

109TH CONGRESS
2D SESSION

H. R. 2679

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2006

Received

NOVEMBER 13, 2006

Read twice and referred to the Committee on the Judiciary

AN ACT

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’’.

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

9 (a) CIVIL ACTION FOR DEPRIVATION OF RIGHTS.—
10 Section 1979 of the Revised Statutes of the United States
11 (42 U.S.C. 1983) is amended—

12 (1) by inserting ‘‘(a)’’ before the first sentence;
13 and

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

15 ‘‘(b) The remedies with respect to a claim under this
16 section are limited to injunctive and declaratory relief
17 where the deprivation consists of a violation of a prohibi-
18 tion in the Constitution against the establishment of reli-
19 gion, including, but not limited to, a violation resulting
20 from—

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

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

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

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

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

14 SEC. 3. LIMITATIONS ON CERTAIN LAWSUITS AGAINST THE
15 UNITED STATES AND FEDERAL OFFICIALS.

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

1 (b) DEFINITION.—As used in this section, the term
2 “a claim of injury consisting of the violation of a prohibi-
3 tion in the Constitution against the establishment of reli-
4 gion” includes, but is not limited to, a claim of injury re-
5 sulting from—

6 (1) a veterans’ memorial’s containing religious
7 words or imagery;

8 (2) a Federal building’s containing religious
9 words or imagery;

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

13 (4) the chartering of Boy Scout units by com-
14 ponents of the Armed Forces of the United States
15 and by other public entities, and the Boy Scouts’
16 using Department of Defense and other public in-
17 stallations.

18 **SEC. 4. EFFECTIVE DATE.**

19 This Act and the amendments made by this Act take
20 effect on the date of the enactment of this Act and apply
21 to any case that—

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

Passed the House of Representatives September 26, 2006.

Attest:

KAREN L. HAAS,

Clerk.