

106TH CONGRESS
1ST SESSION

S. 417

To amend title 28 of the United States Code to bar any civil trial involving the President until after the President vacates office, but to allow for sealed discovery during the time the President is in office.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 1999

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

A BILL

To amend title 28 of the United States Code to bar any civil trial involving the President until after the President vacates office, but to allow for sealed discovery during the time the President is in office.

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. CIVIL ACTIONS INVOLVING THE PRESIDENT.**

4 (a) IN GENERAL.—Part 6 of title 28, United States
5 Code is amended by inserting after chapter 161 the follow-
6 ing:

1 **“CHAPTER 162—CIVIL ACTIONS**
 2 **INVOLVING THE PRESIDENT**

“Sec. 2431. Civil actions involving the president.

3 **“§ 2431. Civil action involving the president**

4 “(a) DEFINITION.—In this chapter, the term ‘party’
 5 means a plaintiff or defendant.

6 “(b) CIVIL TRIAL BARRED.—Any individual serving
 7 as President may not be a party in a trial on a civil action.

8 “(c) DISCOVERY AND PRE TRIAL ACTIONS.—

9 “(1) IN GENERAL.—Except as provided in para-
 10 graph (2), this section does not apply to any discov-
 11 ery or pretrial action in a civil action that is carried
 12 out in a manner consistent with—

13 “(A) reasonable case management prin-
 14 ciples; and

15 “(B) due deference to Presidential respon-
 16 sibilities.

17 “(2) DISCOVERY UNDER SEAL.—Any discovery
 18 matter in a civil action described in this section
 19 shall—

20 “(A) be filed with the court of jurisdiction
 21 under seal; and

22 “(B) not be available to the public until—

1 “(i) the individual described in sub-
2 section (b) has vacated the office of the
3 President; or

4 “(ii) all parties to the civil action
5 agree to release the discovery matter.”.

6 (b) CLERICAL AMENDMENT.—The table of chapters
7 for part VI of title 28, United States Code, is amended
8 by inserting after the item for chapter 161 the following:

“162. Civil action involving the President 2431”.

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