

114TH CONGRESS
2D SESSION

H. R. 4502

To amend title 28, United States Code, to allow for a stay of Federal district court actions pending resolution of unsettled and ambiguous questions of State law, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2016

Mrs. BLACK (for herself and Mr. BISHOP of Utah) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to allow for a stay of Federal district court actions pending resolution of unsettled and ambiguous questions of State law, 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 “Pullman Act”.

5 **SEC. 2. STAY OF FEDERAL DISTRICT COURT ACTIONS.**

6 (a) IN GENERAL.—Chapter 111 of title 28, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

1 **“§ 1660. Stay of actions to resolve issues of State law**

2 “(a) **STAY.**—When a civil action before a United
3 States district court involves a challenge to an unsettled
4 and ambiguous question of State law on Federal constitu-
5 tional grounds, the district court—

6 “(1) may, and should, stay the action, pending
7 resolution of the question of State law, if—

8 “(A) resolution of the unsettled and am-
9 biguous question of State law could avoid the
10 need to reach the Federal constitutional issue
11 or materially change the nature of the Federal
12 constitutional issue; and

13 “(B) there are adequate means under
14 State law to resolve the unsettled question of
15 State law; and

16 “(2) may certify the question of State law to
17 the appropriate court of that State.

18 “(b) **DEFINITIONS.**—In this section:

19 “(1) **STATE.**—The term ‘State’ means any of
20 the several States, the District of Columbia, or any
21 commonwealth, territory, or possession of the United
22 States.

23 “(2) **STATE LAW.**—The term ‘State law’ means
24 the law of any State.”.

1 (b) APPEALS FROM INTERLOCUTORY ORDERS.—Sec-
2 tion 1292(a) of title 28, United States Code, is amended
3 by adding at the end the following:

4 “(4) Interlocutory orders of such district courts
5 or the judges thereof refusing the stay of an action
6 under section 1660(a).”.

7 (c) CONFORMING AMENDMENT.—The table of sec-
8 tions for chapter 111 of title 28, United States Code, is
9 amended by adding at the end the following new item:

“1660. Stay of actions to resolve issues of State law.”.

10 (d) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to any civil action that is pending
12 on, or is commenced on or after, the date of the enactment
13 of this Act.

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