

110TH CONGRESS  
1ST SESSION

# S. 139

To expedite review by the Supreme Court of the warrantless electronic surveillance program of the National Security Agency.

---

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

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

---

## A BILL

To expedite review by the Supreme Court of the warrantless electronic surveillance program of the National Security Agency.

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. SHORT TITLE.**

4 This Act may be cited as the “Foreign Surveillance  
5 Expedited Review Act”.

1 **SEC. 2. STANDING FOR DECLARATORY AND INJUNCTIVE**  
2 **RELIEF FOR PERSONS WHO REFRAIN FROM**  
3 **ELECTRONIC COMMUNICATIONS BY REASON**  
4 **OF FEAR OF WARRANTLESS ELECTRONIC**  
5 **SURVEILLANCE.**

6 (a) STANDING.—A United States citizen who has re-  
7 frained or is refraining from wire communications because  
8 of a reasonable fear that such communications will be the  
9 subject of electronic surveillance conducted without an  
10 order issued in accordance with title I of the Foreign Intel-  
11 ligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.)  
12 under a claim of Presidential authority under either the  
13 Constitution of the United States or the Authorization for  
14 Use of Military Force (Public Law 107–40; 115 Stat. 224;  
15 50 U.S.C. 1541 note) shall have standing to file a petition  
16 for declaratory or injunctive relief with respect to such  
17 warrantless electronic surveillance.

18 (b) RULES APPLICABLE TO ACTIONS.—In any action  
19 for declaratory or injunctive relief under subsection (a),  
20 the following shall apply:

21 (1) The action shall be filed in the United  
22 States District Court for the District of Columbia  
23 and shall be heard by a 3-judge court convened pur-  
24 suant to section 2284 of title 28, United States  
25 Code.

1           (2) A copy of the complaint shall be delivered  
2 promptly to the Attorney General, the Clerk of the  
3 House of Representatives, and the Secretary of the  
4 Senate.

5           (3) A reasonable fear shall be established by  
6 evidence that the person bringing the action—

7           (A) has and will continue to have regular  
8 wire communications from the United States to  
9 one or more persons in Afghanistan, Iraq, Paki-  
10 stan, or any country designated as a state spon-  
11 sor of terrorism in the course of that person's  
12 paid employment doing journalistic, academic,  
13 or other research pertaining to terrorism or ter-  
14 rorist groups; or

15           (B) has engaged and will continue to en-  
16 gage in one or more commercial transactions  
17 with a bank or other financial institution in a  
18 country described in subparagraph (A).

19           (4) The procedures and standards of the Classi-  
20 fied Information Procedures Act (18 U.S.C. App.)  
21 shall apply to the action.

22           (5) A final decision in the action shall be re-  
23 viewable only by appeal directly to the Supreme  
24 Court of the United States. Such appeal shall be  
25 taken by the filing of a notice of appeal within 10

1 days, and the filing of a jurisdictional statement  
2 within 30 days, of the entry of the final decision.

3 (6) It shall be the duty of the United States  
4 District Court for the District of Columbia and the  
5 Supreme Court of the United States to advance on  
6 the docket and to expedite to the greatest possible  
7 extent the disposition of the action and appeal.

8 (c) DEFINITIONS.—In this section, the terms “elec-  
9 tronic surveillance” and “wire communication” have the  
10 meaning given such terms in section 101 of the Foreign  
11 Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

○