

103^D CONGRESS
1ST SESSION

H. R. 1308

AN ACT

To protect the free exercise of religion.

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To protect the free exercise of religion.

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 “Religious Freedom
5 Restoration Act of 1993”.

6 **SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATION OF**
7 **PURPOSES.**

8 (a) FINDINGS.—The Congress finds—

1 (1) the framers of the American Constitution,
2 recognizing free exercise of religion as an
3 unalienable right, secured its protection in the First
4 Amendment to the Constitution;

5 (2) laws “neutral” toward religion may burden
6 religious exercise as surely as laws intended to
7 interfere with religious exercise;

8 (3) governments should not burden religious ex-
9 ercise without compelling justification;

10 (4) in *Employment Division of Oregon v. Smith*
11 the Supreme Court virtually eliminated the require-
12 ment that the government justify burdens on reli-
13 gious exercise imposed by laws neutral toward
14 religion; and

15 (5) the compelling interest test as set forth in
16 *Sherbert v. Verner* and *Wisconsin v. Yoder* is a
17 workable test for striking sensible balances between
18 religious liberty and competing governmental inter-
19 ests.

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

21 (1) to restore the compelling interest test as set
22 forth in Federal court cases before *Employment Di-*
23 *vision of Oregon v. Smith* and to guarantee its appli-
24 cation in all cases where free exercise of religion is
25 burdened; and

1 (2) to provide a claim or defense to persons
2 whose religious exercise is burdened by government.

3 **SEC. 3. FREE EXERCISE OF RELIGION PROTECTED.**

4 (a) IN GENERAL.—Government shall not burden a
5 person’s exercise of religion even if the burden results
6 from a rule of general applicability, except as provided in
7 subsection (b).

8 (b) EXCEPTION.—Government may burden a per-
9 son’s exercise of religion only if it demonstrates that appli-
10 cation of the burden to the person—

11 (1) furthers a compelling governmental interest;
12 and

13 (2) is the least restrictive means of furthering
14 that compelling governmental interest.

15 (c) JUDICIAL RELIEF.—A person whose religious ex-
16 ercise has been burdened in violation of this section may
17 assert that violation as a claim or defense in a judicial
18 proceeding and obtain appropriate relief against a govern-
19 ment. Standing to assert a claim or defense under this
20 section shall be governed by the general rules of standing
21 under article III of the Constitution.

22 **SEC. 4. ATTORNEYS FEES.**

23 (a) JUDICIAL PROCEEDINGS.—Section 722 of the Re-
24 vised Statutes of the United States (42 U.S.C. 1988) is
25 amended by inserting “the Religious Freedom Restoration

1 Act of 1993,” before “or title VI of the Civil Rights Act
2 of 1964”.

3 (b) ADMINISTRATIVE PROCEEDINGS.—Section
4 504(b)(1)(C) of title 5, United States Code, is amended—

5 (1) by striking “and” at the end of clause (ii);

6 (2) by striking the semicolon at the end of
7 clause (iii) and inserting “; and”; and

8 (3) by inserting “(iv) the Religious Freedom
9 Restoration Act of 1993” after clause (iii).

10 **SEC. 5. DEFINITIONS.**

11 As used in this Act—

12 (1) the term “government” includes a branch,
13 department, agency, instrumentality, and official (or
14 other person acting under color of law) of the
15 United States, a State, or a subdivision of a State;

16 (2) the term “State” includes the District of
17 Columbia, the Commonwealth of Puerto Rico, and
18 each territory and possession of the United States;

19 (3) the term “demonstrates” means meets the
20 burdens of going forward with the evidence and of
21 persuasion; and

22 (4) the term “exercise of religion” means exer-
23 cise of religion under the first article of amendment
24 to the Constitution of the United States.

1 **SEC. 6. APPLICABILITY.**

2 (a) IN GENERAL.—This Act applies to all Federal
3 and State law, and the implementation of that law,
4 whether statutory or otherwise, and whether adopted be-
5 fore or after the enactment of this Act.

6 (b) RULE OF CONSTRUCTION.—Federal statutory law
7 adopted after the date of the enactment of this Act is sub-
8 ject to this Act unless such law explicitly excludes such
9 application by reference to this Act.

10 (c) RELIGIOUS BELIEF UNAFFECTED.—Nothing in
11 this Act shall be construed to authorize any government
12 to burden any religious belief.

13 **SEC. 7. ESTABLISHMENT CLAUSE UNAFFECTED.**

14 (a) IN GENERAL.—Nothing in this Act shall be con-
15 strued to affect, interpret, or in any way address that por-
16 tion of the First Amendment prohibiting laws respecting
17 the establishment of religion. Granting government fund-
18 ing, benefits, or exemptions, to the extent permissible
19 under the Establishment Clause of the First Amendment,
20 shall not constitute a violation of this Act.

21 (b) DEFINITION.—As used in this section, the term
22 “granting government funding, benefits, or exemptions”

- 1 does not include a denial of government funding, benefits,
- 2 or exemptions.

Passed the House of Representatives May 11, 1993.

Attest:

Clerk.