

113TH CONGRESS
2D SESSION

H. R. 4381

To protect the privacy of individuals' personal genetic information and other personal identifier information.

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2014

Mr. STOCKMAN introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To protect the privacy of individuals' personal genetic information and other personal identifier information.

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. SHORT TITLE.**

4 This Act may be cited as the “Biometric Information
5 Privacy Act”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 Congress finds:

8 (1) Personal genomics is a growing industry
9 where there is nothing to prevent firms from passing
10 personal genetic information to a third party.

1 (2) Technology companies increasingly use bio-
2 metric information in security features where there
3 is nothing to prevent them from passing that infor-
4 mation to a third party.

5 **SEC. 3. DEFINITIONS.**

6 (a) The term “personal physiological biometric infor-
7 mation” is defined as:

8 (1) Genetic information.

9 (2) Finger prints.

10 (3) Palm prints.

11 (4) Hand geometry.

12 (5) Iris scans.

13 (6) Retina scans.

14 (7) Eye vein scans.

15 (b) The term “business entity” is defined as any:

16 (1) Organization.

17 (2) Corporation.

18 (3) Trust.

19 (4) Partnership.

20 (5) Sole Proprietorship.

21 (6) Unincorporated association.

22 (7) Venture established to make a profit.

23 (8) Nonprofit.

1 **SEC. 4. GENERAL AUTHORIZATION.**

2 (a) OFFENSE.—A business entity, governmental enti-
3 ty, or person who knowingly—

4 (1) fraudulently obtains personal physiological
5 biometric information relating to an individual; or

6 (2) discloses personal physiological biometric in-
7 formation without permission from the individuals to
8 which the personal physiological biometric informa-
9 tion pertains,

10 shall be punished as provided in subsection (b).

11 (b) PENALTIES.—A business entity, governmental en-
12 tity, or person described in subsection (a) shall—

13 (1) be fined not more than \$50,000, imprisoned
14 not more than 1 year, or both;

15 (2) if the offense is committed under false pre-
16 tenses, be fined not more than \$100,000, imprisoned
17 not more than 5 years, or both; and

18 (3) if the offense is committed with intent to
19 sell, transfer, or use individually identifiable health
20 information for commercial advantage, personal
21 gain, or malicious harm, be fined not more than
22 \$250,000, imprisoned not more than 10 years, or
23 both.

1 **SEC. 5. DISCLOSURE OF INFORMATION TO GOVERNMENTAL**
2 **ENTITY PURSUANT TO COURT ORDER.**

3 A governmental entity may obtain personal physio-
4 logical biometric information pursuant to a court order
5 only if, in the court proceeding relevant to such court
6 order—

7 (1) such entity offers clear and convincing evi-
8 dence that the subject of the information is reason-
9 ably suspected of engaging in criminal activity and
10 that the information sought would be material evi-
11 dence in the case; and

12 (2) the subject of the information is afforded
13 the opportunity to appear and contest such entity's
14 claim.

15 **SEC. 6. ENFORCEMENT.**

16 The Attorney General shall enforce violations of sec-
17 tion 4 and section 5.

18 **SEC. 7. EFFECTIVE DATE.**

19 The provisions of this Act shall take effect imme-
20 diately upon enactment.

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