctive relief, compensatory  
16      damages, and civil penalties as described in  
17      paragraph (2)(B).

18          “(d) NOT EXCLUSIVE OR PREEMPTIVE.—Nothing in  
19      this section shall be construed to provide exclusive crimi-  
20      nal penalties or civil remedies with respect to the conduct  
21      prohibited by this section, or to preempt State or local  
22      laws that may provide such penalties or remedies.

23          “(e) DEFINITION.—As used in this section, the term  
24      ‘personal DNA information’ means, with respect to an  
25      individual—

1           “(1) any information about the sequence, com-  
2       position, or other characteristic of the  
3       deoxyribonucleic acid (DNA) of that individual; or

4           “(2) any information about that individual de-  
5       rived from an analysis of information specified in  
6       paragraph (1).”.

7       (b) CLERICAL AMENDMENT.—The table of sections  
8       at the beginning of such chapter is amended by adding  
9       at the end the following new item:

“249. Unauthorized trafficking in personal DNA information.”.

