

Calendar No. 32108TH CONGRESS
1ST SESSION**S. 113**

To exclude United States persons from the definition of “foreign power” under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism.

IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2003

Mr. KYL (for himself, Mr. HATCH, Mr. DEWINE, Mr. SCHUMER, Mr. CHAMBLISS, and Mr. SESSIONS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MARCH 11, 2003

Reported by Mr. HATCH, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To exclude United States persons from the definition of “foreign power” under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism.

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

1 **SECTION 1. EXCLUSION OF UNITED STATES PERSONS**
 2 **FROM DEFINITION OF FOREIGN POWER IN**
 3 **FOREIGN INTELLIGENCE SURVEILLANCE ACT**
 4 **OF 1978 RELATING TO INTERNATIONAL TER-**
 5 **RORISM.**

6 Paragraph (4) of section 101(a) of the Foreign Intel-
 7 ligence Surveillance Act of 1978 (50 U.S.C. 1801(a)) is
 8 amended to read as follows:

9 “(4) a person, other than a United States per-
 10 son, or group that is engaged in international ter-
 11 rorism or activities in preparation therefor;”.

12 **SECTION 1. TREATMENT AS AGENT OF A FOREIGN POWER**
 13 **UNDER FOREIGN INTELLIGENCE SURVEIL-**
 14 **LANCE ACT OF 1978 OF NON-UNITED STATES**
 15 **PERSONS WHO ENGAGE IN INTERNATIONAL**
 16 **TERRORISM WITHOUT AFFILIATION WITH**
 17 **INTERNATIONAL TERRORIST GROUPS.**

18 (a) *IN GENERAL.*—Section 101(b)(1) of the Foreign
 19 Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1))
 20 is amended by adding at the end the following new subpara-
 21 graph:

22 “(C) engages in international terrorism or
 23 activities in preparation therefor; or”.

24 (b) *SUNSET.*—The amendment made by subsection (a)
 25 shall be subject to the sunset provision in section 224 of
 26 the USA PATRIOT Act of 2001 (Public Law 107–56; 115

- 1 *Stat. 295), including the exception provided in subsection*
- 2 *(b) of such section 224.*

Amend the title so as to read: “A Bill to amend the Foreign Intelligence Surveillance Act of 1978 to cover individuals, other than United States persons, who engage in international terrorism without affiliation with an international terrorist group.”.

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