H. R. 1428

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2015

Mr. SENSENBERGER (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.

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. EXTENSION OF PRIVACY ACT REMEDIES TO CITIZENS OF DESIGNATED COUNTRIES.

(a) Civil Action; Civil Remedies.—With respect to covered records, a covered person may bring a civil action against an agency and obtain civil remedies, in the same manner, to the same extent, and subject to the same limitations, including exemptions and exceptions, as an individual may bring and obtain with respect to records under—

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

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

(b) Exclusive Remedies.—The remedies set forth in subsection (a) are the exclusive remedies available to a covered person under this section.

(c) Application of the Privacy Act With Respect to a Covered Person.—For purposes of a civil action described in subsection (a), a covered person shall have the same rights, and be subject to the same limitations, including exemptions and exceptions, as an individual has and is subject to under section 552a of title
5, United States Code, when pursuing the civil remedies described in paragraphs (1) and (2) of subsection (a).

(d) DESIGNATION OF COVERED COUNTRY.—

(1) IN GENERAL.—The Attorney General may, with the concurrence of the Secretary of State, the Secretary of the Treasury, and the Secretary of Homeland Security, designate a foreign country or regional economic integration organization, or member country of such organization, as a “covered country” for purposes of this section if—

(A) the country or regional economic integration organization, or member country of such organization, has entered into an agreement with the United States that provides for appropriate privacy protections for information shared for the purpose of preventing, investigating, detecting, or prosecuting criminal offenses; or

(B) the Attorney General has determined that the country or regional economic integration organization, or member country of such organization, has effectively shared information with the United States for the purpose of preventing, investigating, detecting, or prosecuting
criminal offenses and has appropriate privacy
protections for such shared information.

(2) Removal of designation.—The Attorney
General may, with the concurrence of the Secretary
of State, the Secretary of the Treasury, and the Sec-
retary of Homeland Security, revoke the designation
of a foreign country or regional economic integration
organization, or member country of such organiza-
tion, as a “covered country” if the Attorney General
determines that such designated “covered coun-
try”—

(A) is not complying with the agreement
described under paragraph (1)(A);  
(B) no longer meets the requirements for
designation under paragraph (1)(B); or
(C) impedes the transfer of information
(for purposes of reporting or preventing unlaw-
ful activity) to the United States by a private
entity or person.

(e) Designation of Designated Federal Agen-
cy or Component.—

(1) In general.—The Attorney General shall
determine whether an agency or component thereof
is a “designated Federal agency or component” for
purposes of this section. The Attorney General shall
not designate any agency or component thereof other
than the Department of Justice or a component of
the Department of Justice without the concurrence
of the head of the relevant agency, or of the agency
to which the component belongs.

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

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

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

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

(g) **JURISDICTION.**—The United States District Court for the District of Columbia shall have exclusive jurisdiction over any claim arising under this section.

(h) **DEFINITIONS.**—In this Act:

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

(2) **COVERED COUNTRY.**—The term “covered country” means a country or regional economic integration organization, or member country of such organization, designated in accordance with subsection (d).

(3) **COVERED PERSON.**—The term “covered person” means a natural person (other than an individual) who is a citizen of a covered country.

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

(A) by a public authority of, or private entity within, a country or regional economic organization, or member country of such organi-
zation, which at the time the record is transferred is a covered country; and

(B) to a designated Federal agency or component for purposes of preventing, investigating, detecting, or prosecuting criminal offenses.

(5) Designated Federal agency or component.—The term “designated Federal agency or component” means a Federal agency or component of an agency designated in accordance with subsection (e).

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

(i) Preservation of privileges.—Nothing in this section shall be construed to waive any applicable privilege or require the disclosure of classified information. Upon an agency’s request, the district court shall review in camera and ex parte any submission by the agency in connection with this subsection.

(j) Effective date.—This Act shall take effect 90 days after the date of the enactment of this Act.