

119TH CONGRESS
1ST SESSION

S. _____

To prohibit the application of Shari’a in the United States where such application would violate constitutional rights, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. TUBERVILLE introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To prohibit the application of Shari’a in the United States where such application would violate constitutional rights, 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 “No Shari’a Act”.

5 **SEC. 2. SENSE OF CONGRESS.**

6 It is the sense of Congress that—

7 (1) the Constitution of the United States is and
8 must remain the supreme law of the land, and no
9 foreign law or legal system may be permitted to un-
10 dermine it;

1 (2) attempts to apply foreign law, including re-
2 ligious or international codes, in United States
3 courts risk eroding constitutional protections, par-
4 ticularly in matters of family law, contract law, and
5 civil rights;

6 (3) safeguarding constitutional rights is espe-
7 cially urgent in cases involving women, children, and
8 vulnerable populations who may face coercion or un-
9 equal treatment under foreign legal systems;

10 (4) while individuals are free to practice their
11 religion and observe personal codes voluntarily,
12 United States courts must never enforce or give ef-
13 fect to laws that conflict with fundamental liberties
14 guaranteed by the Constitution of the United States;
15 and

16 (5) this Act is necessary to reaffirm and protect
17 the rights of all citizens by ensuring that only
18 United States laws govern United States courts.

19 **SEC. 3. FINDINGS AND PURPOSES.**

20 (a) FINDINGS.—Congress finds the following:

21 (1) The Supremacy Clause of the Constitution
22 of the United States requires State and Federal
23 courts to apply United States law above Shari’a or
24 any foreign law.

1 (2) In certain judicial and arbitration cases,
2 parties have sought to apply foreign law contrary to
3 United States constitutional guarantees.

4 (3) Clear and uniform rules are needed to pre-
5 vent erosion of constitutional protections in all juris-
6 dictions.

7 (b) PURPOSES.—The purposes of this Act are—

8 (1) to prohibit the enforcement of Shari’a or
9 any foreign law that infringes on constitutional
10 rights;

11 (2) to affirm that United States courts must
12 rely solely on Federal and State law; and

13 (3) provide certainty and clarity in the applica-
14 tion of constitutional protections nationwide.

15 **SEC. 4. DEFINITIONS.**

16 In this Act:

17 (1) COURT.—The term “court” means any Fed-
18 eral, State, or territorial court, including arbitration
19 tribunals when decisions are subject to judicial en-
20 forcement.

21 (2) FOREIGN LAW.—The term “foreign law”
22 means any law, legal code, or system derived from
23 a jurisdiction outside the United States or its terri-
24 tories, including religious law when invoked as a
25 substitute for State or Federal law.

1 (3) FUNDAMENTAL RIGHTS.—The term “funda-
2 mental rights” means rights guaranteed by the Con-
3 stitution of the United States and by State constitu-
4 tions, including due process, equal protection, free-
5 dom of religion, freedom of speech, and rights re-
6 lated to marriage, child custody, and property.

7 **SEC. 5. APPLICATION OF SHARI’A.**

8 (a) PROHIBITION.—No court shall enforce a judg-
9 ment, decree, or arbitration decision that relies, in whole
10 or in part, on Shari’a or any foreign law that violates the
11 constitutional rights of any party.

12 (b) CONTRACTS.—A contract provision choosing for-
13 eign law shall be valid unless enforcement would result in
14 a violation of constitutional rights.

15 (c) FAMILY LAW.—In matters involving marriage, di-
16 vorce, child custody, adoption, or inheritance, no court
17 shall apply or enforce foreign law if inconsistent with fun-
18 damental rights or public policy.

19 **SEC. 6. RULEMAKING.**

20 The Attorney General of the United States, in con-
21 sultation with the Administrative Office of the United
22 States Courts, shall issue regulations and provide judicial
23 education to ensure uniform application of this Act.

1 **SEC. 7. SEVERABILITY.**

2 If any provision of this Act is held invalid, the re-
3 mainder of the Act and its application shall not be af-
4 fected.

5 **SEC. 8. EFFECTIVE DATE.**

6 This Act shall take effect 180 days after enactment
7 of this Act.