

(C) APPLICATION TO REVENUE MEASURES.—The provisions of this paragraph shall not apply in the House of Representatives to a joint resolution of disapproval that is a revenue measure.

(8) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(e) RENEWAL OF DETERMINATION.—

(1) IN GENERAL.—The Attorney General, with the concurrence of the Secretary of State, shall review and may renew a determination under subsection (b) every 5 years.

(2) REPORT.—Upon renewing a determination under subsection (b), the Attorney General shall file a report with the Committee on the Judiciary and the Committee on Foreign Relations of the Senate and the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives describing—

(A) the reasons for the renewal;

(B) any substantive changes to the agreement or to the relevant laws or procedures of the foreign government since the original determination or, in the case of a second or subsequent renewal, since the last renewal; and

(C) how the agreement has been implemented and what problems or controversies, if any, have arisen as a result of the agreement or its implementation.

(3) NONRENEWAL.—If a determination is not renewed under paragraph (1), the agreement shall no longer be considered to satisfy the requirements of this section.

(f) REVISIONS TO AGREEMENT.—A revision to an agreement under this section shall be treated as a new agreement for purposes of this section and shall be subject to the certification requirement under subsection (b), and to the procedures under subsection (d), except that for purposes of a revision to an agreement—

(1) the applicable time period under paragraphs (2), (4)(A)(i), (4)(B), and (4)(C) of subsection (d) shall be 90 days after the date notice is provided under subsection (d)(1); and

(2) the applicable time period under paragraphs (5) and (6)(B) of subsection (d) shall be 60 days after the date notice is provided under subsection (d)(1).

(g) PUBLICATION.—Any determination or certification under subsection (b) regarding an executive agreement under this section, including any termination or renewal of such an agreement, shall be published in the Federal Register as soon as is reasonably practicable.

(h) MINIMIZATION PROCEDURES.—A United States authority that receives the content of a communication described in subsection (b)(4)(H) from a foreign government in accordance with an executive agreement under this section shall use procedures that, to the maximum extent possible, meet the definition of minimization procedures in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801) to appropriately protect nonpublicly available information concerning United States persons.

(Added Pub. L. 115–141, div. V, §105(a), Mar. 23, 2018, 132 Stat. 1217.)

Statutory Notes and Related Subsidiaries

CONGRESSIONAL FINDINGS

Pub. L. 115–141, div. V, §102, Mar. 23, 2018, 132 Stat. 1213, provided that: “Congress finds the following:

“(1) Timely access to electronic data held by communications-service providers is an essential component of government efforts to protect public safety and combat serious crime, including terrorism.

“(2) Such efforts by the United States Government are being impeded by the inability to access data stored outside the United States that is in the custody, control, or possession of communications-service providers that are subject to jurisdiction of the United States.

“(3) Foreign governments also increasingly seek access to electronic data held by communications-service providers in the United States for the purpose of combating serious crime.

“(4) Communications-service providers face potential conflicting legal obligations when a foreign government orders production of electronic data that United States law may prohibit providers from disclosing.

“(5) Foreign law may create similarly conflicting legal obligations when chapter 121 of title 18, United States Code (commonly known as the ‘Stored Communications Act’), requires disclosure of electronic data that foreign law prohibits communications-service providers from disclosing.

“(6) International agreements provide a mechanism for resolving these potential conflicting legal obligations where the United States and the relevant foreign government share a common commitment to the rule of law and the protection of privacy and civil liberties.”

CHAPTER 121—STORED WIRE AND ELECTRONIC COMMUNICATIONS AND TRANSACTIONAL RECORDS ACCESS

Sec.	
2701.	Unlawful access to stored communications.
2702.	Voluntary disclosure of customer communications or records.
2703.	Required disclosure of customer communications or records.
2704.	Backup preservation.
2705.	Delayed notice.
2706.	Cost reimbursement.
2707.	Civil action.
2708.	Exclusivity of remedies.
2709.	Counterintelligence access to telephone toll and transactional records.
2710.	Wrongful disclosure of video tape rental or sale records.
2711.	Definitions for chapter.
2712.	Civil actions against the United States.
2713.	Required preservation and disclosure of communications and records.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–141, div. V, §103(a)(2), Mar. 23, 2018, 132 Stat. 1214, added item 2713.