

101ST CONGRESS
2D SESSION

H. R. 5377

To protect the free exercise of religion.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 1990

Mr. SOLARZ (for himself, Mr. HENRY, Mr. EDWARDS of California, Mr. SENSENBRENNER, Mr. ACKERMAN, Mr. AU COIN, Mr. BERMAN, Mr. CARDIN, Mrs. COLLINS, Mr. DANNEMEYER, Mr. DEFazio, Mr. DURBIN, Mr. EVANS, Mr. FAUNTROY, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. FRANK, Mr. GINGRICH, Mr. GRADISON, Mr. HUGHES, Mr. LEHMAN of Florida, Mrs. LOWEY of New York, Mr. MARTINEZ, Mr. McMILLEN of Maryland, Mr. MINETA, Mr. MOODY, Mr. OWENS of New York, Ms. PELOSI, Mr. SCHEUER, Mr. SMITH of Texas, Mr. TOWNS, Mr. TRAFICANT, Mr. UDALL, Mr. WOLPE, and Mr. YATES) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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 1990".

1 **SEC. 2. THE FREE EXERCISE OF RELIGION PROTECTED.**

2 (a) **IN GENERAL.**—Except as provided in subsection (b),
3 a governmental authority may not restrict any person’s free
4 exercise of religion.

5 (b) **LAWS OF GENERAL APPLICABILITY.**—A govern-
6 mental authority may restrict any person’s free exercise of
7 religion only if—

8 (1) the restriction—

9 (A) is in the form of a rule of general appli-
10 cability; and

11 (B) does not intentionally discriminate
12 against religion, or among religions; and

13 (2) the governmental authority demonstrates that
14 application of the restriction to the person—

15 (A) is essential to further a compelling gov-
16 ernmental interest; and

17 (B) is the least restrictive means of further-
18 ing that compelling governmental interest.

19 (c) **CIVIL ACTION.**—A party aggrieved by a violation of
20 this section may obtain appropriate relief (including relief
21 against a governmental authority) in a civil action.

22 **SEC. 3. 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 1990,” before “or title VI of the Civil Rights Act of
2 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 clause
7 (iii) and inserting “; and”; and

8 (3) by inserting “(iv) the Religious Freedom Res-
9 toration Act of 1990” after clause (iii).

10 **SEC. 4. DEFINITIONS.**

11 As used in this Act—

12 (1) the term “governmental authority” means any
13 authority of the Federal Government or of the govern-
14 ment of the State, and includes political subdivisions,
15 agencies, and municipalities of a State;

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

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

22 (4) the term “person” includes both natural per-
23 sons and religious organizations, associations, or corpo-
24 rations.

1 **SEC. 5. RULE OF CONSTRUCTION.**

2 (a) **IN GENERAL.**—This Act applies—

3 (1) to every Federal or State law, regulation, ad-
4 ministrative order, decision, practice, or other action
5 previously enacted, adopted, or implemented; and

6 (2) to every State law, regulation, administrative
7 order, decision, practice, or other action subsequently
8 enacted, adopted, or implemented.

9 (b) **FUTURE FEDERAL LEGISLATION.**—Unless such
10 law by specific reference to this Act states an intention to
11 exclude such coverage, in whole or in part, Federal statutes
12 enacted subsequent to enactment of this Act shall be subject
13 to its provisions.

14 (c) **FEDERAL ADMINISTRATIVE PROCEEDINGS.**—This
15 Act applies to every Federal regulation, administrative order,
16 decision, practice, or other action subsequently adopted or
17 implemented, unless adopted in compliance with a statute, or
18 a part of a statute excluding coverage under subsection (b).

19 **SEC. 6. ESTABLISHMENT CLAUSE UNAFFECTED.**

20 Nothing in this Act limits or creates rights under that
21 portion of the first article of amendment to the Constitution
22 that prohibits laws respecting an establishment of religion.

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