

after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

□ 1815

The SPEAKER pro tempore (Mr. PEASE). Without objection, the concurrent resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, House Resolution 567 is laid on the table.

There was no objection.

#### SENSE OF HOUSE THAT PRESIDENT AND ADMINISTRATION FOCUS APPROPRIATE ATTENTION ON ISSUE OF NEIGHBORHOOD CRIME

Mr. SCARBOROUGH. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the resolution (H. Res. 561) expressing the sense of the House of Representatives that the President should focus appropriate attention on the issue of neighborhood crime prevention, community policing and reduction of school crime by delivering speeches, convening meetings, and directing his Administration to make reducing crime an important priority, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. STUPAK. Mr. Speaker, reserving the right to object, but I shall not object, as I have introduced this resolution to emphasize the importance of crime prevention at the local level and to recognize the efforts of National Night Out.

I am pleased to say that this bipartisan resolution has more than 75 cosponsors. I would like to specifically thank the chairman and ranking member of the Committee on the Judiciary and the chairman and ranking member of the Subcommittee on Crime for their help in bringing this bill to the floor, and the gentleman from Minnesota, Mr. RAMSTAD, the cochair of the Law Enforcement Caucus, who has worked tirelessly with me on these important law enforcement issues.

My resolution calls upon the President to focus on neighborhood crime prevention programs, community policing programs, and reducing school crime. It also highlights National Night Out, which is coming up on August 1, as a successful national program, which exemplifies the goals of crime reduction through neighborhood and community efforts.

National Night Out is a nationwide event which combines a nationally coordinated crime prevention campaign with local communities and law en-

forcement organizations to take a stand against crime.

This year's National Night Out is the 107th annual event in the campaign by the National Association of Town Watch to fight crime. National Night Out has grown year after year, and now includes citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations and local officials from 9,500 communities from all 50 states, the District of Columbia, U.S. territories, Canadian citizens and military bases worldwide.

In 1999, 32.5 million people participated in National Night Out. Those 32 million people joined together and sent a message, loud and clear, that they do not want crime in our neighborhoods and streets and that they want to keep working together until our communities are safe.

I firmly believe that a focus on neighborhood and community crime prevention is essential. It is for this reason that I have long supported the COPS Program in the Department of Justice, and I am a strong supporter of National Night Out.

As a former police officer who used to fight crime on the local and State level, I can tell you these programs work. Personal involvement in one's community, individual attention to our youth, taking responsibility for ourselves and others, these things make a difference.

Each of us will be returning next week to our districts for the August recess. I hope that each of us will take the opportunity to participate in National Night Out events in our communities, and show the strength of our national commitment to stop crime and keep our communities safe.

I also take this opportunity to urge President Clinton to continue to focus national attention on reducing crime and to continue his efforts to promote neighborhood crime prevention and community policing. It is true that crime has been going down under his watch, but we can and must do more.

National Night Out community events need not only happen once a year. I would like to see a time come when our communities get together with the same unity and spirit on these parades, youth events and cookouts, not because they are fighting crime, but because their communities are safe enough, close enough, and involved enough that their cooperation and unity is an everyday occurrence. That is the America of the past, and it can be the America of the future.

Mr. Speaker, I urge unanimous consent of this House resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 561

Whereas neighborhood crime is of continuing concern to the American people;

Whereas the fight against neighborhood crime requires people to work together in cooperation with law enforcement officials;

Whereas neighborhood crime watch organizations are effective at promoting awareness about, and the participation of volunteers in, crime prevention activities at the local level;

Whereas neighborhood crime watch groups can contribute to the Nation's war on drugs by helping to prevent their communities from becoming markets for drug dealers;

Whereas crime and violence in schools is of continuing concern to the American people due to the recent high-profile incidents that have resulted in fatalities at several schools across the United States;

Whereas community-based programs involving law enforcement, school administrators, teachers, parents, and local communities work effectively to reduce school violence and crime;

Whereas citizens across America will soon take part in a "National Night Out", a unique crime prevention event which will demonstrate the importance and effectiveness of community participation in crime prevention efforts by having people spend the period from 7 to 10 o'clock P.M. on August 1, 2000, with their neighbors in front of their homes with their lights on; and

Whereas schools that turn their lights on from 7 to 10 o'clock P.M. on August 1, 2000, would send a positive message to the participants of "National Night Out" and would show their commitment to reduce crime and violence in schools: Now, therefore, be it

*Resolved*, That it is the sense of the House of Representatives that the President should focus appropriate attention on the issue of neighborhood crime prevention, community policing, and reduction of school crime by delivering speeches, convening meetings, and directing his Administration to make reducing crime an important priority.

The SPEAKER pro tempore. Without objection, the resolution was agreed to.

There was no objection.

A motion to reconsider was laid on the table.

#### RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2869) to protect religious liberty, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. NADLER. Mr. Speaker, reserving the right to object, and I will not object; but I ask the gentleman from Florida (Mr. CANADY) to explain the bill.

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Florida.

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman from New York for yielding.

The Religious Land Use and Institutionalized Persons Act is a bill designed to protect the free exercise of religion from unnecessary governmental interference. The legislation

uses the recognized constitutional authority of the Congress to protect one of the most fundamental aspects of religious freedom, the right to gather and worship, and to protect the religious exercise of a class of people particularly vulnerable to government regulation, and that is institutionalized persons.

While this bill does not fill the gap in the legal protections available to people of faith in every circumstance, it will provide critical protection in two important areas where the right to religious exercise is frequently infringed.

I want to express my gratitude, especially to Senator HATCH and Senator KENNEDY for their great effort over the last months in bringing this bill forward to passage today in the United States Senate. Without their efforts, obviously, we would have been unsuccessful in our ongoing efforts to protect religious liberty in America.

This does not solve all of the problems that we had attempted to solve with the legislation that the House previously passed, but this is a very important step forward in the protection of religious liberty for all Americans.

I must also express my deep gratitude to the gentleman from New York (Mr. NADLER) for his cooperation and work on this piece of legislation. Without his effort we would not have been able to succeed in bringing this forward. I also wish to thank the gentleman from Texas (Mr. EDWARDS) for his outstanding work on this important legislation.

Finally, I would like to thank a member of the staff of the Subcommittee on the Constitution, Cathy Cleaver, for her long hours of hard work on this legislation.

I would urge that the House proceed to passage of this bill.

Mr. NADLER. Mr. Speaker, further reserving the right to object, I am very glad to join my good friend from Florida in urging support for this bill.

This is the third in a series of bills we have considered on the floor in the last 7 years to deal with some Supreme Court decisions from the early nineties. It is extremely important for the preservation of some of the free exercise protections of the Constitution, for the free exercise of religion. It is different, more narrow, than the Religious Liberty Protection Act we considered on the floor last year.

That bill, as you may recall, had some people concerned with some civil rights implications. Those concerns have been allayed. They are not present in this bill. The Leadership Conference on Civil Rights and the American Civil Liberties Union, both of which had concerns about last year's bill, both support this bill. Every religious group that I am aware of supports this bill. I am aware of no opposition from any religious or civil rights or civil liberties group, and I am very glad to participate finally in passing this bill and sending it on to the President.

I want to join the gentleman from Florida (Mr. CANADY) in thanking Senators KENNEDY and HATCH for their work. I want to thank the gentleman from Florida (Mr. CANADY) for his valuable work and leadership in bringing this bill to the floor. I want to thank the staff of the Committee on the Judiciary. I want to thank the gentleman from Texas, (Mr. EDWARDS), who joins me as the lead Democratic sponsor of the bill and has been a staunch supporter of religious liberty.

I particularly want to thank a member of the committee staff on the minority side, David Lachmann, who worked on this issue when he was on my staff, when he was on Congressman Solarz' staff before I was here, and since he has been on the committee staff, and without whose efforts we probably would not be here today.

So I am very glad this is here today. I am glad one of the last things we do before our recess is to reaffirm the commitment of the Congress to religious liberty and send this on to the President. Again, I thank the gentleman.

Mr. Speaker, I certainly am very happy to withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2869

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Religious Land Use and Institutionalized Persons Act of 2000".

#### SEC. 2. PROTECTION OF LAND USE AS RELIGIOUS EXERCISE.

##### (a) SUBSTANTIAL BURDENS.—

(1) GENERAL RULE.—No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution—

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

(2) SCOPE OF APPLICATION.—This subsection applies in any case in which—

(A) the substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability;

(B) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, even if the burden results from a rule of general applicability; or

(C) the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.

##### (b) DISCRIMINATION AND EXCLUSION.—

(1) EQUAL TERMS.—No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

(2) NONDISCRIMINATION.—No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.

(3) EXCLUSIONS AND LIMITS.—No government shall impose or implement a land use regulation that—

(A) totally excludes religious assemblies from a jurisdiction; or

(B) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

#### SEC. 3. PROTECTION OF RELIGIOUS EXERCISE OF INSTITUTIONALIZED PERSONS.

(a) GENERAL RULE.—No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in section 2 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997), even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person—

(1) is in furtherance of a compelling governmental interest; and

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

(b) SCOPE OF APPLICATION.—This section applies in any case in which—

(1) the substantial burden is imposed in a program or activity that receives Federal financial assistance; or

(2) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes.

#### SEC. 4. JUDICIAL RELIEF.

(a) CAUSE OF ACTION.—A person may assert a violation of this Act as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

(b) BURDEN OF PERSUASION.—If a plaintiff produces prima facie evidence to support a claim alleging a violation of the Free Exercise Clause or a violation of section 2, the government shall bear the burden of persuasion on any element of the claim, except that the plaintiff shall bear the burden of persuasion on whether the law (including a regulation) or government practice that is challenged by the claim substantially burdens the plaintiff's exercise of religion.

(c) FULL FAITH AND CREDIT.—Adjudication of a claim of a violation of section 2 in a non-Federal forum shall not be entitled to full faith and credit in a Federal court unless the claimant had a full and fair adjudication of that claim in the non-Federal forum.

(d) ATTORNEYS' FEES.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended—

(1) by inserting "the Religious Land Use and Institutionalized Persons Act of 2000," after "Religious Freedom Restoration Act of 1993,"; and

(2) by striking the comma that follows a comma.

(e) PRISONERS.—Nothing in this Act shall be construed to amend or repeal the Prison Litigation Reform Act of 1995 (including provisions of law amended by that Act).

(f) AUTHORITY OF UNITED STATES TO ENFORCE THIS ACT.—The United States may bring an action for injunctive or declaratory relief to enforce compliance with this Act.

Nothing in this subsection shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General, the United States, or any agency, officer, or employee of the United States, acting under any law other than this subsection, to institute or intervene in any proceeding.

(g) **LIMITATION.**—If the only jurisdictional basis for applying a provision of this Act is a claim that a substantial burden by a government on religious exercise affects, or that removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, the provision shall not apply if the government demonstrates that all substantial burdens on, or the removal of all substantial burdens from, similar religious exercise throughout the Nation would not lead in the aggregate to a substantial effect on commerce with foreign nations, among the several States, or with Indian tribes.

#### SEC. 5. RULES OF CONSTRUCTION.

(a) **RELIGIOUS BELIEF UNAFFECTED.**—Nothing in this Act shall be construed to authorize any government to burden any religious belief.

(b) **RELIGIOUS EXERCISE NOT REGULATED.**—Nothing in this Act shall create any basis for restricting or burdening religious exercise or for claims against a religious organization including any religiously affiliated school or university, not acting under color of law.

(c) **CLAIMS TO FUNDING UNAFFECTED.**—Nothing in this Act shall create or preclude a right of any religious organization to receive funding or other assistance from a government, or of any person to receive government funding for a religious activity, but this Act may require a government to incur expenses in its own operations to avoid imposing a substantial burden on religious exercise.

(d) **OTHER AUTHORITY TO IMPOSE CONDITIONS ON FUNDING UNAFFECTED.**—Nothing in this Act shall—

(1) authorize a government to regulate or affect, directly or indirectly, the activities or policies of a person other than a government as a condition of receiving funding or other assistance; or

(2) restrict any authority that may exist under other law to so regulate or affect, except as provided in this Act.

(e) **GOVERNMENTAL DISCRETION IN ALLEVIATING BURDENS ON RELIGIOUS EXERCISE.**—A government may avoid the preemptive force of any provision of this Act by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions from the policy or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.

(f) **EFFECT ON OTHER LAW.**—With respect to a claim brought under this Act, proof that a substantial burden on a person's religious exercise affects, or removal of that burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, shall not establish any inference or presumption that Congress intends that any religious exercise is, or is not, subject to any law other than this Act.

(g) **BROAD CONSTRUCTION.**—This Act shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this Act and the Constitution.

(h) **NO PREEMPTION OR REPEAL.**—Nothing in this Act shall be construed to preempt State law, or repeal Federal law, that is equally as protective of religious exercise as, or more protective of religious exercise than, this Act.

(i) **SEVERABILITY.**—If any provision of this Act or of an amendment made by this Act, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provision to any other person or circumstance shall not be affected.

#### SEC. 6. ESTABLISHMENT CLAUSE UNAFFECTED.

Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the first amendment to the Constitution prohibiting laws respecting an establishment of religion (referred to in this section as the "Establishment Clause"). Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this Act. In this section, the term "granting", used with respect to government funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.

#### SEC. 7. AMENDMENTS TO RELIGIOUS FREEDOM RESTORATION ACT.

(a) **DEFINITIONS.**—Section 5 of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-2) is amended—

(1) in paragraph (1), by striking "a State, or a subdivision of a State" and inserting "or of a covered entity";

(2) in paragraph (2), by striking "term" and all that follows through "includes" and inserting "term 'covered entity' means"; and

(3) in paragraph (4), by striking all after "means" and inserting "religious exercise, as defined in section 8 of the Religious Land Use and Institutionalized Persons Act of 2000."

(b) **CONFORMING AMENDMENT.**—Section 6(a) of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-3(a)) is amended by striking "and State".

#### SEC. 8. DEFINITIONS.

In this Act:

(1) **CLAIMANT.**—The term "claimant" means a person raising a claim or defense under this Act.

(2) **DEMONSTRATES.**—The term "demonstrates" means meets the burdens of going forward with the evidence and of persuasion.

(3) **FREE EXERCISE CLAUSE.**—The term "Free Exercise Clause" means that portion of the first amendment to the Constitution that proscribes laws prohibiting the free exercise of religion.

(4) **GOVERNMENT.**—The term "government"—

(A) means—

(i) a State, county, municipality, or other governmental entity created under the authority of a State;

(ii) any branch, department, agency, instrumentality, or official of an entity listed in clause (i); and

(iii) any other person acting under color of State law; and

(B) for the purposes of sections 4(b) and 5, includes the United States, a branch, department, agency, instrumentality, or official of the United States, and any other person acting under color of Federal law.

(5) **LAND USE REGULATION.**—The term "land use regulation" means a zoning or landmarking law, or the application of such a law, that limits or restricts a claimant's use or development of land (including a structure affixed to land), if the claimant has an ownership, leasehold, easement, servitude, or other property interest in the regulated land or a contract or option to acquire such an interest.

(6) **PROGRAM OR ACTIVITY.**—The term "program or activity" means all of the operations of any entity as described in paragraph (1) or (2) of section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a).

(7) **RELIGIOUS EXERCISE.**—

(A) **IN GENERAL.**—The term "religious exercise" includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief.

(B) **RULE.**—The use, building, or conversion of real property for the purpose of religious exercise shall be considered to be religious exercise of the person or entity that uses or intends to use the property for that purpose.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### TEXAS NATIONAL FORESTS IMPROVEMENT ACT OF 1999

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the bill (H.R. 4285) to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4285

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Texas National Forests Improvement Act of 1999".

#### SEC. 2. CONVEYANCE OF ADMINISTRATIVE SITES, TEXAS NATIONAL FOREST SYSTEM LANDS.

(a) **AUTHORITY TO SELL OR EXCHANGE.**—The Secretary of Agriculture may convey, by sale or exchange, under such terms and conditions as the Secretary may prescribe, any and all right, title, and interest of the United States in and to the following parcels of National Forest System land (including improvements thereon) located in the State of Texas:

(1) Davy Crockett National Forest, Trinity Ranger Quarters #066310 (Tract K-2D), located at State Highway 94, Groveton, Texas, consisting of approximately 3.0 acres, as depicted on the map entitled "Trinity Ranger Quarters, Tract K-2D", dated September 1, 1999.

(2) Davy Crockett National Forest quarters #066380 (Tract K-604), located at 514 Devine Street, Groveton, Texas, consisting of approximately 0.5 acre, as depicted on the map entitled "Davy Crockett National Forest Quarters, Tract K-604", dated September 1, 1999.

(3) Sabine National Forest quarters #055250 (Tract S-1391), located at 706 Cartwright Drive, San Augustine, Texas, consisting of approximately 0.5 acre, as depicted on the map entitled "Sabine National Forest Quarters, Tract S-1391", dated September 1, 1999.

(4) Sabine National Forest quarters #055400 (Tract S-1389), located at 507 Planter Drive, San Augustine, Texas, consisting of approximately 1.5 acres, as depicted on the map entitled "Sabine National Forest Quarters, Tract S-1389", dated September 1, 1999.

(5) Sabine National Forest quarters #077070 (Tract S-1388), located at State Highway 87,