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108TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
108–693

PROVIDING FOR CONSIDERATION OF H.R. 2028, PLEDGE PROTECTION ACT OF 2004

SEPTEMBER 21, 2004.—Referred to the House Calendar and ordered to be printed

Mr. SESSIONS, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. 781]

The Committee on Rules, having had under consideration House Resolution 781, by a non-record vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2028, the Pledge Protection Act of 2004, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the committee amendment in the nature of a substitute.

The rule makes in order only those amendments printed in this report. The rule provides that the amendments printed in this report may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in this report.

Finally, the rule provides one motion to recommit with or without instructions.

SUMMARY OF AMENDMENTS MADE IN ORDER

(Summaries derived from information provided by the amendment sponsor.)

1. Sensenbrenner: Manager's Amendment. Clarifies that the local courts of the District of Columbia may consider cases relating to the Pledge of Allegiance. (10 minutes)

2. Watt: Preserves the authority of the United States Supreme Court to hear or decide any question pertaining to the interpretation of, or the validity under the Constitution of, the Pledge of Allegiance, as defined in section 4 of title 4, or its recitation. (20 minutes)

3. Jackson Lee: Provides for an exception to the bill's preclusion from federal courts of claims that involve allegations of coerced or mandatory recitation of the Pledge of Allegiance, including coercion in violation of the First Amendment. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SENSENBRENNER OF WISCONSIN, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 1632 of title 28, United States Code, as added by section 2(a) of the bill, insert the following after "or its recitation.": "The limitation in this section shall not apply to the Superior Court of the District of Columbia or the District of Columbia Court of Appeals.".

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WATT OF NORTH CAROLINA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

In section 1632 of title 28, United States Code, as added by section 2(a) of the bill, strike ", and the Supreme Court shall have no appellate jurisdiction,".

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON-LEE OF TEXAS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 1632 of title 28, United States Code, as added by section 2(a) of the bill, insert after "recitation" the following: ", except in a case in which the claim involved alleges coerced or mandatory recitation of the Pledge of Allegiance, including coercion in violation of the protection of the free exercise of religion, such as that held to be in violation of the First Amendment in West Virginia State Board of Education v. Barnett, 319 U.S. 624, 638 (1943) and Circle School v. Pappert (No. 03–3285; 3rd Circuit, August 19, 2004)".

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