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HOUSE JOINT RESOLUTION NO. 4

Offered January 8, 2014

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Establishing a joint subcommittee to study the Fourth Amendment implications of the federal government's domestic surveillance programs. Report.

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Referred to Committee on Rules

WHEREAS, recent media reports have revealed previously unknown mass warrantless domestic surveillance and data collection programs involving United States citizens conducted by the federal government, including the actions of the National Security Agency (NSA); and

WHEREAS, these domestic surveillance programs reportedly allow the NSA access to stored Internet communications on the servers of numerous telecommunications and Internet companies; and

WHEREAS, numerous telecommunications and Internet companies regularly collect large volumes of data from their consumers; and

WHEREAS, through collaboration with these companies the NSA is reportedly able to intercept significant quantities of telecommunications and Internet traffic; and

WHEREAS, the Fourth Amendment of the United States Constitution provides that citizens have the right to be secure in their persons, houses, papers and effects against unreasonable searches and seizures and Article I, Section 10 of the Constitution of Virginia prohibits general warrants without evidence of a fact committed; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the Fourth Amendment implications of the federal government's domestic surveillance programs. The joint subcommittee shall have a total membership of 13 members that shall consist of 10 legislative members, two nonlegislative citizen members, and one ex officio member. Members shall be appointed as follows: six members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; four members of the Senate to be appointed by the Senate Committee on Rules; one nonlegislative citizen member who shall be a professor at a law school accredited by the American Bar Association who specializes in constitutional law to be appointed by the Speaker of the House of Delegates; and one nonlegislative citizen member who shall be a representative of a civil liberties organization to be appointed by the Senate Committee on Rules. The Attorney General or his designee shall serve ex officio with nonvoting privileges. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall review the activities of the NSA with respect to its domestic surveillance and data collection programs and determine whether such activities comport with the constitutional protections afforded citizens of the Commonwealth under the Fourth Amendment of the United States Constitution and Article I, Section 10 of the Constitution of Virginia.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Office of the Attorney General. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2014 interim, and the direct costs of this study shall not exceed \$21,200 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the

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59 joint subcommittee.

60 The joint subcommittee shall complete its meetings by November 30, 2014, and the chairman shall
61 submit to the Division of Legislative Automated Systems an executive summary of its findings and
62 recommendations no later than the first day of the 2015 Regular Session of the General Assembly. The
63 executive summary shall state whether the joint subcommittee intends to submit to the General
64 Assembly and the Governor a report of its findings and recommendations for publication as a House or
65 Senate document. The executive summary and the report shall be submitted as provided in the
66 procedures of the Division of Legislative Automated Systems for the processing of legislative documents
67 and reports and shall be posted on the General Assembly's website.

68 Implementation of this resolution is subject to subsequent approval and certification by the Joint
69 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
70 delay the period for the conduct of the study, or authorize additional meetings during the 2014 interim.