

116TH CONGRESS  
1ST SESSION

# H. R. 1269

To amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2019

Mr. JOHNSON of Louisiana (for himself, Mr. LAMALFA, Mr. LAMBORN, Mr. GAETZ, Mr. POSEY, Mr. HICE of Georgia, Mr. LOUDERMILK, Mr. WEBSTER of Florida, Mr. KING of Iowa, Mr. BANKS, Mr. BARR, Mr. HUIZENGA, Mr. MITCHELL, Mr. LUETKEMEYER, Mrs. HARTZLER, Mr. ROUZER, Mr. CHABOT, Mr. WENSTRUP, Mr. GIBBS, Mr. KEVIN HERN of Oklahoma, Mr. NORMAN, Mr. ABRAHAM, Mr. RATCLIFFE, Mr. WRIGHT, Mr. WEBER of Texas, Mr. FLORES, Mr. BABIN, Mr. PERRY, and Mr. GROTHMAN) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

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. SHORT TITLE.**

2 This Act may be cited as the “History and Tradition  
3 Protection Act of 2019”.

4 **SEC. 2. LIMITATIONS ON CERTAIN LAWSUITS AGAINST**  
5 **STATE AND LOCAL OFFICIALS.**

6 (a) CIVIL ACTION FOR DEPRIVATION OF RIGHTS.—  
7 Section 1979 of the Revised Statutes of the United States  
8 (42 U.S.C. 1983) is amended—

9 (1) by inserting “(a)” before the first sentence;

10 and

11 (2) by adding at the end the following:

12 “(b) The remedies with respect to a claim under this  
13 section are limited to injunctive and declaratory relief  
14 where the deprivation consists of a violation of a prohibi-  
15 tion in the Constitution against the establishment of reli-  
16 gion, including, but not limited to, a violation resulting  
17 from—

18 “(1) any monument, memorial, statue, or other  
19 figure containing religious words, imagery, or sym-  
20 bolism;

21 “(2) a public building containing religious  
22 words, imagery, or symbolism;

23 “(3) the presence of religious words, imagery,  
24 or symbolism in the official seals and flags of the  
25 several States and the political subdivision thereof;

26 or

1           “(4) religious expression in the context of the  
2           proceedings of any deliberative body or division of  
3           any State or deliberative body or division of the sev-  
4           eral States.”.

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

11   **SEC. 3. LIMITATIONS ON CERTAIN LAWSUITS AGAINST THE**  
12                                   **UNITED STATES AND FEDERAL OFFICIALS.**

13          (a) IN GENERAL.—Notwithstanding any other provi-  
14          sion of law, a court shall not award reasonable fees and  
15          expenses of attorneys to the prevailing party on a claim  
16          of injury consisting of the violation of a prohibition in the  
17          Constitution against the establishment of religion brought  
18          against the United States or any agency or any official  
19          of the United States acting in his or her official capacity  
20          in any court having jurisdiction over such claim, and the  
21          remedies with respect to such a claim shall be limited to  
22          injunctive and declaratory relief.

23          (b) DEFINITION.—As used in this section, the term  
24          “a claim of injury consisting of the violation of a prohibi-  
25          tion in the Constitution against the establishment of reli-

1 gion” includes, but is not limited to, a claim of injury re-  
2 sulting from—

3 (1) any monument, memorial, statue, or other  
4 figure containing religious words, imagery, or sym-  
5 bolism;

6 (2) a Federal building containing religious  
7 words, imagery, or symbolism;

8 (3) the presence of religious words, imagery, or  
9 symbolism in the official seal of the United States  
10 and in its currency and official Pledge; or

11 (4) religious expression in the context of the  
12 proceedings of any deliberative body or division of  
13 the Legislative or Executive branches of the United  
14 States.

15 **SEC. 4. EFFECTIVE DATE.**

16 This Act and the amendments made by this Act take  
17 effect on the date of the enactment of this Act and apply  
18 to any case that—

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

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

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