

109TH CONGRESS  
1ST SESSION

# H. R. 2389

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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## IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2005

Mr. AKIN (for himself, Mr. McINTYRE, Mr. ADERHOLT, Mr. BACHUS, Mr. BAKER, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BEAUPREZ, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOEHNER, Mrs. BONO, Mr. BOOZMAN, Mr. BOUSTANY, Mr. BRADLEY of New Hampshire, Mr. BRADY of Texas, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CANTOR, Mrs. CAPITO, Mr. CARTER, Mr. CHABOT, Mr. CHOCOLA, Mr. COBLE, Mr. COLE of Oklahoma, Mr. COSTELLO, Mr. CRENSHAW, Mrs. CUBIN, Mr. CULBERSON, Mr. CUNNINGHAM, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Tennessee, Mr. TOM DAVIS of Virginia, Mr. DELAY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DOOLITTLE, Mrs. DRAKE, Mr. DUNCAN, Mr. EHLERS, Mrs. EMERSON, Mr. EVERETT, Mr. FEENEY, Mr. FERGUSON, Mr. FORBES, Mr. FOSSELLA, Ms. FOXX, Mr. FRANKS of Arizona, Mr. FRELINGHUYSEN, Mr. GARRETT of New Jersey, Mr. GERLACH, Mr. GINGREY, Mr. GOHMERT, Mr. GOODE, Mr. GENE GREEN of Texas, Mr. GUTKNECHT, Mr. HALL, Ms. HARRIS, Ms. HART, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HAYWORTH, Mr. HENSARLING, Mr. HERGER, Mr. HOSTETTLER, Mr. HULSHOF, Mr. HUNTER, Mr. HYDE, Mr. ISSA, Mr. ISTOOK, Mr. JENKINS, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KELLER, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. KLINE, Mr. LAHOOD, Mr. LATHAM, Mr. LATOURETTE, Mr. LEACH, Mr. LEWIS of Kentucky, Mr. LOBIONDO, Mr. MANZULLO, Mr. MARSHALL, Mr. McCOTTER, Mr. McHENRY, Mr. McHUGH, Mr. McKEON, Mr. MICA, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. NEY, Mrs. NORTHUP, Mr. NORWOOD, Mr. NUSSLE, Mr. OTTER, Mr. PAUL, Mr. PEARCE, Mr. PENCE, Mr. PICKERING, Mr. PITTS, Mr. PLATTS, Mr. PRICE of Georgia, Mr. PUTNAM, Mr. RADANOVICH, Mr. RAHALL, Mr. RAMSTAD, Mr. REHBERG, Mr. RENZI, Mr. REYNOLDS, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. ROGERS

of Michigan, Ms. ROS-LEHTINEN, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SHADEGG, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMPSON, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SODREL, Mr. SOUDER, Mr. STEARNS, Mr. SULLIVAN, Mr. TAYLOR of North Carolina, Mr. THORNBERRY, Mr. TIAHRT, Mr. UPTON, Mr. WALDEN of Oregon, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. WHITFIELD, Mr. WICKER, Mr. WILSON of South Carolina, Mr. WOLF, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, and Mr. TIBERI) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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.

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 2005”.

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

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. Limitation on jurisdiction**

11       “(a) Except as provided in subsection (b), no court  
 12       created by Act of Congress shall have any jurisdiction, and  
 13       the Supreme Court shall have no appellate jurisdiction, to  
 14       hear or decide any question pertaining to the interpreta-  
 15       tion of, or the validity under the Constitution of, the

1 Pledge of Allegiance, as defined in section 4 of title 4,  
2 or its recitation.

3 “(b) The limitation in subsection (a) does not apply  
4 to—

5 “(1) any court established by Congress under  
6 its power to make needful rules and regulations re-  
7 specting the territory of the United States; or

8 “(2) the Superior Court of the District of Co-  
9 lumbia or the District of Columbia Court of Ap-  
10 peals;”.

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

“1632. Limitation on jurisdiction.”.

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