

119TH CONGRESS
1ST SESSION

H. R. 5028

To amend section 552a of title 5, United States Code, to provide for the liability of Federal personnel for intentional or willful violations of such section, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 22, 2025

Mr. MIN (for himself and Mr. JOHNSON of Georgia) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend section 552a of title 5, United States Code, to provide for the liability of Federal personnel for intentional or willful violations of such section, 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 “Security and Account-
5 ability For Everyone Act of 2025” or the “SAFE Act of
6 2025”.

1 **SEC. 2. LIABILITY OF THE UNITED STATES AND FEDERAL**
2 **PERSONNEL UNDER THE PRIVACY ACT.**

3 Section 552a of title 5, United States Code, is
4 amended—

5 (1) in subsection (a)—

6 (A) in paragraph (12), by striking “and”
7 at the end;

8 (B) in paragraph (13), by inserting strik-
9 ing the period at the end and inserting the fol-
10 lowing: “, and covered special Government em-
11 ployees; and”; and

12 (C) by adding at the end the following:

13 “(14) the term ‘covered special Government em-
14 ployee’ means a special Government employee (as
15 such term is defined in section 202 of title 18)
16 who—

17 “(A) does not serve on an advisory com-
18 mittee (as such term is defined in section
19 1001);

20 “(B) serves in a position listed in level
21 GS–13 or higher of the General Schedule, an
22 equivalent position in the Senior Executive
23 Service, a senior level position, a scientific or
24 professional position, or an equivalent position
25 in an agency-specific pay scale; and

“(C) does not serve in a position that is designated for an intern or unpaid student volunteer serving pursuant to section 3111, or similar statutory authority.”.

(2) in subsection (g)—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking “, and consequently a determination is made which is adverse to the individual”; and

(ii) in subparagraph (D), by striking “, in such a way as to have an adverse effect on an individual”; and

(B) by adding at the end the following:

“(6) INTENTIONAL OR WILLFUL VIOLATIONS BY
FEDERAL PERSONNEL.—

“(A) IN GENERAL.—Whenever Federal personnel engages in conduct described in subparagraph (C) or (D) of paragraph (1) that is intentional or willful and that results in demonstrable harm to an individual, the individual may bring a civil action against the Federal personnel, and the district courts of the United States shall have jurisdiction in the matters under the provisions of this subsection.

1 “(B) NO IMMUNITY.—It shall not be a de-
2 fense to an action under this paragraph alleging
3 intentional or willful conduct that the Federal
4 personnel is immune from liability.

5 “(C) REMEDIES.—In an action brought
6 under this paragraph, the Federal personnel
7 shall be personally liable to the individual in an
8 amount equal to the amount authorized under
9 paragraph (4). The United States shall not be
10 liable for such amount.

11 “(D) REIMBURSEMENT OF DEPARTMENT
12 OF JUSTICE.—If an attorney for the Depart-
13 ment of Justice represents Federal personnel in
14 an action under this paragraph, and the Fed-
15 eral personnel is found to have engaged in con-
16 duct described in subparagraph (C) or (D) of
17 paragraph (1) that was intentional or willful,
18 the court shall enter an order requiring the
19 Federal personnel to pay to the Department of
20 Justice an amount that is equal to the cost of
21 such representation.

22 “(7) PARENS PATRIAE.—In any case in which
23 the attorney general of a State has reason to believe
24 that an interest of the residents of that State has
25 been or is threatened or adversely affected by con-

1 duct described in subparagraph (C) or (D) of para-
2 graph (1) that is intentional or willful, the attorney
3 general of the State, as *parens patriae*, may bring
4 a civil action against the agency or the Federal per-
5 sonnel, as applicable, on behalf of the residents of
6 the State in an appropriate district court of the
7 United States to obtain appropriate relief.”.

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