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(Original Signature of Member)

114TH CONGRESS
2ND SESSION

H. R. _____

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

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

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”.

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

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

5 **“§ 1660. Stay of actions to resolve issues of State law**

6 “(a) STAY.—When a civil action before a United
7 States district court involves a challenge to an unsettled
8 and ambiguous question of State law on Federal constitu-
9 tional grounds, the district court—

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

12 “(A) resolution of the unsettled and am-
13 biguous question of State law could avoid the
14 need to reach the Federal constitutional issue
15 or materially change the nature of the Federal
16 constitutional issue; and

17 “(B) there are adequate means under
18 State law to resolve the unsettled question of
19 State law; and

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

22 “(b) DEFINITIONS.—In this section:

23 “(1) STATE.—The term ‘State’ means any of
24 the several States, the District of Columbia, or any
25 commonwealth, territory, or possession of the United
26 States.

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

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

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

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

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

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