

Union Calendar No. 223

114TH CONGRESS
1ST SESSION

H. R. 1428

[Report No. 114–294, Part I]

To extend Privacy Act remedies to citizens of certified states, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2015

Mr. SENSENBRENNER (for himself and Mr. CONYERS) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

OCTOBER 20, 2015

Additional sponsors: Mr. THOMPSON of Pennsylvania and Mr. FORBES

OCTOBER 20, 2015

Reported from the Committee on the Judiciary

OCTOBER 20, 2015

The Committee on Oversight and Government Reform discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To extend Privacy Act remedies to citizens of certified states,
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 “Judicial Redress Act
5 of 2015”.

6 **SEC. 2. EXTENSION OF PRIVACY ACT REMEDIES TO CITI-**
7 **ZENS OF DESIGNATED COUNTRIES.**

8 (a) CIVIL ACTION; CIVIL REMEDIES.—With respect
9 to covered records, a covered person may bring a civil ac-
10 tion against an agency and obtain civil remedies, in the
11 same manner, to the same extent, and subject to the same
12 limitations, including exemptions and exceptions, as an in-
13 dividual may bring and obtain with respect to records
14 under—

15 (1) section 552a(g)(1)(D) of title 5, United
16 States Code, but only with respect to disclosures in-
17 tentiously or willfully made in violation of section
18 552a(b) of such title; and

19 (2) subparagraphs (A) and (B) of section
20 552a(g)(1) of title 5, United States Code, but such
21 an action may only be brought against a designated
22 Federal agency or component.

23 (b) EXCLUSIVE REMEDIES.—The remedies set forth
24 in subsection (a) are the exclusive remedies available to
25 a covered person under this section.

1 (c) APPLICATION OF THE PRIVACY ACT WITH RE-
2 SPECT TO A COVERED PERSON.—For purposes of a civil
3 action described in subsection (a), a covered person shall
4 have the same rights, and be subject to the same limita-
5 tions, including exemptions and exceptions, as an indi-
6 vidual has and is subject to under section 552a of title
7 5, United States Code, when pursuing the civil remedies
8 described in paragraphs (1) and (2) of subsection (a).

9 (d) DESIGNATION OF COVERED COUNTRY.—

10 (1) IN GENERAL.—The Attorney General may,
11 with the concurrence of the Secretary of State, the
12 Secretary of the Treasury, and the Secretary of
13 Homeland Security, designate a foreign country or
14 regional economic integration organization, or mem-
15 ber country of such organization, as a “covered
16 country” for purposes of this section if—

17 (A) the country or regional economic inte-
18 gration organization, or member country of
19 such organization, has entered into an agree-
20 ment with the United States that provides for
21 appropriate privacy protections for information
22 shared for the purpose of preventing, inves-
23 tigating, detecting, or prosecuting criminal of-
24 fenses; or

1 (B) the Attorney General has determined
2 that the country or regional economic integra-
3 tion organization, or member country of such
4 organization, has effectively shared information
5 with the United States for the purpose of pre-
6 venting, investigating, detecting, or prosecuting
7 criminal offenses and has appropriate privacy
8 protections for such shared information.

9 (2) REMOVAL OF DESIGNATION.—The Attorney
10 General may, with the concurrence of the Secretary
11 of State, the Secretary of the Treasury, and the Sec-
12 retary of Homeland Security, revoke the designation
13 of a foreign country or regional economic integration
14 organization, or member country of such organiza-
15 tion, as a “covered country” if the Attorney General
16 determines that such designated “covered coun-
17 try”—

18 (A) is not complying with the agreement
19 described under paragraph (1)(A);

20 (B) no longer meets the requirements for
21 designation under paragraph (1)(B); or

22 (C) impedes the transfer of information
23 (for purposes of reporting or preventing unlaw-
24 ful activity) to the United States by a private
25 entity or person.

1 (e) DESIGNATION OF DESIGNATED FEDERAL AGEN-
2 CY OR COMPONENT.—

3 (1) IN GENERAL.—The Attorney General shall
4 determine whether an agency or component thereof
5 is a “designated Federal agency or component” for
6 purposes of this section. The Attorney General shall
7 not designate any agency or component thereof other
8 than the Department of Justice or a component of
9 the Department of Justice without the concurrence
10 of the head of the relevant agency, or of the agency
11 to which the component belongs.

12 (2) REQUIREMENTS FOR DESIGNATION.—The
13 Attorney General may determine that an agency or
14 component of an agency is a “designated Federal
15 agency or component” for purposes of this section,
16 if—

17 (A) the Attorney General determines that
18 information exchanged by such agency with a
19 covered country is within the scope of an agree-
20 ment referred to in subsection (d)(1)(A); or

21 (B) with respect to a country or regional
22 economic integration organization, or member
23 country of such organization, that has been des-
24 ignated as a “covered country” under sub-
25 section (d)(1)(B), the Attorney General deter-

1 mines that designating such agency or compo-
2 nent thereof is in the law enforcement interests
3 of the United States.

4 (f) FEDERAL REGISTER REQUIREMENT; NON-
5 REVIEWABLE DETERMINATION.—The Attorney General
6 shall publish each determination made under subsections
7 (d) and (e). Such determination shall not be subject to
8 judicial or administrative review.

9 (g) JURISDICTION.—The United States District
10 Court for the District of Columbia shall have exclusive ju-
11 risdiction over any claim arising under this section.

12 (h) DEFINITIONS.—In this Act:

13 (1) AGENCY.—The term “agency” has the
14 meaning given that term in section 552(f) of title 5,
15 United States Code.

16 (2) COVERED COUNTRY.—The term “covered
17 country” means a country or regional economic inte-
18 gration organization, or member country of such or-
19 ganization, designated in accordance with subsection
20 (d).

21 (3) COVERED PERSON.—The term “covered
22 person” means a natural person (other than an indi-
23 vidual) who is a citizen of a covered country.

24 (4) COVERED RECORD.—The term “covered
25 record” has the same meaning for a covered person

1 as a record has for an individual under section 552a
2 of title 5, United States Code, once the covered
3 record is transferred—

4 (A) by a public authority of, or private en-
5 tity within, a country or regional economic or-
6 ganization, or member country of such organi-
7 zation, which at the time the record is trans-
8 ferred is a covered country; and

9 (B) to a designated Federal agency or
10 component for purposes of preventing, inves-
11 tigating, detecting, or prosecuting criminal of-
12 fenses.

13 (5) DESIGNATED FEDERAL AGENCY OR COMPO-
14 NENT.—The term “designated Federal agency or
15 component” means a Federal agency or component
16 of an agency designated in accordance with sub-
17 section (e).

18 (6) INDIVIDUAL.—The term “individual” has
19 the meaning given that term in section 552a(a)(2)
20 of title 5, United States Code.

21 (i) PRESERVATION OF PRIVILEGES.—Nothing in this
22 section shall be construed to waive any applicable privilege
23 or require the disclosure of classified information. Upon
24 an agency’s request, the district court shall review in cam-

1 era and ex parte any submission by the agency in connec-
2 tion with this subsection.

3 (j) **EFFECTIVE DATE.**—This Act shall take effect 90
4 days after the date of the enactment of this Act.

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