

108TH CONGRESS
2D SESSION

S. 2082

To limit the jurisdiction of Federal courts in certain cases and promote federalism.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2004

Mr. SHELBY (for himself, Mr. MILLER, Mr. BROWNBACK, Mr. GRAHAM of South Carolina, Mr. INHOFE, and Mr. ALLARD) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To limit the jurisdiction of Federal courts in certain cases and promote federalism.

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 “Constitution Restora-
5 tion Act of 2004”.

6 **TITLE I—JURISDICTION**

7 **SEC. 101. APPELLATE JURISDICTION.**

8 (a) IN GENERAL.—

1 (1) AMENDMENT TO TITLE 28.—Chapter 81 of
 2 title 28, United States Code, is amended by adding
 3 at the end the following:

4 **“§ 1260. Matters not reviewable**

5 “Notwithstanding any other provision of this chapter,
 6 the Supreme Court shall not have jurisdiction to review,
 7 by appeal, writ of certiorari, or otherwise, any matter to
 8 the extent that relief is sought against an element of Fed-
 9 eral, State, or local government, or against an officer of
 10 Federal, State, or local government (whether or not acting
 11 in official personal capacity), by reason of that element’s
 12 or officer’s acknowledgement of God as the sovereign
 13 source of law, liberty, or government.”.

14 (2) TABLE OF SECTIONS.—The table of sections
 15 at the beginning of chapter 81 of title 28, United
 16 States Code, is amended by adding at the end the
 17 following:

“1260. Matters not reviewable.”.

18 (b) APPLICABILITY.—Section 1260 of title 28, United
 19 States Code, as added by subsection (a), shall not apply
 20 to an action pending on the date of enactment of this Act,
 21 except to the extent that a party or claim is sought to
 22 be included in that action after the date of enactment of
 23 this Act.

24 **SEC. 102. LIMITATIONS ON JURISDICTION.**

25 (a) IN GENERAL.—

1 (1) AMENDMENT TO TITLE 28.—Chapter 85 of
 2 title 28, United States Code, is amended by adding
 3 at the end of the following:

4 **“§ 1370. Matters that the Supreme Court lacks juris-**
 5 **diction to review**

6 “Notwithstanding any other provision of law, the dis-
 7 trict court shall not have jurisdiction of a matter if the
 8 Supreme Court does not have jurisdiction to review that
 9 matter by reason of section 1260 of this title.”.

10 (2) TABLE OF SECTIONS.—The table of sections at
 11 the beginning of chapter 85 of title 28, United States
 12 Code, is amended by adding at the end the following:

“1370. Matters that the Supreme Court lacks jurisdiction to review.”.

13 (b) APPLICABILITY.—Section 1370 of title 28, United
 14 States Code, as added by subsection (a), shall not apply
 15 to an action pending on the date of enactment of this Act,
 16 except to the extent that a party or claim is sought to
 17 be included in that action after the date of enactment of
 18 this Act.

19 **TITLE II—INTERPRETATION**

20 **SEC. 201. INTERPRETATION OF THE CONSTITUTION.**

21 In interpreting and applying the Constitution of the
 22 United States, a court of the United States may not rely
 23 upon any constitution, law, administrative rule, Executive
 24 order, directive, policy, judicial decision, or any other ac-
 25 tion of any foreign state or international organization or

1 agency, other than English constitutional and common
2 law.

3 **TITLE III—ENFORCEMENT**

4 **SEC. 301. EXTRAJURISDICTIONAL CASES NOT BINDING ON** 5 **STATES.**

6 Any decision of a Federal court which has been made
7 prior to or after the effective date of this Act, to the extent
8 that the decision relates to an issue removed from Federal
9 jurisdiction under section 1260 or 1370 of title 28, United
10 States Code, as added by this Act, is not binding prece-
11 dent on any State court.

12 **SEC. 302. IMPEACHMENT, CONVICTION, AND REMOVAL OF** 13 **JUDGES FOR CERTAIN EXTRAJURISDIC-** 14 **TIONAL ACTIVITIES.**

15 To the extent that a justice of the Supreme Court
16 of the United States or any judge of any Federal court
17 engages in any activity that exceeds the jurisdiction of the
18 court of that justice or judge, as the case may be, by rea-
19 son of section 1260 or 1370 of title 28, United States
20 Code, as added by this Act, engaging in that activity shall
21 be deemed to constitute the commission of—

22 (1) an offense for which the judge may be re-
23 moved upon impeachment and conviction; and

- 1 (2) a breach of the standard of good behavior
- 2 required by article III, section 1 of the Constitution.

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