

Union Calendar No. 424

108TH CONGRESS
2D SESSION

H. R. 2028

[Report No. 108-691]

To amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2003

Mr. AKIN (for himself, Mr. MCINTYRE, Mr. DELAY, Mr. BLUNT, Mr. CANTOR, Ms. PRYCE of Ohio, Mr. ADERHOLT, Mr. BACHUS, Mr. BAKER, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BASS, Mrs. BLACKBURN, Mr. BEAUPREZ, Mr. BEREUTER, Mr. BISHOP of Utah, Mr. BOEHNER, Mr. BONILLA, Mrs. BONO, Mr. BONNER, Mr. BOOZMAN, Ms. BORDALLO, Mr. BRADY of Texas, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURNS, Mr. BURR, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mr. CHOCOLA, Mr. COLE, Mr. COLLINS, Mr. CRANE, Mr. CULBERSON, Mr. CUNNINGHAM, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Tennessee, Mr. TOM DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DEMINT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DOOLITTLE, Mr. DUNCAN, Ms. DUNN, Mrs. EMERSON, Mr. FEENEY, Mr. FLAKE, Mr. FOLEY, Mr. FORBES, Mr. FOSSELLA, Mr. FRANKS of Arizona, Mr. FRELINGHUYSEN, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. GIBBONS, Mr. GILLMOR, Mr. GINGREY, Mr. GOODE, Mr. GOODLATTE, Mr. GRAVES, Mr. GREEN of Texas, Mr. GUTKNECHT, Ms. HARRIS, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HOBSON, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. HOUGHTON, Mr. HULSHOF, Mr. HUNTER, Mr. ISSA, Mr. ISTOOK, Mr. JANKLOW, Mr. JENKINS, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KELLER, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE, Mr. LAHOOD, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. LUCAS of Oklahoma, Mr. MANZULLO, Mr. MCCRERY, Mr. MCHUGH, Mr. MCINNIS, Mr. MICA, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEY, Mrs. NORTHUP,

Mr. NUNES, Mr. OSBORNE, Mr. OSE, Mr. OTTER, Mr. PEARCE, Mr. PENCE, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. PORTER, Mr. PLATTS, Mr. POMBO, Mr. PUTNAM, Mr. REGULA, Mr. REHBERG, Mr. RENZI, Mr. REYNOLDS, Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SAXTON, Mr. SCHROCK, Mr. SESSIONS, Mr. SHADEGG, Mr. SHERWOOD, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMPSON, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mr. SOUDER, Mr. STEARNS, Mr. SULLIVAN, Mr. TANCREDI, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. TERRY, Mr. TIAHRT, Mr. TIBERI, Mr. TOOMEY, Mr. WALSH, Mr. WAMP, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. WELLER, Mr. WHITFIELD, Mr. WILSON of South Carolina, Mr. WOLF, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on the Judiciary

SEPTEMBER 21, 2004

Additional sponsors: Mr. SKELTON, Mr. TAYLOR of Mississippi, Mr. COSTELLO, Mr. HYDE, Mr. COBLE, Mr. EVERETT, Mr. McKEON, Mr. THORNBERRY, Mr. SIMMONS, Mr. CARTER, Mr. TURNER of Ohio, Mr. PAUL, Mr. PICKERING, Mr. EHLERS, Mrs. BIGGERT, Mr. BOEHLERT, Mr. CASTLE, Mr. NORWOOD, Mr. WICKER, Mrs. WILSON of New Mexico, Mr. RAMSTAD, Mr. SHAW, Mr. CRENSHAW, Mr. ISAKSON, Mr. FERGUSON, Mr. KIRK, Mr. BUYER, Mrs. JOHNSON of Connecticut, Mrs. CAPITO, Mr. FLETCHER, Mrs. CUBIN, Mr. QUINN, Mr. VITTER, Mr. HASTERT, Mr. LEACH, Mr. SWEENEY, Mr. LATHAM, Mr. BALLENGER, Mr. GILCHREST, Mr. GOSS, Ms. GRANGER, Mr. KNOLLENBERG, Mr. UPTON, Mr. WALDEN of Oregon, Mr. LINDER, Mr. HASTINGS of Washington, Mr. BILIRAKIS, Mr. BRADLEY of New Hampshire, Mr. PORTMAN, Mrs. KELLY, Mr. KING of New York, Mr. McCOTTER, Mr. MURPHY, Mr. RADANOVICH, Mr. ROGERS of Alabama, Mr. GERLACH, Mr. KOLBE, Mr. HENSARLING, Mr. NETHERCUTT, Mr. NUSSLE, Mr. BISHOP of Georgia, Mr. GORDON, Mr. CANNON, Mr. LoBIONDO, Mr. TURNER of Texas, Mr. RAHALL, Mr. CRAMER, Mr. HALL, Mr. NEUGEBAUER, and Ms. HART

SEPTEMBER 21, 2004

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme

Court over certain cases and controversies involving the Pledge of Allegiance.

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 “Pledge Protection Act
 5 of 2003”.

6 **SEC. 2. JURISDICTION LIMITATION.**

7 (a) IN GENERAL.—Chapter 99 of title 28, United
 8 States Code, is amended by adding at the end the fol-
 9 lowing:

10 **“§ 1632. Jurisdiction limitation**

11 “~~No court established by Act of Congress shall have~~
 12 jurisdiction to hear or determine any claim that the recita-
 13 tion of the Pledge of Allegiance, as set forth in section
 14 4 of title 4, violates the first article of amendment to the
 15 Constitution of the United States.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
 17 at the beginning of chapter 99 of title 28, United States
 18 Code, is amended by adding at the end the following new
 19 item:

“1632. Jurisdiction Limitation.”.

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “Pledge Protection Act*
 22 *of 2004”.*

1 **SEC. 2. LIMITATION ON JURISDICTION.**

2 (a) *IN GENERAL.*—Chapter 99 of title 28, United
3 States Code, is amended by adding at the end the following:

4 **“§ 1632. Limitation on jurisdiction**

5 “No court created by Act of Congress shall have any
6 jurisdiction, and the Supreme Court shall have no appellate
7 jurisdiction, to hear or decide any question pertaining to
8 the interpretation of, or the validity under the Constitution
9 of, the Pledge of Allegiance, as defined in section 4 of title
10 4, or its recitation.”.

11 (b) *CLERICAL AMENDMENT.*—The table of sections at
12 the beginning of chapter 99 of title 28, United States Code,
13 is amended by adding at the end the following new item:

“1632. Limitation on jurisdiction.”.

Amend the title so as to read: “A bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance.”.

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