

105TH CONGRESS  
2D SESSION

# S. 2075

To provide for expedited review of executive privilege claims and to improve efficiency of independent counsel investigations.

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IN THE SENATE OF THE UNITED STATES

MAY 13, 1998

Mr. ASHCROFT (for himself and Mr. McCONNELL) 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 expedited review of executive privilege claims and to improve efficiency of independent counsel investigations.

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. AMENDMENT TO TITLE 28.**

4 Section 594 of title 28, United States Code, is  
5 amended by adding at the end the following:

6 “(m) JUDICIAL REVIEW OF EXECUTIVE PRIVILEGE  
7 CLAIMS.—

8 “(1) EXPEDITED CONSIDERATION.—It shall be  
9 the duty of a district court of the United States and  
10 the Supreme Court of the United States to advance

1 on the docket and to expedite to the maximum ex-  
2 tent practicable the disposition of any claim assert-  
3 ing executive privilege in any investigation author-  
4 ized pursuant to this chapter.

5 “(2) APPEAL TO SUPREME COURT.—Notwith-  
6 standing any other provision of law, any order of a  
7 district court of the United States disposing of a  
8 claim asserting executive privilege in any investiga-  
9 tion authorized pursuant to this chapter shall be re-  
10 viewable by appeal directly to the Supreme Court of  
11 the United States. Any such appeal shall be taken  
12 by a notice of appeal filed within 10 calendar days  
13 after such order is entered and the jurisdictional  
14 statement shall be filed within 30 calendar days  
15 after such order is entered. No stay of an order de-  
16 scribed in this subsection shall be issued by a single  
17 Justice of the Supreme Court of the United  
18 States.”.

19 **SEC. 2. EFFECTIVE DATE.**

20 Section 594(m) of title 28, United States Code (as  
21 added by section 1 of this Act), applies to any claim of  
22 executive privilege asserted on or after January 1, 1998,  
23 except that, for purposes of an order described in section  
24 594(m)(1) of title 28, United States Code (as added by  
25 section 1 of this Act), entered before the date of enactment

1 of this Act, the time periods for appeal provided in section  
2 594(m)(2) of that title 28, United States Code (as added  
3 by section 1 of this Act), shall begin running on the date  
4 of enactment of this Act.

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