

114TH CONGRESS  
1ST SESSION

# H. R. 633

To amend the Patient Protection and Affordable Care Act to prohibit the sharing of personally identifiable information obtained through the Federally Facilitated Marketplace for marketing, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2015

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Patient Protection and Affordable Care Act to prohibit the sharing of personally identifiable information obtained through the Federally Facilitated Marketplace for marketing, 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. SHORT TITLE.**

4 This Act may be cited as the “Protecting Rights On-  
5 line To Ensure Consumers’ Trust (PROTECT) of 2015”.

1 **SEC. 2. PROHIBITING SHARING OF PERSONALLY IDENTIFI-**  
2 **ABLE INFORMATION OBTAINED THROUGH**  
3 **THE FEDERALLY FACILITATED MARKET-**  
4 **PLACE UNDER THE ACA FOR MARKETING.**

5 (a) IN GENERAL.—The Patient Protection and Af-  
6 fordable Care Act is amended by inserting after section  
7 1313 (42 U.S.C. 18033) the following new section:

8 **“SEC. 1314. PROHIBITING SHARING OF PERSONALLY IDEN-**  
9 **TIFIABLE INFORMATION OBTAINED**  
10 **THROUGH FEDERALLY FACILITATED MAR-**  
11 **KETPLACE FOR MARKETING.**

12 “(a) IN GENERAL.—The Secretary or any other offi-  
13 cial of the Federal government shall not permit any per-  
14 sonally identifiable information that is prohibited from  
15 disclosure under section 552a of title 5, United States  
16 Code, including any individually identifiable health infor-  
17 mation (as defined for purposes of the HIPAA privacy  
18 regulations, as defined in section 1180(b)(3) of the Social  
19 Security Act, 42 U.S.C. 1320d–9(b)(3))) collected through  
20 the Federally Facilitated Marketplace (FFM) established  
21 under this title, including any such information collected  
22 through the website healthcare.gov or any similar website,  
23 to be shared with any non-governmental entity for any  
24 type of marketing for commercial purposes, including for  
25 the marketing of health insurance coverage offered  
26 through any Exchange established under this title.

1       “(b) PERSONALLY IDENTIFIABLE INFORMATION DE-  
 2 FINED.—The terms ‘personally identifiable information’  
 3 mean any information about an individual elicited, col-  
 4 lected, stored, or maintained by an agency, including—  
 5 (A) any information that can be used to distinguish or  
 6 trace the identity of an individual, such as a name, a social  
 7 security number, a date and place of birth, a mother’s  
 8 maiden name, or biometric records; and (B) any other in-  
 9 formation that is linked or linkable to an individual, such  
 10 as medical, educational, financial, and employment infor-  
 11 mation.”.

12       (b) CLERICAL AMENDMENT.—The table of contents  
 13 of such Act is amended by inserting after the item relating  
 14 to section 1313 the following new item:

“Sec. 1314. Prohibiting sharing of individually identifiable information obtained  
 through the Federally facilitated marketplace for marketing.”.

15       (c) EFFECTIVE DATE.—The amendment made by  
 16 subsection (a) shall apply to any sharing of information  
 17 occurring after the date of the enactment of this Act.

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