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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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DOE *v.* CHAO, SECRETARY OF LABOR

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 02–1377. Argued December 3, 2003—Decided February 24, 2004

After petitioner Doe filed a black lung benefits claim with the Department of Labor, the agency used his Social Security number to identify his claim on official agency documents, including a multicaptioned hearing notice that was sent to a group of claimants, their employers, and lawyers. Doe and other black lung claimants sued the Department, claiming that such disclosures violated the Privacy Act of 1974. The Government stipulated to an order prohibiting future publication of Social Security numbers on multicaptioned hearing notices, and the parties moved for summary judgment. The District Court entered judgment against all plaintiffs but Doe, finding that they had raised no issues of cognizable harm. However, the court accepted Doe's uncontroverted testimony about his distress on learning of the improper disclosure, granted him summary judgment, and awarded him $1,000, the minimum statutory damages award under 5 U. S. C. §552a(g)(4). The Fourth Circuit reversed on Doe's claim, holding that the $1,000 minimum is available only to plaintiffs who suffer actual damages, and that Doe had not raised a triable issue of fact about such damages, having submitted no corroboration for his emotional distress claim.

Held: Plaintiffs must prove some actual damages to qualify for the minimum statutory award. Pp. 3–13.

(a) The Privacy Act gives agencies detailed instructions for managing their records and provides various sorts of civil relief to persons aggrieved by the Government's failure to comply with the Act's requirements. Doe's claim falls within a catchall category for someone who suffers an "adverse effect" from a failure not otherwise specified in the remedial section of the Act. §552a(g)(1)(D). If a court determines in a subsection (g)(1)(D) suit that the agency acted in an "in-

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tentional or willful" manner, the Government is liable for "actual damages sustained by the individual . . . , but in no case shall a person entitled to recovery receive less than . . . $1,000." §552a(g)(4)(A). Pp. 3–4.

(b) A straightforward textual analysis supports the Government's position that the minimum guarantee goes only to victims who prove some actual damages. By the time the statute guarantees the $1,000 minimum, it not only has confined eligibility to victims of adverse effects caused by intentional or willful actions, but has provided expressly for liability to such victims for "actual damages sustained." When the next clause of the sentence containing such an explicit provision guarantees $1,000 to the "person entitled to recovery," the obvious referent is the immediately preceding provision for recovering actual damages, the Act's sole provision for recovering anything. Doe's theory that the minimum requires nothing more than proof of a statutory violation is immediately questionable in ignoring the "actual damages" language so directly at hand and instead looking for "a person entitled to recovery" in a separate part of the statute devoid of any mention of recovery or of what might be recovered. Doe ignores statutory language by reading the statute to speak of liability in a freestanding, unqualified way, when it actually speaks in a limited way, by referencing enumerated damages. His reading is also at odds with the traditional understanding that tort recovery requires both wrongful act plus causation and proof of some harm for which damages can reasonably be assessed. And an uncodified provision of the Act demonstrates that Congress left for another day the question whether to authorize general damages, *i.e.,* an award calculated without reference to specific harm. In fact, drafting history shows that Congress cut out the very language in the bill that would have authorized such damages. Finally, Doe's reading leaves the entitlement to recovery reference with no job to do. As he treats the text, Congress could have accomplished its object simply by providing that the Government would be liable for actual damages but in no case less than $1,000. Pp. 4–8.

(c) Doe's argument suggests that it would have been illogical for Congress to create a cause of action for anyone suffering an adverse effect from intentional or willful agency action, then deny recovery without actual damages. But subsection (g)(1)(D)'s recognition of a civil action was not meant to provide a complete cause of action. A subsequent provision requires proof of intent or willfulness in addition to adverse effect, and if the specific state of mind must be proven additionally, it is consistent with logic to require some actual damages as well. Doe also suggests that it is peculiar to offer guaranteed damages, as a form of presumed damages not requiring proof of

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amount, only to plaintiffs who can demonstrate actual damages. But this approach parallels the common-law remedial scheme for certain defamation claims in which plaintiffs can recover presumed damages only if they can demonstrate some actual, quantifiable pecuniary loss. Finally, Doe points to subsequently enacted statutes with remedial provisions similar to §552a(g)(4). However, the text of one provision is too far different from the Privacy Act's language to serve as a sound basis for analogy; and even as to the other provisions, this Court has said repeatedly that subsequent legislative history will rarely override a reasonable interpretation of a statute that can be gleaned from its language and legislative history prior to its enactment. Pp. 9–12.

306 F. 3d 170, affirmed.

SOUTER, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and O'CONNOR, KENNEDY, and THOMAS, JJ., joined, and in which SCALIA, J., joined except as to the penultimate paragraph of Part III and footnote 8. GINSBURG, J., filed a dissenting opinion, in which STEVENS and BREYER, JJ., joined. BREYER, J., filed a dissenting opinion.