

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.

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## 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

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## 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.”.

