

AMENDMENT NO.

Calendar No.

Purpose: To include prohibitions on the international proliferation of weapons of mass destruction in the Foreign Intelligence Surveillance Act of 1978.

IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.

S. 2248

To amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, 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 Mr. ROCKEFELLER
(for himself and Mr. BOND)

Viz:

- 1 On page 70, strike line 1 and insert the following:
- 2 **SEC. 110. WEAPONS OF MASS DESTRUCTION.**
- 3 (a) DEFINITIONS.—
- 4 (1) FOREIGN POWER.—Subsection (a)(4) of sec-
- 5 tion 101 of the Foreign Intelligence Surveillance Act
- 6 of 1978 (50 U.S.C. 1801(a)(4)) is amended by in-
- 7 serting “, the international proliferation of weapons

1 of mass destruction,” after “international ter-
2 rorism”.

3 (2) AGENT OF A FOREIGN POWER.—Subsection
4 (b)(1) of such section 101 is amended—

5 (A) in subparagraph (B), by striking “or”
6 at the end

7 (B) in subparagraph (C), by striking “or”
8 at the end; and

9 (C) by adding at the end the following new
10 subparagraphs:

11 “(D) engages in the international prolifera-
12 tion of weapons of mass destruction, or activi-
13 ties in preparation therefor; or

14 “(E) engages in the international prolifera-
15 tion of weapons of mass destruction, or activi-
16 ties in preparation therefor, for or on behalf of
17 a foreign power; or”.

18 (3) FOREIGN INTELLIGENCE INFORMATION.—
19 Subsection (e)(1)(B) of such section 101 is amended
20 by striking “sabotage or international terrorism”
21 and inserting “sabotage, international terrorism, or
22 the international proliferation of weapons of mass
23 destruction”.

1 (4) WEAPON OF MASS DESTRUCTION.—Such
2 section 101 is amended by inserting after subsection
3 (o) the following:

4 “(p) ‘Weapon of mass destruction’ means—

5 “(1) any destructive device described in section
6 921(a)(4)(A) of title 18, United States Code, that is
7 intended or has the capability to cause death or seri-
8 ous bodily injury to a significant number of people;

9 “(2) any weapon that is designed or intended to
10 cause death or serious bodily injury through the re-
11 lease, dissemination, or impact of toxic or poisonous
12 chemicals or their precursors;

13 “(3) any weapon involving a biological agent,
14 toxin, or vector (as such terms are defined in section
15 178 of title 18, United States Code); or

16 “(4) any weapon that is designed to release ra-
17 diation or radioactivity at a level dangerous to
18 human life.”.

19 (b) USE OF INFORMATION.—

20 (1) IN GENERAL.—Section 106(k)(1)(B) of the
21 Foreign Intelligence Surveillance Act of 1978 (50
22 U.S.C. 1806(k)(1)(B)) is amended by striking “sab-
23 otage or international terrorism” and inserting “sab-
24 otage, international terrorism, or the international
25 proliferation of weapons of mass destruction”.

1 (2) PHYSICAL SEARCHES.—Section
2 305(k)(1)(B) of such Act (50 U.S.C. 1825(k)(1)(B))
3 is amended by striking “sabotage or international
4 terrorism” and inserting “sabotage, international
5 terrorism, or the international proliferation of weap-
6 ons of mass destruction”.

7 (c) TECHNICAL AND CONFORMING AMENDMENT.—
8 Section 301(1) of the Foreign Intelligence Surveillance
9 Act of 1978 (50 U.S.C. 1821(1)) is amended by inserting
10 “‘weapon of mass destruction,’” after “‘person,’”.

11 **SEC. 111. TECHNICAL AND CONFORMING AMENDMENTS.**

12 On page 84, line 12, strike “and 109” and insert
13 “109, and 110”.

14 On page 87, line 12, strike “and 109” and insert
15 “109, and 110”.

16 On page 87, line 21, strike “and 109” and insert
17 “109, and 110”.

18 On page 88, line 10, strike “and 109” and insert
19 “109, and 110”.