

[DISCUSSION DRAFT]114TH CONGRESS
1ST SESSION**H. R.** _____

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.

IN THE HOUSE OF REPRESENTATIVES

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

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-- (A)
5 any information that can be used to distinguish or trace
6 the identity of an individual, such as a name, a social secu-
7 rity number, a date and place of birth, a mother’s maiden
8 name, or biometric records; and (B) any other information
9 that is linked or linkable to an individual, such as medical,
10 educational, financial, and employment information .”.

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

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

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