

109TH CONGRESS
2D SESSION

S. 3696

To amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

IN THE SENATE OF THE UNITED STATES

JULY 20, 2006

Mr. BROWNBACK (for himself and Mr. DEMINT) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

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 “Veterans’ Memorials,
5 Boy Scouts, Public Seals, and Other Public Expressions
6 of Religion Protection Act of 2006”.

1 **SEC. 2. LIMITATIONS ON CERTAIN LAWSUITS AGAINST**
 2 **STATE AND LOCAL OFFICIALS.**

3 (a) CIVIL ACTION FOR DEPRIVATION OF RIGHTS.—
 4 Section 1979 of the Revised Statutes of the United States
 5 (42 U.S.C. 1983) is amended—

6 (1) by inserting “(a)” before the first sentence;

7 and

8 (2) by adding at the end the following:

9 “(b) The remedies with respect to a claim under this
 10 section are limited to injunctive and declaratory relief
 11 where the deprivation consists of a violation of a prohibi-
 12 tion in the Constitution against the establishment of reli-
 13 gion, including a violation resulting from—

14 “(1) a veterans’ memorial’s containing religious
 15 words or imagery;

16 “(2) a public building’s containing religious
 17 words or imagery;

18 “(3) the presence of religious words or imagery
 19 in the official seals of the several States and the po-
 20 litical subdivisions thereof; or

21 “(4) the chartering of Boy Scout units by com-
 22 ponents of States and political subdivisions, and the
 23 Boy Scouts’ using public buildings of States and po-
 24 litical subdivisions.”.

25 (b) ATTORNEY’S FEES.—Section 722(b) of the Re-
 26 vised Statutes of the United States (42 U.S.C. 1988(b))

1 is amended by adding at the end the following: “However,
 2 no fees shall be awarded under this subsection with re-
 3 spect to a claim described in subsection (b) of section
 4 1979.”.

5 **SEC. 3. LIMITATIONS ON CERTAIN LAWSUITS AGAINST THE**
 6 **UNITED STATES AND FEDERAL OFFICIALS.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
 8 sion of law, a court shall not award reasonable fees and
 9 expenses of attorneys to the prevailing party on a claim
 10 of injury consisting of the violation of a prohibition in the
 11 Constitution against the establishment of religion brought
 12 against the United States or any agency or any official
 13 of the United States acting in his or her official capacity
 14 in any court having jurisdiction over such claim, and the
 15 remedies with respect to such a claim shall be limited to
 16 injunctive and declaratory relief.

17 (b) DEFINITION.—As used in this section, the term
 18 “a claim of injury consisting of the violation of a prohibi-
 19 tion in the Constitution against the establishment of reli-
 20 gion” includes a claim of injury resulting from—

21 (1) a veterans’ memorial’s containing religious
 22 words or imagery;

23 (2) a Federal building’s containing religious
 24 words or imagery;

1 (3) the presence of religious words or imagery
2 in the official seal of the United States and in its
3 currency and official Pledge; or

4 (4) the chartering of Boy Scout units by com-
5 ponents of the Armed Forces of the United States
6 and by other public entities, and the Boy Scouts'
7 using Department of Defense and other public in-
8 stallations.

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