

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.