

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend title 11, United States Code, to account for the protection of  
genetic information in bankruptcy.

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IN THE SENATE OF THE UNITED STATES

Mr. CORNYN (for himself, Ms. KLOBUCHAR, and Mr. GRASSLEY) introduced  
the following bill; which was read twice and referred to the Committee  
on \_\_\_\_\_

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**A BILL**

To amend title 11, United States Code, to account for the  
protection of genetic information in bankruptcy.

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 “Don’t Sell My DNA  
5       Act”.

6       **SEC. 2. AMENDMENTS TO TITLE 11, UNITED STATES CODE,**  
7                       **RELATING TO PROTECTION OF GENETIC IN-**  
8                       **FORMATION.**

9       (a) IN GENERAL.—Title 11, United States Code, is  
10       amended—

1 (1) in section 101(41A)(A)—

2 (A) in clause (v), by striking “or” at the  
3 end; and

4 (B) by adding at the end the following:

5 “(vii) genetic information, as defined  
6 in section 201 of the Genetic Information  
7 Nondiscrimination Act of 2008 (42 U.S.C.  
8 2000ff); or”;

9 (2) in section 363—

10 (A) in subsection (b)(1)(B), by striking  
11 clause (ii) and inserting the following:

12 “(ii) finding that no showing was  
13 made that such sale or such lease would  
14 violate applicable nonbankruptcy law,  
15 provided, however, that no use, sale, or lease  
16 shall be approved if the personally identifiable  
17 information consists, in whole or in part, of ge-  
18 netic information (as defined in section 201 of  
19 the Genetic Information Nondiscrimination Act  
20 of 2008 (42 U.S.C. 2000ff)), unless all affected  
21 persons, including non-parties, have affirma-  
22 tively consented in writing to such use, sale, or  
23 lease after the commencement of the case.”;  
24 and

25 (B) by adding at the end the following:

1 “(q) Any use, sale, or lease of genetic information (as  
2 defined in section 201 of the Genetic Information Non-  
3 discrimination Act of 2008 (42 U.S.C. 2000ff)) shall not  
4 be considered final and valid unless each person whose ge-  
5 netic information would be subject to such use, sale, or  
6 lease is provided with actual prior written notice of such  
7 use, sale, or lease.”; and

8 (3) in section 1107, by adding at the end the  
9 following:

10 “(c) A trustee serving in a case under this chapter  
11 or debtor in possession shall delete, using methods pro-  
12 scribed by the court (which may include the Guidelines  
13 for Media Sanitization issued by the National Institute of  
14 Standards and Technology (NIST Special Publication  
15 800–88), or any successor thereto), any genetic informa-  
16 tion (as defined in section 201 of the Genetic Information  
17 Nondiscrimination Act of 2008 (42 U.S.C. 2000ff)) that  
18 was property of the estate and that was not subject to  
19 a sale, lease, or other disposition under section 363 of this  
20 title.”.

21 (b) EFFECTIVE DATE.—The amendments made by  
22 this section—

23 (1) shall take effect on the date of enactment  
24 of this Act; and

1           (2) shall apply to any case under title 11,  
2       United States Code, that is—

3           (A) pending as of the date of enactment of  
4       this Act; or

5           (B) commenced or reopened on or after the  
6       date of enactment of this Act.