

110TH CONGRESS
1ST SESSION

H. R. 1613

To amend the Revised Statutes of the United States to provide for legal protection against frivolous lawsuits directed at statutes prohibiting picketing at military and other funerals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2007

Mr. TIAHRT (for himself, Mr. LINDER, Mr. WILSON of South Carolina, Mr. PITTS, Mr. ENGLISH of Pennsylvania, Mr. RYAN of Wisconsin, and Mr. GARRETT of New Jersey) 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 provide for legal protection against frivolous lawsuits directed at statutes prohibiting picketing at military and other funerals, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sons and Daughters
5 of America Act”.

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 the right
12 to freedom of speech secured by the Constitution, and
13 such violation is the result of a statute, ordinance, regula-
14 tion, custom, or usage which prohibits or restricts pick-
15 eting, protesting, or demonstrating at a funeral or any
16 other ceremony, procession, or memorial service held in
17 connection with the burial or cremation of the dead.”.

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

1 **SEC. 3. LIMITATIONS ON CERTAIN LAWSUITS AGAINST THE**
2 **UNITED STATES AND FEDERAL OFFICIALS.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law, a court shall not award reasonable fees and
5 expenses of attorneys to the prevailing party on a claim
6 of injury described in subsection (b) brought against the
7 United States or any agency or any official of the United
8 States acting in his or her official capacity in any court
9 having jurisdiction over such claim, and the remedies with
10 respect to such a claim shall be limited to injunctive and
11 declaratory relief.

12 (b) CLAIMS TO WHICH LIMITATIONS APPLY.—Sub-
13 section (a) shall apply with respect to any claim of injury
14 consisting of the violation of the right to freedom of speech
15 secured by the Constitution, if such violation is the result
16 of a statute, ordinance, regulation, custom, or usage which
17 prohibits or restricts picketing, protesting, or dem-
18 onstrating at a funeral or any other ceremony, procession,
19 or memorial service held in connection with the burial or
20 cremation of the dead.

21 **SEC. 4. EFFECTIVE DATE.**

22 This Act and the amendments made by this Act take
23 effect on the date of the enactment of this Act and shall
24 apply to any case that—

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

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

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