

114TH CONGRESS  
1ST SESSION

# S. 1600

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

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IN THE SENATE OF THE UNITED STATES

JUNE 17, 2015

Mr. MURPHY (for himself and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## 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

1 same manner, to the same extent, and subject to the same  
2 limitations, including exemptions and exceptions, as an in-  
3 dividual may bring and obtain with respect to records  
4 under—

5 (1) section 552a(g)(1)(D) of title 5, United  
6 States Code, but only with respect to disclosures in-  
7 tentiously or willfully made in violation of section  
8 552a(b) of such title; and

9 (2) subparagraphs (A) and (B) of section  
10 552a(g)(1) of title 5, United States Code, but such  
11 an action may only be brought against a designated  
12 Federal agency or component.

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

16 (c) APPLICATION OF THE PRIVACY ACT WITH RE-  
17 SPECT TO A COVERED PERSON.—For purposes of a civil  
18 action described in subsection (a), a covered person shall  
19 have the same rights, and be subject to the same limita-  
20 tions, including exemptions and exceptions, as an indi-  
21 vidual has and is subject to under section 552a of title  
22 5, United States Code, when pursuing the civil remedies  
23 described in paragraphs (1) and (2) of subsection (a).

24 (d) DESIGNATION OF COVERED COUNTRY.—

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

8                   (A) the country or regional economic inte-  
9                   gration organization, or member country of  
10                  such organization, has entered into an agree-  
11                  ment with the United States that provides for  
12                  appropriate privacy protections for information  
13                  shared for the purpose of preventing, inves-  
14                  tigating, detecting, or prosecuting criminal of-  
15                  fenses; or

16                  (B) the Attorney General has determined  
17                  that the country or regional economic integra-  
18                  tion organization, or member country of such  
19                  organization, has effectively shared information  
20                  with the United States for the purpose of pre-  
21                  venting, investigating, detecting, or prosecuting  
22                  criminal offenses and has appropriate privacy  
23                  protections for such shared information.

24           (2) REMOVAL OF DESIGNATION.—The Attorney  
25           General may, with the concurrence of the Secretary

1 of State, the Secretary of the Treasury, and the Sec-  
2 retary of Homeland Security, revoke the designation  
3 of a foreign country or regional economic integration  
4 organization, or member country of such organiza-  
5 tion, as a “covered country” if the Attorney General  
6 determines that such designated “covered coun-  
7 try”—

8 (A) is not complying with the agreement  
9 described under paragraph (1)(A);

10 (B) no longer meets the requirements for  
11 designation under paragraph (1)(B); or

12 (C) impedes the transfer of information  
13 (for purposes of reporting or preventing unlaw-  
14 ful activity) to the United States by a private  
15 entity or person.

16 (e) DESIGNATION OF DESIGNATED FEDERAL AGEN-  
17 CY OR COMPONENT.—

18 (1) IN GENERAL.—The Attorney General shall  
19 determine whether an agency or component thereof  
20 is a “designated Federal agency or component” for  
21 purposes of this section. The Attorney General shall  
22 not designate any agency or component thereof other  
23 than the Department of Justice or a component of  
24 the Department of Justice without the concurrence

1 of the head of the relevant agency, or of the agency  
2 to which the component belongs.

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

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

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

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

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

4 (h) DEFINITIONS.—In this Act:

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

8 (2) COVERED COUNTRY.—The term “covered  
9 country” means a country or regional economic inte-  
10 gration organization, or member country of such or-  
11 ganization, designated in accordance with subsection  
12 (d).

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

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

21 (A) by a public authority of, or private en-  
22 tity within, a country or regional economic or-  
23 ganization, or member country of such organi-  
24 zation, which at the time the record is trans-  
25 ferred is a covered country; and

1 (B) to a designated Federal agency or  
2 component for purposes of preventing, inves-  
3 tigating, detecting, or prosecuting criminal of-  
4 fenses.

5 (5) DESIGNATED FEDERAL AGENCY OR COMPO-  
6 NENT.—The term “designated Federal agency or  
7 component” means a Federal agency or component  
8 of an agency designated in accordance with sub-  
9 section (e).

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

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

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

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