

October 15, 2015

The Honorable John Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

The Honorable Nancy Pelosi
Democratic Leader
U.S. House of Representatives
Washington, DC 20515

RE: H.R. 1428, the Judicial Redress Act of 2015

Dear Speaker Boehner and Leader Pelosi:

We, the undersigned trade associations and companies, write to urge you to schedule H.R. 1428, the Judicial Redress Act of 2015, for consideration as soon as possible.

The Judicial Redress Act extends certain rights granted to citizens of the United States (U.S.) 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 – a prerequisite to being deemed a designated country under the Judicial Redress Act.

The last two years have seen a significant erosion of global public trust in both the U.S. government and the U.S. technology sector. The judgment of the Court of Justice of the European Union last week to invalidate the European Commission's adequacy decision regarding the U.S.-EU Safe Harbor agreement confirms a trust deficit persists between the U.S. and the European Union (EU). Prior to the decision, this degradation of trust had already translated into significant negative commercial consequences for U.S. firms. After the decision, the commercial consequences could become even more significant by further undermining the ability of U.S. companies to engage in business with EU companies and consumers. 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.

The enactment of the Judicial Redress Act is a critical step in rebuilding the trust of citizens worldwide in both the U.S. government and our industry and in addressing the misperceptions underlying the decision. In addition to signaling to consumers worldwide that the U.S. government is committed to appropriately protecting the privacy of individuals, the Judicial Redress Act is also the last formal hurdle to the finalization of the Data Privacy and Protection Agreement (the so-called "umbrella agreement") governing the transfer of data between the United States and the European Union 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.

Now more than ever, passage of H.R. 1428 is crucial to restoring public trust in our government and the U.S. technology sector. Restoring that trust is essential to continued cross-border data flows, which is vital for the continued competitiveness across all American industries. We join the ranks of a broad range of stakeholders across industry, civil society, and the government to express our strong support of this bill and our hope that the House will consider the measure without delay.

Sincerely,

Adobe
Application Developers Alliance
CA Technologies
Cisco Systems
CompTIA
Computer & Communications Industry Association
Consumer Electronics Association
Facebook
Foursquare
Google
HP
IBM
Information Technology Industry Council
Internet Association
Microsoft
SAP
Software & Information Industry Association
Symantec
TechNet
Trans-Atlantic Business Council
U.S. Chamber of Commerce
Yahoo!