

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1046

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 SENATE OF THE UNITED STATES

MAY 17, 2005

Mr. KYL (for himself, Mr. TALENT, Mr. BROWNBACK, Mr. INHOFE, Mr. STEVENS, Mr. COBURN, Mr. BUNNING, and Mr. THUNE) introduced the following bill; which was read twice and 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”.

1 **SEC. 2. 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 “(a) Except as provided in subsection (b), no court  
7 created by Act of Congress shall have any jurisdiction, and  
8 the Supreme Court shall have no appellate jurisdiction, to  
9 hear or decide any question pertaining to the interpreta-  
10 tion of, or the validity under the Constitution of, the  
11 Pledge of Allegiance, as defined in section 4 of title 4,  
12 or its recitation.

13 “(b) The limitation in subsection (a) does not apply  
14 to—

15 “(1) any court established by Congress under  
16 its power to make needful rules and regulation re-  
17 specting the territory of the United States; or

18 “(2) the Superior Court of the District of Co-  
19 lumbia or the District of Columbia Court of Ap-  
20 peals.”.

21 (b) CLERICAL AMENDMENT.—The table of sections  
22 at the beginning of chapter 99 of title 28, United States  
23 Code, is amended by adding at the end the following new  
24 item:

“1632. Limitation on jurisdiction.”.