

119TH CONGRESS
1ST SESSION

S. _____

To amend section 2523 of title 18, United States Code, to modify the requirements for executive agreements on access to data by foreign governments, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend section 2523 of title 18, United States Code, to modify the requirements for executive agreements on access to data by foreign governments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Global Trust in Amer-
5 ican Online Services Act”.

6 **SEC. 2. MODIFICATION OF EXECUTIVE AGREEMENT RE-**
7 **QUIREMENTS.**

8 (a) DEFINITION.—

1 “(C) to obtain the contents of wire commu-
2 nications or electronic communications stored
3 by an electronic communications service or a re-
4 mote computing service (as defined in section
5 2711) provider;”.

6 (2) TECHNICAL AND CONFORMING AMEND-
7 MENTS.—Section 2523(b)(4) of title 18, United
8 States Code, is amended—

9 (A) in the matter preceding subparagraph
10 (A), by striking “order” and inserting “covered
11 order”;

12 (B) in subparagraph (C), by striking “an
13 order” and inserting “a covered order”; and

14 (C) in subparagraph (E), by striking “an
15 order” and inserting “a covered order”.

16 (b) LIMITATIONS ON SERVICE PROVIDER OBLIGA-
17 TIONS.—Section 2523(b)(3) of title 18, United States
18 Code, is amended—

19 (1) by striking “providers be capable” and in-
20 serting the following: “providers—

21 “(A) be capable”;

22 (2) by striking “and” at the end; and

23 (3) by adding at the end the following:

24 “(B) collect data from or about the sub-
25 scriber or customer that the provider would not

1 have otherwise collected in the normal course of
2 business;

3 “(C) adopt any specific design of equip-
4 ment, facility, service, feature, or system con-
5 figuration;

6 “(D) not adopt any equipment, facility,
7 service, or feature;

8 “(E) reduce the security of a product or
9 service offered by the provider; or

10 “(F) deliver malware or other software
11 that surreptitiously collects data from a sub-
12 scriber or customer’s device; and”.

13 (c) PROHIBITION ON SURVEILLANCE OF INDIVID-
14 UALS IN THIRD-PARTY COUNTRIES.—Section 2523 of title
15 18, United States Code, is amended—

16 (1) in subsection (b)(4)(B)—

17 (A) by striking “government may not tar-
18 get a non-United States person located outside
19 the United States if the purpose” and inserting
20 the following: “government—

21 “(i) may not target a non-United
22 States person located outside the United
23 States if a purpose”;

24 (B) by inserting “and” after the semicolon;

25 and

1 (C) by adding at the end the following:

2 “(ii) may only target the non-United
3 States person under clause (i) if, upon sub-
4 mitting a covered order to a service pro-
5 vider, the foreign government provides the
6 service provider with a certification in ac-
7 cordance with subsection (i);” and

8 (2) by adding at the end the following:

9 “(i) CERTIFICATION REQUIREMENTS FOR SURVEIL-
10 LANCE OF INDIVIDUALS IN THIRD-PARTY COUNTRIES.—

11 “(1) IN GENERAL.—For purposes of subsection
12 (b)(4)(B)(ii)—

13 “(A) a foreign government seeking a cov-
14 ered order with respect to a non-United States
15 person shall certify that—

16 “(i) the person is not a United States
17 person; and

18 “(ii)(I) the non-United States person
19 is a citizen of the requesting country;

20 “(II) the non-United States person is
21 located in the requesting country;

22 “(III) the non-United States person is
23 located in a third-party country, including
24 an identification of the third-party country;

25 or

1 “(IV) the foreign government does not
2 know in which country the non-United
3 States person is located;

4 “(B) in the case of a certification described
5 in subparagraph (A)(ii)(III)—

6 “(i) if the third-party country has
7 ratified the Convention on Cybercrime,
8 done at Budapest November 23, 2001, the
9 foreign government shall—

10 “(I) provide notice to the third-
11 party country and allow the third-
12 party country 7 days to object to the
13 request; and

14 “(II) if no objection is raised by
15 the third-party country under sub-
16 clause (I), certify to the service pro-
17 vider that notice was provided to the
18 third-party country and the third-
19 party country did not object; and

20 “(ii) if the third-party country has not
21 ratified the Convention on Cybercrime,
22 done at Budapest November 23, 2001, the
23 foreign government shall certify to the
24 service provider whether the foreign gov-

1 ernment provided notice to the third-party
2 country; and

3 “(C) in response to a certification sub-
4 mitted by a foreign government under subpara-
5 graph (A), a service provider may provide the
6 data requested in the covered order, regardless
7 of where the person is located.

8 “(2) FAILURE TO CERTIFY THAT TARGET IS
9 NON-UNITED STATES PERSON.—If a foreign govern-
10 ment is unable to certify that the target of a covered
11 order is a non-United States person under para-
12 graph (1)(A)(i), the foreign government may not ob-
13 tain an order for data with respect to the person
14 without an MLAT.

15 “(3) ANNUAL REPORT.—Not later than 1 year
16 after the date of enactment of the Global Trust in
17 American Online Services Act, and each year there-
18 after, each service provider that receives a covered
19 order from a foreign government relating to an indi-
20 vidual described in subclause (III) or (IV) of para-
21 graph (1)(A)(ii) shall submit a report to the Attor-
22 ney General that includes a copy of each such cov-
23 ered order (and related certifications) relating to an
24 individual described in subclause (III) or (IV) of

1 paragraph (1)(A)(ii) received during the 1-year pe-
2 riod to which the report relates.”.

3 (d) REQUIREMENT FOR JUDICIAL APPROVAL OF
4 SURVEILLANCE.—Section 2523(b)(4)(D) of title 18,
5 United States Code, is amended—

6 (1) by redesignating clauses (i) through (vi) as
7 clauses (ii) through (vii), respectively;

8 (2) in the matter preceding clause (ii), as so re-
9 designated, by striking “an order” and inserting “a
10 covered order”;

11 (3) by inserting before clause (ii), as so redesign-
12 nated, the following:

13 “(i) shall be limited to a covered
14 order;”;

15 (4) in clause (iii), as so redesignated, by strik-
16 ing “order” and inserting “covered order”;

17 (5) by striking clause (vi), as so redesignated,
18 and inserting the following:

19 “(vi) shall be—

20 “(I) before issuance of the cov-
21 ered order, reviewed by a court; and

22 “(II) after issuance of the cov-
23 ered order, subject to oversight by an
24 independent authority responsible for

1 protecting privacy and civil liberties;
2 and”]; and

3 (6) in clause (vii), as so redesignated, in the
4 matter preceding subclause (I), by striking “an
5 order” and inserting “a covered order”.

6 (e) NOTICE TO TARGETS OF SURVEILLANCE.—Sec-
7 tion 2523(b)(4) of title 18, United States Code, is amend-
8 ed—

9 (1) in subparagraph (J), by striking “and” at
10 the end;

11 (2) by redesignating subparagraph (K) as sub-
12 paragraph (P);

13 (3) by inserting after subparagraph (J) the fol-
14 lowing:

15 “(K) the foreign government shall, with re-
16 spect to a covered order under an agreement,
17 within a reasonable amount of time, but not
18 later than 90 days after the date on which an
19 application for an order is denied by the court,
20 90 days after the date upon which a service
21 provider provides information under a covered
22 order, or 90 days after a covered order issued
23 by the court expires, as the case may be, pro-
24 vide notice to the customer or subscriber identi-
25 fied under subparagraph (D)(iii) of the covered

1 order, the interception, or the disclosure of wire
2 communications or electronic communications,
3 as the case may be, except that such notice may
4 be delayed, upon request of the foreign govern-
5 ment, by a court of the requesting country for
6 a defined period of time, and such delay may be
7 renewed, if the court of the requesting country
8 determines that the delay or renewal, as the
9 case may be, is warranted based on the facts
10 presented by the foreign government in the re-
11 quest for delay or renewal, with respect to the
12 specific circumstances of the investigation,
13 timely notice would result in—

14 “(i) endangering the life or physical
15 safety of an individual;

16 “(ii) flight from prosecution;

17 “(iii) destruction of or tampering with
18 evidence;

19 “(iv) intimidation of potential wit-
20 nesses; or

21 “(v) otherwise seriously jeopardizing
22 an investigation or unduly delaying a
23 trial;”.

24 (f) NON-DISCLOSURE ORDERS TO PROVIDERS.—Sec-
25 tion 2523(b)(4) of title 18, United States Code, as amend-

1 ed by subsection (e) of this section, is amended by insert-
2 ing after subparagraph (K) the following:

3 “(L) a service provider may, with respect
4 to a covered order from the foreign government,
5 be subject to an order of a court of the request-
6 ing country prohibiting the service provider
7 from notifying any other person, other than an
8 attorney in order to obtain legal advice or as-
9 sistance regarding the covered order, of the ex-
10 istence of the covered order for such period as
11 the court determines appropriate, but not
12 longer than 180 days, unless renewed by the
13 court, only if the court, upon request of the for-
14 eign government and based on the facts pre-
15 sented by the foreign government in the re-
16 quest, determines that such notification of the
17 existence of the covered order will result in—

18 “(i) endangering the life or physical
19 safety of an individual;

20 “(ii) flight from prosecution;

21 “(iii) destruction of or tampering with
22 evidence;

23 “(iv) intimidation of potential wit-
24 nesses; or

1 “(v) otherwise seriously jeopardizing
2 an investigation or unduly delaying a trial;

3 “(M) a non-disclosure order issued by a
4 court under subparagraph (L)—

5 “(i) may not be used to infringe on
6 freedom of speech;

7 “(ii) may be challenged by a provider
8 of an electronic communications service or
9 remote computing service in the United
10 States if the order violates the rights of
11 the service provider under the First
12 Amendment to the Constitution of the
13 United States as if the order had been
14 issued by a court of the United States or
15 is otherwise unlawful; and

16 “(iii) shall be the only means by which
17 a foreign government may limit or prohibit
18 a service provider from providing notice of
19 a covered order to another person;”.

20 (g) UNITED STATES JUDICIAL REVIEW OF UNLAW-
21 FUL SURVEILLANCE ORDERS.—Section 2523(b)(4)(P) of
22 title 18, United States Code, as so redesignated by sub-
23 section (e) of this section, is amended—

1 (1) by striking “order for which the United
2 States” and inserting the following: “covered order
3 for which—

4 “(i) the United States”;

5 (2) by striking the period at the end and insert-
6 ing “; or”; and

7 (3) by adding at the end the following:

8 “(ii) a district court of the United
9 States determines, upon petition of a pro-
10 vider of an electronic communications serv-
11 ice or remote computing service, the cov-
12 ered order—

13 “(I) violates this section;

14 “(II) violates the executive agree-
15 ment entered into under this section;

16 or

17 “(III) is otherwise unlawful.”.

18 (h) COST REIMBURSEMENT.—Section 2523(b)(4), as
19 amended by subsection (f) of this section, is amended by
20 inserting after subparagraph (M) the following:

21 “(N) a governmental entity obtaining the
22 contents of communications, records, or other
23 information under a covered agreement shall, if
24 so requested by a service provider assembling or
25 providing such information, pay to the service

1 provider a fee for reimbursement for such costs
2 as are reasonably necessary and which have
3 been directly incurred in searching for, assem-
4 bling, reproducing, or otherwise providing such
5 information, which shall include any costs due
6 to necessary disruption of normal operations of
7 any electronic communication service or remote
8 computing service in which such information
9 may be stored, and such fee—

10 “(i) shall be not less than the stand-
11 ard fee for such records charged to a
12 United States agency by the service pro-
13 vider; and

14 “(ii) may be required by the service
15 provider to be paid prior to the assembling
16 or providing of information;”.

17 (i) PUBLICATION OF EXECUTIVE AGREEMENTS.—
18 Section 2523(d)(1) of title 18, United States Code, is
19 amended—

20 (1) by redesignating subparagraphs (A) and
21 (B) as clauses (i) and (ii), respectively, and adjust-
22 ing the margins accordingly;

23 (2) in the matter preceding clause (i), as so re-
24 designated, by striking “shall provide” and inserting
25 the following: “ shall—

1 “(A) provide”;

2 (3) in clause (ii), as so redesignated, by striking
3 the period at the end and inserting “; and”; and

4 (4) by adding at the end the following:

5 “(B) publish a copy of the executive agree-
6 ment on the website of the Department of Jus-
7 tice in an accessible format in accordance with
8 section 508 of the Rehabilitation Act of 1973
9 (29 U.S.C. 794d).”.

10 (j) FOREIGN GOVERNMENT REPORTING.—Section
11 2523(b)(4) of title 18, United States Code, as amended
12 by subsection (h), is amended by inserting after subpara-
13 graph (N) the following:

14 “(O) the foreign government shall agree to
15 providing an annual report to the Department
16 of Justice that contains—

17 “(i) the number of orders the foreign
18 government issued under the executive
19 agreement to United States service pro-
20 viders;

21 “(ii) the number of accounts identified
22 in the orders described in clause (i);

23 “(iii) the number of orders the foreign
24 government issued under the executive

1 agreement for information on a resident of
2 a third-party country;

3 “(iv) for each order described in
4 clause (iii)—

5 “(I) whether notice was provided
6 to the third-party country; and

7 “(II) whether the third-party
8 country objected to the request; and

9 “(v) in the case of any United States
10 service provider that received more than
11 100 orders, the number of orders to each
12 provider; and”.

13 (k) PROTECTION OF INFORMATION CONCERNING
14 UNITED STATES PERSONS.—Section 2523(b)(2) of title
15 18, United States Code, is amended by inserting before
16 the semicolon at the end the following: “, and agrees to
17 report to the Department of Justice any issue relating to
18 compliance with this paragraph discovered by the foreign
19 government involving data concerning a United States
20 person”.

21 (l) COMPLIANCE OVERSIGHT AND ANNUAL REPORT-
22 ING.—Section 2523 of title 18, United States Code, as
23 amended by subsection (c) of this section, is amended by
24 adding at the end the following:

25 “(j) COMPLIANCE OVERSIGHT AND REPORTING.—

1 “(1) IN GENERAL.—Not less frequently than
2 once every 2 years, the Attorney General shall con-
3 duct a review of compliance of a foreign government
4 under an executive agreement as described in sub-
5 section (b)(4)(J).

6 “(2) NOTIFICATION OF INFORMATION CON-
7 CERNING UNITED STATES PERSONS.—Not later than
8 30 days after the date on which the Department of
9 Justice receives a notification from a foreign govern-
10 ment under subsection (b)(2), the Attorney General
11 shall notify Congress of such notification.

12 “(k) ANNUAL REPORTING.—Not later than 1 year
13 after the date of enactment of the Global Trust in Amer-
14 ican Online Services Act, and each year thereafter, the At-
15 torney General shall submit to Congress and publish on
16 the website of the Department of Justice a report on exec-
17 utive agreements under this section, which shall include—

18 “(1) all data provided by a foreign government
19 to the Department of Justice under subsection
20 (b)(4)(O) during the 1-year period covered by the re-
21 port;

22 “(2) a description of the oversight performed by
23 the Department of Justice in accordance with sub-
24 section (j), including—

1 “(A) a description of any issues discovered
2 by the Department of Justice during such over-
3 sight; and

4 “(B) a description of the steps the Depart-
5 ment of Justice and the relevant foreign gov-
6 ernment took to remediate any issue described
7 in subparagraph (A); and

8 “(3) data on any notice provided the Depart-
9 ment of Justice by a service provider under sub-
10 section (i)(1)(B), including—

11 “(A) the number of times such notice was
12 provided during the 1-year period covered by
13 the report; and

14 “(B) the countries involved in the notice
15 described in subparagraph (A).”.

16 **SEC. 3. EXPRESS MUTUAL LEGAL ASSISTANCE TREATY RE-**
17 **QUESTS.**

18 (a) **DEFINITIONS.**—In this section—

19 (1) the term “express MLAT request” means a
20 request from a foreign government for assistance
21 from the United States on an expedited basis under
22 a mutual legal assistance treaty; and

23 (2) the term “Fund” means the MLAT Express
24 Request Fund established under subsection (c)(1).

25 (b) **FEEES.**—

1 (1) IMPOSITION OF FEES.—The Attorney Gen-
2 eral may collect a reasonable fee from a foreign gov-
3 ernment to process an express MLAT request.

4 (2) AMOUNT.—The amount of the fees under
5 paragraph (1) shall be not more than the cost of
6 complying with express MLAT requests, including
7 any employees hired in accordance with this section.

8 (c) FUND.—

9 (1) ESTABLISHMENT.—There is established in
10 the Treasury of the United States a fund, to be
11 known as the “MLAT Express Request Fund”.

12 (2) TRANSFERS.—In a manner consistent with
13 section 3302(b) of title 31, United States Code,
14 there shall be transferred to the Fund from the Gen-
15 eral Fund of the Treasury an amount equal to the
16 amount of the fees collected under subsection (b),
17 which shall remain available until expended.

18 (3) USE OF FUNDS.—The Attorney General
19 may, without further appropriation, use amounts in
20 the Fund for the costs of complying with express
21 MLAT requests, which may include hiring employees
22 (including attorneys) to process such requests.

23 (4) LIMIT ON STAFF.—

24 (A) IN GENERAL.—If amounts in the Fund
25 are used for any portion of the cost of employ-

1 ing an employee, the employee may not perform
2 services or carry out any activity that is not re-
3 lated to processing express MLAT requests.

4 (B) REPORT TO CONGRESS.—

5 (i) IN GENERAL.—If the Attorney
6 General intends to reduce the number of
7 full-time positions in the Office of Inter-
8 national Affairs of the Department of Jus-
9 tice assigned to work on express MLAT re-
10 quests below the total number of such posi-
11 tions authorized as of the day before the
12 date of enactment of this Act, the Attorney
13 General shall, not later than 30 days be-
14 fore the date of the proposed reduction,
15 submit notice of the proposed reduction
16 to—

17 (I) the Committee on the Judici-
18 ary, the Committee on Foreign Rela-
19 tions, and the Committee on Appro-
20 priations of the Senate; and

21 (II) the Committee on the Judici-
22 ary, the Committee on Foreign Af-
23 fairs, and the Committee on Appro-
24 priations of the House of Representa-
25 tives.

1 (ii) CONTENTS.—The notice required
2 under clause (i) shall contain statistics
3 on—

4 (I) the number of MLAT re-
5 quests pending at the time of the no-
6 tice; and

7 (II) the average time it took to
8 process MLAT requests that were
9 processed by the Office of Inter-
10 national Affairs during the 12-month
11 period preceding the notice.

12 (d) REPORTING.—The Attorney General shall submit
13 to the Committee on the Judiciary of the Senate and the
14 Committee on the Judiciary of the House of Representa-
15 tives and publish on the website of the Department of Jus-
16 tice an annual report regarding express MLAT requests,
17 which shall include

18 (1) information about the fees charged under
19 subsection (b);

20 (2) the expenditure of amounts in the Fund, in-
21 cluding for the costs of employees;

22 (3) aggregate statistics on the number of ex-
23 press MLAT requests; and

1 (I) in clause (i), by striking “de-
2 scribed in paragraph (2)” and insert-
3 ing “beginning on the date on which
4 notice of the executive agreement is
5 provided to Congress under paragraph
6 (1)”;

7 (II) in clause (iii), by striking
8 “disapproving” and inserting “approv-
9 ing”; and

10 (III) in clause (iv), by striking
11 “disapproves” and inserting “ap-
12 proves”;

13 (ii) by striking subparagraph (B);

14 (iii) by redesignating subparagraph
15 (C) as subparagraph (B); and

16 (iv) in subparagraph (B), as so redesi-
17 gnated, in the matter preceding clause (i),
18 by striking “subparagraph (B), a joint res-
19 olution of disapproval may” and inserting
20 “subparagraph (A)(i), a joint resolution of
21 approval shall”; and

22 (C) in paragraph (5)—

23 (i) by striking “If a committee” and
24 inserting the following:

25 “(A) IN GENERAL.—If a committee”;

1 (ii) in subparagraph (A), as so des-
2 ignated, by striking “disapproval” and in-
3 serting “approval”; and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(B) APPROVAL BY MAJORITY OF MEM-
7 BERS.—A joint resolution described in subpara-
8 graph (A) shall only be approved upon an af-
9 firmative vote of a majority of the Members,
10 duly chosen and sworn.”;

11 (D) in paragraph (6)—

12 (i) by striking “disapproval” each
13 place the term appears and inserting “ap-
14 proval”; and

15 (ii) in subparagraph (D), by adding at
16 the end the following: “The joint resolution
17 shall only be approved upon an affirmative
18 vote of a majority of the Members, duly
19 chosen and sworn.”; and

20 (E) in paragraph (7), by striking “dis-
21 approval” each place the term appears and in-
22 serting “approval”; and

23 (2) in subsection (e)—

24 (A) by striking paragraph (1) and insert-
25 ing the following:

1 “(1) IN GENERAL.—

2 “(A) RENEWAL REQUEST.—The Attorney
3 General, with the concurrence of the Secretary
4 of State, may submit to Congress a request for
5 a renewal of an executive agreement approved
6 by Congress under subsection (d)(4) every 5
7 years.

8 “(B) CONGRESSIONAL ACTION.—

9 “(i) IN GENERAL.—A request for re-
10 newal may not take effect unless approved
11 by a joint resolution, in accordance with
12 the procedures described in paragraphs (5)
13 through (8) of subsection (d).

14 “(ii) JOINT RESOLUTION.—For pur-
15 poses of this subparagraph, the term ‘joint
16 resolution’ means only a joint resolution—

17 “(I) introduced during the 180-
18 day period beginning on the date on
19 which the Attorney General submits a
20 request for renewal under subpara-
21 graph (A);

22 “(II) which does not have a pre-
23 amble;

24 “(III) the title of which is as fol-
25 lows: ‘Joint resolution approving the

1 renewal of the executive agreement
2 signed by the United States and
3 _____.’, the blank space being
4 appropriately filled in; and

5 “(IV) the matter after the resolv-
6 ing clause of which is as follows:
7 ‘That Congress approves the renewal
8 of the executive agreement governing
9 access by _____ to certain electronic
10 data as submitted by the Attorney
11 General on _____.’, the blank spaces
12 being appropriately filled in.

13 “(C) DISAPPROVAL OR INACTION.—If Con-
14 gress does not approve a renewal request under
15 this paragraph, the executive agreement to
16 which the renewal request relates, shall expire
17 on the date that is 5 years after the date on
18 which Congress enacted a joint resolution of ap-
19 proval with respect to the executive agree-
20 ment.”;

21 (B) in paragraph (2)—

22 (i) in the matter preceding subpara-
23 graph (A), by striking “renewing a deter-
24 mination under subsection (b)” and insert-

1 ing “submitting a request for renewal of a
2 determination under paragraph (1)”;

3 (ii) in subparagraph (A), by inserting
4 “request for” before “renewal”; and

5 (C) by striking paragraph (3) and insert-
6 ing the following:

7 “(3) MODIFICATIONS TO EXECUTIVE AGREE-
8 MENTS IN EFFECT.—

9 “(A) IN GENERAL.—The Attorney General,
10 with the concurrence of the Secretary of State,
11 may submit to Congress a request for modifica-
12 tion of an executive agreement that has been
13 approved by Congress under subsection (d)(4).

14 “(B) CONGRESSIONAL ACTION.—

15 “(i) IN GENERAL.—A request for
16 modification of an executive agreement
17 may not take effect unless approved by a
18 joint resolution, in accordance with the
19 procedures described in paragraphs (5)
20 through (8) of subsection (d).

21 “(ii) JOINT RESOLUTION.—For pur-
22 poses of this subparagraph, the term ‘joint
23 resolution’ means only a joint resolution—

24 “(I) introduced during the 180-
25 day period beginning on the date on

1 which the Attorney General submits a
2 request for modification under sub-
3 paragraph (A);

4 “(II) which does not have a pre-
5 amble;

6 “(III) the title of which is as fol-
7 lows: ‘Joint resolution approving the
8 modification of the executive agree-
9 ment signed by the United States and
10 _____.’, the blank space being
11 appropriately filled in; and

12 “(IV) the matter after the resolv-
13 ing clause of which is as follows:
14 ‘That Congress approves the modifica-
15 tion of the executive agreement gov-
16 erning access by _____ to certain
17 electronic data as submitted by the
18 Attorney General on _____.’, the
19 blank spaces being appropriately filled
20 in.

21 “(C) DISAPPROVAL OR INACTION.—If Con-
22 gress does not approve a modification request
23 under this paragraph, the modifications may
24 not be made to the executive agreement.”.

1 (b) APPLICABILITY.—Any executive agreement in ef-
2 fect under section 2523 of title 18, United States Code,
3 on the date of enactment of this Act shall terminate on
4 the date that is 1 year after the date of enactment of this
5 Act, except that the agreement may be renewed in accord-
6 ance with section 2523(e)(1) of title 18, United States
7 Code, as amended by subsection (a).