

111TH CONGRESS
2^D SESSION

H. R. 5365

To limit the relief available to persons who have been unconstitutionally prohibited from protesting at military and other funerals.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2010

Mr. TIAHRT (for himself, Mr. DUNCAN, and Mr. LAMBORN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To limit the relief available to persons who have been unconstitutionally prohibited from protesting at military and other funerals.

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 referred to as the “Sons and Daugh-
5 ters of America Act”.

1 **SEC. 2. LIMITATIONS ON LIABILITY TO FUNERAL**
2 **PROTESTORS UNDER THE REVISED STAT-**
3 **UTES.**

4 (a) **RELIEF IN CIVIL ACTION.**—Section 1979 of the
5 Revised Statutes of the United States (42 U.S.C. 1983)
6 is amended—

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

8 and

9 (2) by adding at the end the following new sub-
10 section:

11 “(b) The party injured shall not be granted any relief
12 other than injunctive or declaratory relief in a proceeding
13 for redress under subsection (a) for an injury referred to
14 in this subsection. The injury referred to in this subsection
15 is a deprivation of the right to freedom of speech secured
16 by the Constitution, if the deprivation is under authority
17 of a statute, ordinance, regulation, custom, or usage that
18 prohibits or restricts picketing, protesting, or demonstra-
19 tion at or in proximity to a funeral or any other ceremony,
20 procession, or memorial service held in connection with the
21 burial or cremation of the dead.”.

22 (b) **ATTORNEY’S FEE.**—Section 722(b) of the Re-
23 vised Statutes of the United States (42 U.S.C. 1988(b))
24 is amended—

25 (1) by inserting an em dash after “except
26 that”;

1 (2) by designating the matter beginning with
2 “in any action brought against a judicial officer”
3 and all that follows as a new paragraph (1);

4 (3) in paragraph (1) (as designated by para-
5 graph (2) of this subsection), by striking the period
6 at the end and inserting “; and”; and

7 (4) by adding after such paragraph the fol-
8 lowing new paragraph:

9 “(2) an attorney’s fee shall not be awarded in
10 an action or proceeding to which section 1979(b) ap-
11 plies.”.

12 **SEC. 3. LIMITATIONS ON LIABILITY OF THE UNITED STATES**
13 **AND FEDERAL OFFICIALS TO FUNERAL**
14 **PROTESTORS.**

15 Notwithstanding any other provision of law, a court
16 shall not grant any relief other than injunctive or declara-
17 tory relief, and shall not award fees or expenses of attor-
18 neys to the prevailing party, on a claim that—

19 (1) is brought against the United States, a de-
20 partment or agency of the United States, or an offi-
21 cial of the United States acting in his or her official
22 capacity; and

23 (2) alleges an injury referred to in section
24 1979(b) of the Revised Statutes of the United States
25 (42 U.S.C. 1983(b)).

1 **SEC. 4. EFFECTIVE DATE.**

2 This Act and the amendments made by this Act shall
3 apply to any case that—

4 (1) is pending on the date of enactment of this
5 Act; or

6 (2) commences on or after the date of enact-
7 ment of this Act.

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