

108TH CONGRESS
2D SESSION

S. 2323

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

IN THE SENATE OF THE UNITED STATES

APRIL 20, 2004

Mr. SHELBY (for himself, Mr. MILLER, Mr. BROWNBACK, Mr. GRAHAM of South Carolina, Mr. ALLARD, Mr. INHOFE, and Mr. LOTT) 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”.

1 **TITLE I—JURISDICTION**

2 **SEC. 101. APPELLATE JURISDICTION.**

3 (a) AMENDMENT TO TITLE 28.—Chapter 81 of title
4 28, United States Code, is amended by adding at the end
5 the following:

6 **“§ 1260. Matters not reviewable**

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

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

“1260. Matters not reviewable.”.

19 **SEC. 102. LIMITATIONS ON JURISDICTION.**

20 (a) AMENDMENT TO TITLE 28.—Chapter 85 of title
21 28, United States Code, is amended by adding at the end
22 of the following:

1 **“§ 1370. Matters that the Supreme Court lacks juris-**
 2 **isdiction to review**

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

7 (b) TABLE OF SECTIONS.—The table of sections at
 8 the beginning of chapter 85 of title 28, United States
 9 Code, is amended by adding at the end the following:

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

10 **TITLE II—INTERPRETATION**

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

12 In interpreting and applying the Constitution of the
 13 United States, a court of the United States may not rely
 14 upon any constitution, law, administrative rule, Executive
 15 order, directive, policy, judicial decision, or any other ac-
 16 tion of any foreign state or international organization or
 17 agency, other than English constitutional and common
 18 law.

19 **TITLE III—ENFORCEMENT**

20 **SEC. 301. EXTRAJURISDICTIONAL CASES NOT BINDING ON**
 21 **STATES.**

22 Any decision of a Federal court which has been made
 23 prior to or after the effective date of this Act, to the extent
 24 that the decision relates to an issue removed from Federal
 25 jurisdiction under section 1260 or 1370 of title 28, United

1 States Code, as added by this Act, is not binding prece-
2 dent on any State court.

3 **SEC. 302. IMPEACHMENT, CONVICTION, AND REMOVAL OF**
4 **JUDGES FOR CERTAIN**
5 **EXTRAJURISDICTIONAL ACTIVITIES.**

6 To the extent that a justice of the Supreme Court
7 of the United States or any judge of any Federal court
8 engages in any activity that exceeds the jurisdiction of the
9 court of that justice or judge, as the case may be, by rea-
10 son of section 1260 or 1370 of title 28, United States
11 Code, as added by this Act, engaging in that activity shall
12 be deemed to constitute the commission of—

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

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

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