

109TH CONGRESS
2D SESSION

H. R. 4776

To amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the content of speech occurring during sessions of State legislative bodies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2006

Mr. SODREL (for himself, Mr. BURTON of Indiana, Mr. BUYER, Mr. HOSTETTLER, Mr. SOUDER, Mr. PENCE, Mr. MCHENRY, Mr. BARRETT of South Carolina, Mr. KING of Iowa, Mr. GOODE, Mr. WELDON of Florida, Mr. FEENEY, Mr. GARRETT of New Jersey, Mr. ISSA, Mr. JINDAL, Mr. KUHLMAN of New York, Mr. AKIN, Mrs. MYRICK, Mr. SHADEGG, Mrs. MUSGRAVE, Mr. PITTS, Mr. POE, Mr. CULBERSON, Mr. HENSARLING, Ms. FOXX, Mr. CONAWAY, Mr. GOHMERT, Mr. COLE of Oklahoma, Mr. HAYWORTH, Mr. FORTENBERRY, Mrs. SCHMIDT, Mrs. DRAKE, Mr. LEWIS of Kentucky, and Mr. PAUL) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the content of speech occurring during sessions of State legislative bodies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. LIMITATION ON JURISDICTION.**

2 (a) IN GENERAL.—Chapter 99 of title 28, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 1632. Limitation on jurisdiction**

6 “No court created by Act of Congress shall have any
7 jurisdiction, and the Supreme Court shall have no appel-
8 late jurisdiction, to hear or decide any question pertaining
9 to the interpretation or the validity, under the Constitu-
10 tion, of the content of speech of any member of a State
11 legislative body or any individual invited by a State legisla-
12 tive body to speak before that body, when such speech oc-
13 curs during the legislative session of that body.”.

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

“1632. Limitation on jurisdiction.”.

18 **SEC. 2. QUALIFIED IMMUNITY.**

19 Any person who is a member of a State legislative
20 body, or who is invited by a State legislative body to speak
21 before that body, other than as a witness, shall be immune
22 from suit in any Federal court, and shall not be held liable
23 under any law of the United States, on account of the
24 content of speech occurring during the legislative session

1 of that body, unless such speech constitutes treason,
2 breach of peace, or an admission of guilt of a crime.

3 **SEC. 3. USE OF FEDERAL FUNDS.**

4 No Federal funds shall be used for the purpose of
5 enforcing any court order relating to the content of speech
6 occurring during the legislative session of a State legisla-
7 tive body, unless such speech constitutes treason, breach
8 of peace, or an admission of guilt of a crime.

9 **SEC. 4. PROHIBITION OF FINES.**

10 No Federal court shall impose a fine on any State,
11 State legislative body, member of a State legislative body,
12 or individual invited by a State legislative body to speak
13 before that body, other than as a witness, on account of
14 the content of speech occurring during the legislative ses-
15 sion of that body, unless such speech constitutes treason,
16 breach of peace, or an admission of guilt of a crime.

17 **SEC. 5. LIMITATION ON STATUTORY CONSTRUCTION.**

18 No provision of this Act, including any amendment
19 made by this Act, shall be construed—

20 (1) to supersede any State law or any rule of
21 a State legislative body; or

22 (2) to limit the protections provided by any
23 other provision of this Act.

1 **SEC. 6. SEVERABILITY.**

2 If any provision of this Act (including any amend-
3 ment made by this Act), or any application thereof, is
4 found unconstitutional, that finding shall not affect any
5 provision or application of the Act not so adjudicated.

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