

109TH CONGRESS  
1ST SESSION

# S. 520

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

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IN THE SENATE OF THE UNITED STATES

MARCH 3, 2005

Mr. SHELBY (for himself, Mr. BROWNBACK, and Mr. BURR) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## 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 2005”.

### 6 **TITLE I—JURISDICTION**

7 **SEC. 101. APPELLATE JURISDICTION.**

8 (a) AMENDMENT TO TITLE 28.—Chapter 81 of title  
9 28, United States Code, is amended by adding at the end  
10 the following:

1 **“§ 1260. Matters not reviewable**

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

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

“1260. Matters not reviewable.”.

14 **SEC. 102. LIMITATIONS ON JURISDICTION.**

15 (a) AMENDMENT TO TITLE 28.—Chapter 85 of title  
16 28, United States Code, is amended by adding at the end  
17 of the following:

18 **“§ 1370. Matters that the Supreme Court lacks juris-**  
19 **isdiction to review**

20 “Notwithstanding any other provision of law, the dis-  
21 trict courts shall not have jurisdiction of a matter if the  
22 Supreme Court does not have jurisdiction to review that  
23 matter by reason of section 1260 of this title.”.

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

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

## 4 **TITLE II—INTERPRETATION**

### 5 **SEC. 201. INTERPRETATION OF THE CONSTITUTION.**

6 In interpreting and applying the Constitution of the  
 7 United States, a court of the United States may not rely  
 8 upon any constitution, law, administrative rule, Executive  
 9 order, directive, policy, judicial decision, or any other ac-  
 10 tion of any foreign state or international organization or  
 11 agency, other than English constitutional and common law  
 12 up to the time of the adoption of the Constitution of the  
 13 United States.

## 14 **TITLE III—ENFORCEMENT**

### 15 **SEC. 301. EXTRAJURISDICTIONAL CASES NOT BINDING ON** 16 **STATES.**

17 Any decision of a Federal court which has been made  
 18 prior to, on, or after the effective date of this Act, to the  
 19 extent that the decision relates to an issue removed from  
 20 Federal jurisdiction under section 1260 or 1370 of title  
 21 28, United States Code, as added by this Act, is not bind-  
 22 ing precedent on any State court.

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

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

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

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

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