

AMENDMENTS

1986—Subsec. (a)(5). Pub. L. 99-569 added par. (5).
 1982—Subsec. (b)(2). Pub. L. 97-320 struck out “of” after “financial institution”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3402, 3409 of this title.

§ 3415. Cost reimbursement

Except for records obtained pursuant to section 3403(d) or 3413(a) through (h) of this title, or as otherwise provided by law, a Government authority shall pay to the financial institution assembling or providing financial records pertaining to a customer and in accordance with procedures established by this chapter a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching for, reproducing, or transporting books, papers, records, or other data required or requested to be produced. The Board of Governors of the Federal Reserve System shall, by regulation, establish the rates and conditions under which such payment may be made.

(Pub. L. 95-630, title XI, § 1115(a), Nov. 10, 1978, 92 Stat. 3708.)

EFFECTIVE DATE

Section 1115(b) of Pub. L. 95-630 provided that: “This section shall take effect on October 1, 1979.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3413, 3414 of this title; title 42 section 1383.

§ 3416. Jurisdiction

An action to enforce any provision of this chapter may be brought in any appropriate United States district court without regard to the amount in controversy within three years from the date on which the violation occurs or the date of discovery of such violation, whichever is later.

(Pub. L. 95-630, title XI, § 1116, Nov. 10, 1978, 92 Stat. 3708.)

§ 3417. Civil penalties**(a) Liability of agencies or departments of United States or financial institutions**

Any agency or department of the United States or financial institution obtaining or disclosing financial records or information contained therein in violation of this chapter is liable to the customer to whom such records relate in an amount equal to the sum of—

- (1) \$100 without regard to the volume of records involved;
- (2) any actual damages sustained by the customer as a result of the disclosure;
- (3) such punitive damages as the court may allow, where the violation is found to have been willful or intentional; and
- (4) in the case of any successful action to enforce liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

(b) Disciplinary action for willful or intentional violation of chapter by agents or employees of department or agency

Whenever the court determines that any agency or department of the United States has vio-

lated any provision of this chapter and the court finds that the circumstances surrounding the violation raise questions of whether an officer or employee of the department or agency acted willfully or intentionally with respect to the violation, the Director of the Office of Personnel Management shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the agent or employee who was primarily responsible for the violation. The Director after investigation and consideration of the evidence submitted, shall submit his findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Director recommends.

(c) Good faith defense

Any financial institution or agent or employee thereof making a disclosure of financial records pursuant to this chapter in good-faith reliance upon a certificate by any Government authority or pursuant to the provisions of section 3413(l) of this title shall not be liable to the customer for such disclosure under this chapter, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

(d) Exclusive judicial remedies and sanctions

The remedies and sanctions described in this chapter shall be the only authorized judicial remedies and sanctions for violations of this chapter.

(Pub. L. 95-630, title XI, § 1117, Nov. 10, 1978, 92 Stat. 3708; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36067, 92 Stat. 3783; Pub. L. 100-690, title VI, § 6186(d), Nov. 18, 1988, 102 Stat. 4358.)

AMENDMENTS

1988—Subsec. (c). Pub. L. 100-690 inserted “or pursuant to the provisions of section 3413(l) of this title” after “Government authority” and “under this chapter, the constitution of any State, or any law or regulation of any State or any political subdivision of any State” after “such disclosure”.

TRANSFER OF FUNCTIONS

“Director of the Office of Personnel Management” and “Director” substituted in subsec. (b) for “Civil Service Commission” and “Commission” pursuant to Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred functions vested by statute in Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3413, 3414 of this title.

§ 3418. Injunctive relief

In addition to any other remedy contained in this chapter, injunctive relief shall be available to require that the procedures of this chapter are complied with. In the event of any successful action, costs together with reasonable attor-