

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide that, in order to qualify as a covered country, a foreign country must permit commercial data transfers with the United States and may not impede the national security interests of the United States.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.**

**H. R. 1428**

To extend Privacy Act remedies to citizens of certified states, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

1 Strike section 2(d) and insert the following:

2 (d) DESIGNATION OF COVERED COUNTRY.—

3 (1) IN GENERAL.—The Attorney General may,  
4 with the concurrence of the Secretary of State, the  
5 Secretary of the Treasury, and the Secretary of  
6 Homeland Security, designate a foreign country or  
7 regional economic integration organization, or mem-  
8 ber country of such organization, as a “covered  
9 country” for purposes of this section if—

10 (A)(i) the country or regional economic in-  
11 tegration organization, or member country of

1 such organization, has entered into an agree-  
2 ment with the United States that provides for  
3 appropriate privacy protections for information  
4 shared for the purpose of preventing, inves-  
5 tigating, detecting, or prosecuting criminal of-  
6 fenses; or

7 (ii) the Attorney General has determined  
8 that the country or regional economic integra-  
9 tion organization, or member country of such  
10 organization, has effectively shared information  
11 with the United States for the purpose of pre-  
12 venting, investigating, detecting, or prosecuting  
13 criminal offenses and has appropriate privacy  
14 protections for such shared information;

15 (B) the country or regional economic inte-  
16 gration organization, or member country of  
17 such organization, permits the transfer of per-  
18 sonal data for commercial purposes between the  
19 territory of that country or regional economic  
20 organization and the territory of the United  
21 States, through an agreement with the United  
22 States or otherwise; and

23 (C) the Attorney General has certified that  
24 the policies regarding the transfer of personal  
25 data for commercial purposes and related ac-

1           tions of the country or regional economic inte-  
2           gration organization, or member country of  
3           such organization, do not materially impede the  
4           national security interests of the United States.

5           (2) REMOVAL OF DESIGNATION.—The Attorney  
6           General may, with the concurrence of the Secretary  
7           of State, the Secretary of the Treasury, and the Sec-  
8           retary of Homeland Security, revoke the designation  
9           of a foreign country or regional economic integration  
10          organization, or member country of such organiza-  
11          tion, as a “covered country” if the Attorney General  
12          determines that such designated “covered coun-  
13          try”—

14                 (A) is not complying with the agreement  
15                 described under paragraph (1)(A)(i);

16                 (B) no longer meets the requirements for  
17                 designation under paragraph (1)(A)(ii);

18                 (C) fails to meet the requirements under  
19                 paragraph (1)(B);

20                 (D) no longer meets the requirements for  
21                 certification under paragraph (1)(C); or

22                 (E) impedes the transfer of information  
23                 (for purposes of reporting or preventing unlaw-  
24                 ful activity) to the United States by a private  
25                 entity or person.