

MOTION TO AUTHORIZE COMMITTEE INVESTIGATION

I move that pursuant to Senate Resolution 400 of the 94th Congress, as amended, and the Committee's Rules of Procedure, that the Select Committee on Intelligence authorize and conduct an investigation into the National Security Agency warrantless surveillance program whose existence has been acknowledged by the President and other Administration officials on and after December 17, 2005, any unacknowledged part of the program, and any associated National Security Agency programs or activities (referred to here collectively as the "NSA program"). Such authorization shall include and be consistent with all authorities under Senate Resolution 400, as amended, and the Committee's Rules of Procedures with respect to attendance and testimony of witnesses and document production.

The scope of the investigation shall include but not be limited to:

- a. activities of the NSA after September 11, 2001, and prior to the initiation of the NSA program, including any warrantless surveillance, that augmented pre-September 11 collection, processing, analysis, dissemination, and retention of intelligence information;
- b. the origin and operation of the program, including the collection, processing, analysis, dissemination, and retention of intelligence information obtained in the program, from its inception to the present;
- c. the constitutional, statutory, and regulatory justification for the program, including all presidential orders and authorizations, and all opinions, instructions, or guidance about or for the program provided by the Department of Justice, the Director of Central Intelligence and his successor the Director of National Intelligence, the Director of NSA, or any department, office or agency of the federal government, and any of their subordinate offices or officials, either in writing or verbally;
- e. the technical means used in the operation of the program;
- f. the operational procedures governing the program;
- g. the periodic reviews of the program, including but not limited to all reviews conducted by the NSA Inspector General and the Department of Justice;
- h. the amount of information collected by the program and the use of reports, material, or information generated by the program, by the Department of Justice, the Federal Bureau of Investigation, any element of the Intelligence Community, or any other department, office, or agency of the federal government;

- i. any questions raised by a judge of the Foreign Intelligence Surveillance Court concerning the program or the utilization of intelligence collected under the program, and the response of the Department of Justice to any such questions;
- j. the participation by, or use of the facilities of, U.S. electronic communications providers, if any, in the program, including any certifications or representations provided to them concerning the legal authority for their cooperation;
- k. the participation by, or cooperation with, other intelligence services in the program, if any;
- l. an evaluation of the results of the program including an assessment of its effectiveness;
- m. any proposals considered by the Department of Justice, the NSA, or others in the Administration for legislation to enable the NSA to undertake some or all of the surveillance authorized by the program; and
- n. on the basis of the foregoing, whether legislation should be considered to enable the NSA, or other appropriate components of the Intelligence Community, to undertake some or all of the surveillance authorized by the program with appropriate judicial approval and congressional oversight.

Sufficient staff shall be assigned to ensure the completion of a comprehensive and well documented inquiry. Committee staff shall provide to the Committee a draft report, for the consideration of the Committee, no later than May 15, 2006, unless the Chairman and Vice Chairman, acting jointly, provide for a different date.