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## [H.R. 1428, Judicial Redress Act of 2015](#)

### FLOOR SITUATION

On Tuesday, October 20, 2015, the House will consider [H.R. 1428](#), the Judicial Redress Act of 2015, under suspension of the rules. H.R. 1428 was introduced on March 18, 2015 by Rep. James Sensenbrenner (R-WI) and was referred to the Committee on the Judiciary, and in addition, to the Committee on Oversight and Government Reform. The Judiciary Committee ordered the bill reported by voice vote on September 17, 2015.

### SUMMARY

H.R. 1428 provides citizens of designated foreign countries the ability to seek redress in U.S. federal courts for certain privacy violations by the federal government, related to the sharing of law enforcement information between the United States and foreign governments, on the same terms and subject to the same conditions that U.S. citizens and lawful permanent residents may seek such redress against the federal government under the Privacy Act of 1974. The bill only applies with respect to information obtained through international law enforcement channels.<sup>1</sup>

### BACKGROUND

In recent years, there have been several broad and highly publicized leaks of classified U.S. intelligence information. According to the Committee, our allies in Europe, in particular, are concerned that the European public will no longer support law enforcement cooperation with U.S. authorities if we do not enact legislation to restore their public's trust in U.S. privacy protections.<sup>2</sup>

According to the Congressional Research Service, promoting law enforcement and intelligence cooperation with the United States has been a top priority of the European Union (EU) since 2001. This partnership has led to a new dynamic in U.S.-EU relations by fostering dialogue on law enforcement and homeland security issues previously reserved for bilateral discussions. Contacts between U.S. and EU officials on police, judicial, and border control policy matters have increased

<sup>1</sup> See [Statement of House Judiciary Committee Chairman Goodlatte Markup of H.R. 1428](#), September 17, 2015.

<sup>2</sup> Id.

substantially and a number of new U.S.-EU agreements have also been reached; these include information-sharing arrangements between the United States and EU police and judicial bodies.<sup>3</sup>

“The negotiation of several U.S.-EU information-sharing agreements, from those related to tracking terrorist financial data to sharing airline passenger information, has been complicated by EU concerns about whether the U.S. could guarantee a sufficient level of protection for European citizens' personal data. EU worries about U.S. data protection safeguards and practices have been further heightened by the unauthorized disclosures since June 2013 of U.S. National Security Agency (NSA) surveillance programs and subsequent allegations of U.S. collection activities in Europe.”<sup>4</sup>

Currently, under the Privacy Act of 1974, U.S. citizens and lawful permanent residents may bring claims against the federal government if their personal information is disclosed in an unauthorized manner. H.R. 1428 grants citizens of designated foreign countries a limited number of civil remedies against the federal government for unauthorized disclosure of personal information, similar to rights granted to U.S. citizens and lawful permanent residents under the Privacy Act. Many other countries already extend such protections to U.S. citizens.<sup>5</sup> According to the Committee, the bill will also facilitate adoption of the Data Protection and Privacy Agreement and promote a healthy environment for U.S. companies that do business overseas.<sup>6</sup>

According to the bill sponsor, “The Judicial Redress Act of 2015 provides our closest allies with limited remedies relative to data they share with the United States similar to those Americans enjoy under the Privacy Act. It is a way to support our foreign allies and ensure continued sharing of law enforcement data. [...] Americans already enjoy similar rights in Europe. Our European allies have already indicated that such a bill is central to their willingness to continue to share law enforcement data with America. [...] The bill is narrowly tailored, enabling only citizens of designated foreign countries to bring suit in specified circumstances, and only with respect to information obtained from their home country for law enforcement purposes.”<sup>7</sup>

## **COST**

The Congressional Budget Office (CBO) [estimates](#) increases in annual direct spending from enacting H.R. 1428 would be insignificant.

## **STAFF CONTACT**

For questions or further information please contact [John Huston](#) with the House Republican Policy Committee by email or at 6-5539.

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<sup>3</sup> See CRS Report, [U.S.-EU Cooperation Against Terrorism](#), December 1, 2014.

<sup>4</sup> Id.

<sup>5</sup> See Judiciary Committee Press Release, [House Judiciary Committee Approves Legislation to Strengthen Privacy Protections for Individuals](#), September, 17, 2015.

<sup>6</sup> See [Statement of House Judiciary Committee Chairman Goodlatte Markup of H.R. 1428](#), September 17, 2015.

<sup>7</sup> See Rep. Sensenbrenner op-ed, [“The Judicial Redress Act is essential to U.S. law enforcement.”](#) September 17, 2015.