

114TH CONGRESS  
1ST SESSION

# H. R. 1428

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IN THE SENATE OF THE UNITED STATES

OCTOBER 21, 2015

Received; read twice and referred to the Committee on the Judiciary

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Judicial Redress Act  
3 of 2015”.

4 **SEC. 2. EXTENSION OF PRIVACY ACT REMEDIES TO CITI-**  
5 **ZENS OF DESIGNATED COUNTRIES.**

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

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

17           (2) subparagraphs (A) and (B) of section  
18 552a(g)(1) of title 5, United States Code, but such  
19 an action may only be brought against a designated  
20 Federal agency or component.

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

24       (c) APPLICATION OF THE PRIVACY ACT WITH RE-  
25 SPECT TO A COVERED PERSON.—For purposes of a civil  
26 action described in subsection (a), a covered person shall

1 have the same rights, and be subject to the same limita-  
2 tions, including exemptions and exceptions, as an indi-  
3 vidual has and is subject to under section 552a of title  
4 5, United States Code, when pursuing the civil remedies  
5 described in paragraphs (1) and (2) of subsection (a).

6 (d) DESIGNATION OF COVERED COUNTRY.—

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

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

22 (B) the Attorney General has determined  
23 that the country or regional economic integra-  
24 tion organization, or member country of such  
25 organization, has effectively shared information

1 with the United States for the purpose of pre-  
2 venting, investigating, detecting, or prosecuting  
3 criminal offenses and has appropriate privacy  
4 protections for such shared information.

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

14 (A) is not complying with the agreement  
15 described under paragraph (1)(A);

16 (B) no longer meets the requirements for  
17 designation under paragraph (1)(B); or

18 (C) impedes the transfer of information  
19 (for purposes of reporting or preventing unlaw-  
20 ful activity) to the United States by a private  
21 entity or person.

22 (e) DESIGNATION OF DESIGNATED FEDERAL AGEN-  
23 CY OR COMPONENT.—

24 (1) IN GENERAL.—The Attorney General shall  
25 determine whether an agency or component thereof

1 is a “designated Federal agency or component” for  
2 purposes of this section. The Attorney General shall  
3 not designate any agency or component thereof other  
4 than the Department of Justice or a component of  
5 the Department of Justice without the concurrence  
6 of the head of the relevant agency, or of the agency  
7 to which the component belongs.

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

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

17 (B) with respect to a country or regional  
18 economic integration organization, or member  
19 country of such organization, that has been des-  
20 ignated as a “covered country” under sub-  
21 section (d)(1)(B), the Attorney General deter-  
22 mines that designating such agency or compo-  
23 nent thereof is in the law enforcement interests  
24 of the United States.

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

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

9       (h) DEFINITIONS.—In this Act:

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

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

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

21           (4) COVERED RECORD.—The term “covered  
22 record” has the same meaning for a covered person  
23 as a record has for an individual under section 552a  
24 of title 5, United States Code, once the covered  
25 record is transferred—

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

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

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

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

18 (i) PRESERVATION OF PRIVILEGES.—Nothing in this  
19 section shall be construed to waive any applicable privilege  
20 or require the disclosure of classified information. Upon  
21 an agency’s request, the district court shall review in cam-  
22 era and ex parte any submission by the agency in connec-  
23 tion with this subsection.

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

Passed the House of Representatives October 20,  
2015.

Attest:

KAREN L. HAAS,  
*Clerk.*