

111TH CONGRESS
1ST SESSION

S. 877

To provide for the non-discretionary Supreme Court review of certain civil actions relating to the legality and constitutionality of surveillance activities.

IN THE SENATE OF THE UNITED STATES

APRIL 23, 2009

Mr. SPECTER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for the non-discretionary Supreme Court review of certain civil actions relating to the legality and constitutionality of surveillance activities.

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

3 **SECTION 1. MANDATORY SUPREME COURT REVIEW OF**
4 **CERTAIN CIVIL ACTIONS.**

5 Chapter 81 of title 28, United States Code, is amend-
6 ed by inserting at the end the following:

1 **“SEC. 1260. MANDATORY SUPREME COURT REVIEW OF CER-**
2 **TAIN CIVIL ACTIONS CONCERNING SURVEIL-**
3 **LANCE ACTIVITIES.**

4 “(a) IN GENERAL.—The Supreme Court shall, if it
5 has not previously ruled on the question, accept jurisdic-
6 tion over any appeal of an interlocutory or final judgment,
7 decree, or order of a court of appeals in any case chal-
8 lenging the legality or constitutionality of—

9 “(1) the President’s Surveillance Program,
10 commonly known as the Terrorist Surveillance Pro-
11 gram, as defined in section 301(a)(3) of the Foreign
12 Intelligence Surveillance Act of 1978 Amendments
13 Act of 2008 (Public Law 110–261);

14 “(2) the statutory defenses established in Sec-
15 tion 802(a)(4) of the Foreign Intelligence Surveil-
16 lance Act of 1978, as amended by title II of the For-
17 eign Intelligence Surveillance Act of 1978 Amend-
18 ments Act of 2008 (Public Law 110–261); or

19 “(3) any intelligence activity involving commu-
20 nications that was authorized by the President dur-
21 ing the period beginning on September 11, 2001,
22 and ending at such time as the activity was ap-
23 proved by a Federal court.

24 “(b) EXPEDITED CONSIDERATION.—The Supreme
25 Court shall advance on the docket any appeal referred to

1 in subsection (a), and expedite the appeal to the greatest
2 extent possible.”.

3 **SEC. 2. CLERICAL AMENDMENT.**

4 The chapter analysis for chapter 81 of title 28,
5 United States Code, is amended by inserting at the end
6 the following:

“Sec. 1260. Mandatory Supreme Court review of certain civil actions con-
cerning surveillance activities.”.

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