

108TH CONGRESS  
1ST SESSION

# S. 113

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## AN ACT

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.

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. TREATMENT AS AGENT OF A FOREIGN POWER**  
2 **UNDER FOREIGN INTELLIGENCE SURVEIL-**  
3 **LANCE ACT OF 1978 OF NON-UNITED STATES**  
4 **PERSONS WHO ENGAGE IN INTERNATIONAL**  
5 **TERRORISM WITHOUT AFFILIATION WITH**  
6 **INTERNATIONAL TERRORIST GROUPS.**

7 (a) IN GENERAL.—Section 101(b)(1) of the Foreign  
8 Intelligence Surveillance Act of 1978 (50 U.S.C.  
9 1801(b)(1)) is amended by adding at the end the following  
10 new subparagraph:

11 “(C) engages in international terrorism or  
12 activities in preparation therefor; or”.

13 (b) SUNSET.—The amendment made by subsection  
14 (a) shall be subject to the sunset provision in section 224  
15 of the USA PATRIOT Act of 2001 (Public Law 107–56;  
16 115 Stat. 295), including the exception provided in sub-  
17 section (b) of such section 224.

18 **SEC. 2. ADDITIONAL ANNUAL REPORTING REQUIREMENTS**  
19 **UNDER THE FOREIGN INTELLIGENCE SUR-**  
20 **VEILLANCE ACT OF 1978.**

21 (a) ADDITIONAL REPORTING REQUIREMENTS.—The  
22 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
23 1801 et seq.) is amended—

24 (1) by redesignating—

25 (A) title VI as title VII; and

26 (B) section 601 as section 701; and

1           (2) by inserting after title V the following new  
2 title VI:

3           “TITLE VI—REPORTING REQUIREMENT

4           “ANNUAL REPORT OF THE ATTORNEY GENERAL

5           “SEC. 601. (a) In addition to the reports required  
6 by sections 107, 108, 306, 406, and 502 in April each  
7 year, the Attorney General shall submit to the appropriate  
8 committees of Congress each year a report setting forth  
9 with respect to the one-year period ending on the date of  
10 such report—

11           “(1) the aggregate number of non-United  
12 States persons targeted for orders issued under this  
13 Act, including a break-down of those targeted for—

14           “(A) electronic surveillance under section  
15 105;

16           “(B) physical searches under section 304;

17           “(C) pen registers under section 402; and

18           “(D) access to records under section 501;

19           “(2) the number of individuals covered by an  
20 order issued under this Act who were determined  
21 pursuant to activities authorized by this Act to have  
22 acted wholly alone in the activities covered by such  
23 order;

24           “(3) the number of times that the Attorney  
25 General has authorized that information obtained

1 under this Act may be used in a criminal proceeding  
2 or any information derived therefrom may be used  
3 in a criminal proceeding; and

4 “(4) in a manner consistent with the protection  
5 of the national security of the United States—

6 “(A) the portions of the documents and  
7 applications filed with the courts established  
8 under section 103 that include significant con-  
9 struction or interpretation of the provisions of  
10 this Act, not including the facts of any par-  
11 ticular matter, which may be redacted;

12 “(B) the portions of the opinions and or-  
13 ders of the courts established under section 103  
14 that include significant construction or interpre-  
15 tation of the provisions of this Act, not includ-  
16 ing the facts of any particular matter, which  
17 may be redacted.

18 “(b) The first report under this section shall be sub-  
19 mitted not later than six months after the date of the en-  
20 actment of this Act. Subsequent reports under this section  
21 shall be submitted annually thereafter.

22 “(c) In this section, the term ‘appropriate committees  
23 of Congress’ means—

24 “(1) the Select Committee on Intelligence and  
25 the Committee on the Judiciary of the Senate; and

1           “(2) the Permanent Select Committee on Intel-  
2           ligence and the Committee on the Judiciary of the  
3           House of Representatives.”.

4           (b) CLERICAL AMENDMENT.—The table of contents  
5           for that Act is amended by striking the items relating to  
6           title VI and inserting the following new items:

“TITLE VI—REPORTING REQUIREMENT

“Sec. 601. Annual report of the Attorney General.

“TITLE VII—EFFECTIVE DATE

“Sec. 701. Effective date.”.

Passed the Senate May 8, 2003.

Attest:

*Secretary.*

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