

December 9, 2015

Chairman Chuck Grassley
224 Dirksen Senate Office Building
Washington, DC 20510

Ranking Member Patrick Leahy
152 Dirksen Senate Office Building
Washington, DC 20510

RE: the Judicial Redress Act of 2015 (H.R. 1428/S. 1600)

Dear Chairman Grassley and Ranking Member Leahy:

As leaders of associations representing a broad cross-section of industries, we write to you today to emphasize the importance of the Judicial Redress Act (H.R. 1428/S. 1600) to the country's national security and to the ongoing negotiations of the so-called "Safe Harbor 2.0." We ask that you move this bill forward for consideration by the full Senate as expeditiously as possible.

The Judicial Redress Act is the last hurdle to finalizing the Data Privacy and Protection Agreement (the so-called "umbrella agreement") governing the transfer of data between the governments of the United States (U.S.) and the European Union (EU) for the purpose of combatting crime and terrorism. While the language of the agreement was agreed upon in final form in September, the European Parliament will not adopt the agreement until enactment of the Judicial Redress Act. The bill extends certain rights granted to U.S. citizens under the Privacy Act to the citizens of designated foreign allies. Citizens of designated countries would be granted standing to seek access to records shared with a U.S. government agency in the course of a criminal investigation, amend such records when they are erroneous, and seek redress when such records are unlawfully disclosed by an agency. Many of our allies have already provided similar rights to U.S. citizens under their laws.

In addition to its importance in finalizing this government information sharing agreement, the Judicial Redress Act gained additional importance as a result of the October judgment of the Court of Justice of the European Union that invalidated the European Commission's adequacy decision regarding the U.S.-EU Safe Harbor agreement. Without the adequacy finding, many of the 4,400 companies that relied solely upon the Safe Harbor agreement to transfer data from the EU to the United States face tremendous uncertainty regarding what bases exist to justify transatlantic flows of data. European data protection authorities (DPAs) granted an unofficial enforcement moratorium through January 31, the effect of which has been to allow data transfers to proceed in accordance with the now-invalidated Safe Harbor agreement.

The European Commission and other EU stakeholders have ascribed a great deal of importance to the Judicial Redress Act in the Safe Harbor renegotiation process and it is now safe to say that passage of the measure is a critical precondition to concluding those negotiations. In the absence of a renegotiated Safe Harbor agreement on January 31, companies transferring data under the Safe Harbor agreement, generating trillions of dollars in economic activity, will be subject to potentially economically harmful enforcement actions and unknown liability. Such a result would be significantly detrimental to the economies of both the United States and the EU, with particularly negative consequences for small- and medium-sized enterprises.

Given the very real consequences of failure to reach agreement on a new Safe Harbor framework, we urge you to usher the Judicial Redress Act through the Senate before Congress adjourns for this session.

Sincerely,

Mitch Bainwol
President and CEO
Alliance of Automobile Manufacturers

Dean C. Garfield
President and CEO
Information Technology Industry Council

Katherine G. Lugar
President and CEO
American Hotel & Lodging Association

Randall Rothenberg
President and CEO
Interactive Advertising Bureau

Jake Ward
President and CEO
Application Developers Alliance

Michael Beckerman
President and CEO
Internet Association

John T. Bozzella
President and CEO
Association of Global Automakers

Sandy Kennedy
President
Retail Industry Leaders Association

Victoria A. Espinel
President and CEO
Business Software Alliance

Ken Wasch
President
Software & Information Industry Association

Todd Thibodeaux
President and CEO
CompTIA

Tim Bennett
Director General/CEO
Trans-Atlantic Business Council

Ed Black
President & CEO
Computer & Communications Industry Association

Linda Moore
President and CEO
TechNet

Gary Shapiro
CEO and President
Consumer Technology Association

R. Bruce Josten
Executive Vice President, Government Affairs
U.S. Chamber of Commerce