

118TH CONGRESS
1ST SESSION

H. R. 425

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 HOUSE OF REPRESENTATIVES

JANUARY 20, 2023

Mr. JOHNSON of Louisiana (for himself, Mr. GAETZ, Mr. BIGGS, and Mr. WEBER of Texas) introduced the following bill; which was 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 "History and Tradition
5 Protection Act of 2023".

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, but not limited to, a violation resulting
14 from—

15 “(1) any monument, memorial, statue, or other
16 figure containing religious words, imagery, or sym-
17 bolism;

18 “(2) a public building containing religious
19 words, imagery, or symbolism;

20 “(3) the presence of religious words, imagery,
21 or symbolism in the official seals and flags of the
22 several States and the political subdivision thereof;
23 or

24 “(4) religious expression in the context of the
25 proceedings of any deliberative body or division of

1 any State or deliberative body or division of the sev-
2 eral States.”.

3 (b) ATTORNEY’S FEES.—Section 722(b) of the Re-
4 vised Statutes of the United States (42 U.S.C. 1988(b))
5 is amended by adding at the end the following: “However,
6 no fees shall be awarded under this subsection with re-
7 spect to a claim described in subsection (b) of section nine-
8 teen hundred and seventy nine.”.

9 **SEC. 3. LIMITATIONS ON CERTAIN LAWSUITS AGAINST THE**
10 **UNITED STATES AND FEDERAL OFFICIALS.**

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

21 (b) DEFINITION.—As used in this section, the term
22 “a claim of injury consisting of the violation of a prohibi-
23 tion in the Constitution against the establishment of reli-
24 gion” includes, but is not limited to, a claim of injury re-
25 sulting from—

1 (1) any monument, memorial, statue, or other
2 figure containing religious words, imagery, or sym-
3 bolism;

4 (2) a Federal building containing religious
5 words, imagery, or symbolism;

6 (3) the presence of religious words, imagery, or
7 symbolism in the official seal of the United States
8 and in its currency and official Pledge; or

9 (4) religious expression in the context of the
10 proceedings of any deliberative body or division of
11 the legislative or executive branches of the United
12 States.

13 **SEC. 4. EFFECTIVE DATE.**

14 This Act and the amendments made by this Act take
15 effect on the date of the enactment of this Act and apply
16 to any case that—

17 (1) is pending on such date of enactment; or

18 (2) is commenced on or after such date of en-
19 actment.

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