

President and Mrs. Clinton. Several Democrat Members of this body and the other body campaigned for the mayor, and we were visited by the Secretary of the Interior, the Secretary of Transportation and the Secretary of Housing and Urban Development within the last 2 weeks twice.

So, Mr. Speaker, I say all of them, "Thank you. Rudy might not have been able to do it without you."

□ 1300

NEW JERSEY ELECTS A NEW GOVERNOR

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute.)

Mr. TORRICELLI. Mr. Speaker, this morning the people of New Jersey awoke to a new Governor and the promise of a new administration. To Christie Whitman, the Governor-elect of New Jersey, let me say that we all wish her well. She carries with her and her new administration our greatest hopes for our State and our people.

Analysts will differ on what has produced her surprising victory. It is ultimately a debate that only she can answer. My own hopes would be that she would assure us that her administration and her victory in this election do not mean that our strong effort to control firearms and prevent crime will be lessened or that our commitment for cleaner air and water will be lessened or that our greatest assurance that every child will get equal access to a quality education might now end.

Mr. Speaker, with this administration, with this conclusion by Christie Whitman herself, indeed the State will get the new beginning that it deserves, with full credit to the Florio administration that began these efforts and now for the Whitman administration that can continue them.

LESSONS TO BE LEARNED FROM TUESDAY'S ELECTION

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, we had three major elections yesterday, in New York, New Jersey, and Virginia. There were three Republican victories and three Democrat defeats. Just as in Canada, there are some very big lessons. I think there are five lessons from yesterday to be learned.

First, voters are opposed to raising taxes; second, voters are very skeptical of big government and do not think it works; third, voters want efforts to create jobs and create economic growth; fourth, the voters are very concerned about crime and are tired of being frightened and want decisive action to lock up criminals and to take steps necessary to end violent crime; and, fifth, campaigning against NAFTA does not work. The leading Democrat

campaigning against NAFTA was Governor Florio. It did not help him. He was defeated because NAFTA creates jobs and the voters want jobs to be created.

INVESTIGATION OF RON BROWN STALLED, ADMINISTRATION URGED TO STEP UP EFFORTS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the White House, the Commerce Department, and the Justice Department are stone-walling the Congress of the United States. We have written to the three Departments I just mentioned, including the President, several times asking for information about Ron Brown's activities, telephone logs, travel documents, and so forth, because he is accused of taking \$700,000 as a downpayment from the Vietnamese Government to try to normalize relations with that country even though we have not had a full accounting of 2,200 POW-MIA's.

The White House had not responded, Justice has not responded, and Commerce has not responded, and yet the cloud continues to hang over this administration.

If Ron Brown has done nothing wrong, then why not give us that information? It is extremely important that we clarify these issues and get this cleaned up as quickly as possible because it stinks to high heaven. If he is innocent, give us the information and let us prove it. If he is not innocent, get him out of that Department. He should not be the head of any agency of this Government if he took money from the Vietnamese Government while we have those POW-MIA's unaccounted for.

RELIGIOUS FREEDOM RESTORATION ACT OF 1993

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1308) to protect the free exercise of religion, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Religious Freedom Restoration Act of 1993".

SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—The Congress finds that—
 (1) the framers of the Constitution, recognizing free exercise of religion as an unalienable right, secured its protection in the First Amendment to the Constitution;
 (2) laws "neutral" toward religion may burden religious exercise as surely as laws intended to interfere with religious exercise;

(3) governments should not substantially burden religious exercise without compelling justification;

(4) in *Employment Division v. Smith*, 494 U.S. 872 (1990) the Supreme Court virtually eliminated the requirement that the government justify burdens on religious exercise imposed by laws neutral toward religion; and

(5) the compelling interest test as set forth in prior Federal court rulings is a workable test for striking sensible balances between religious liberty and competing prior governmental interests.

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

(1) to restore the compelling interest test as set forth in *Sherbert v. Verner*, 374 U.S. 398 (1963) and *Wisconsin v. Yoder*, 406 U.S. 205 (1972) and to guarantee its application in all cases where free exercise of religion is substantially burdened; and

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

SEC. 3. FREE EXERCISE OF RELIGION PROTECTED.

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

(b) EXCEPTION.—Government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person—

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

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

(c) JUDICIAL RELIEF.—A person whose religious exercise has been burdened in violation of this section may assert that violation 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.

SEC. 4. ATTORNEYS FEES.

(a) JUDICIAL PROCEEDINGS.—Section 722 of the Revised Statutes (42 U.S.C. 1988) is amended by inserting "the Religious Freedom Restoration Act of 1993," before "or title VI of the Civil Rights Act of 1964".

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

(1) by striking "and" at the end of clause (ii);

(2) by striking the semicolon at the end of clause (iii) and inserting ", and"; and

(3) by inserting "(iv) the Religious Freedom Restoration Act of 1993;" after clause (iii).

SEC. 5. DEFINITIONS.

As used in this Act—

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

(2) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and each territory and possession of the United States;

(3) the term "demonstrates" means meets the burdens of going forward with the evidence and of persuasion; and

(4) the term "exercise of religion" means the exercise of religion under the First Amendment to the Constitution.

SEC. 6. APPLICABILITY.

(a) IN GENERAL.—This Act applies to all Federal and State law, and the implementation of that law, whether statutory or otherwise, and whether adopted before or after the enactment of this Act.

(b) **RULE OF CONSTRUCTION.**—Federal statutory law adopted after the date of the enactment of this Act is subject to this Act unless such law explicitly excludes such application by reference to this Act.

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

SEC. 7. ESTABLISHMENT CLAUSE UNAFFECTED.

Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the First Amendment prohibiting laws respecting the 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. As used 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.

Mr. BROOKS (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Texas?

There was no objection.

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

Mr. HYDE. Mr. Speaker, reserving the right to object, I yield to the distinguished chairman of the Committee on the Judiciary to explain to the House the purpose of this request.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the chairman of the committee.

Mr. BROOKS. Mr. Speaker, this legislation, which passed the House under suspension of the rules on May 11, 1993, restores the standard for addressing claims under the free exercise clause of the first amendment as it was prior to its evisceration by the Supreme Court 3 years ago in the Smith case. Under longstanding constitutional principles, the governmental burden of the free exercise of religion was subject to the strictest test of constitutional scrutiny. This legislation reinstates the strict scrutiny test in place prior to Smith as a statutory requirement.

The Senate passed the legislation on October 27, with an amendment clarifying that a plaintiff asserting a free exercise claim must demonstrate that it imposes a substantial burden on his religious practice. This amendment is consistent with the intent of the bill, and prior caselaw, which does not protect persons against State actions which have only an incidental burden on their religious exercise.

I urge the Members to accept the Senate amendment to the House bill and restore one of the most fundamental freedoms enshrined in our Constitution—the right to practice one's faith without undue interference at the hands of the Government.

Mr. HYDE. Mr. Speaker, continuing to reserve my right to object, I do want to say that I am, of course, delighted

to see any attention at all paid to that portion of the First Amendment dealing with the free exercise of religion—which has been honored more in its neglect than in its observation.

With respect to the legislation before us, the other body has amended the House-passed bill to add the word "substantially" at several points.

The key provision now reads "Government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person (1) furthers a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest."

I fear that the Senate amendment, while it has its uses, does add a tone of indefiniteness to the types of burdens that qualify for restriction under this new statute. I hope the additions do not render this legislation so vague as to raise first amendment considerations.

With respect to the concerns raised by prison administrators and other State correctional officers, I wish to emphasize, once again, that their unique problems in the operation of prison facilities—in maintaining security, discipline, and order—should qualify as a compelling interest under the statutory standard.

I also think it should be made clear that if the Government burdens religious activities in a way that is not substantial, a claim may still be made under the constitutional standard as set forth in Oregon versus Smith.

Mr. Speaker, this is a significant piece of legislation. It is the result of bruising hours of debate between many people of good will. I want to congratulate everyone who worked to gain its passage, the chairman of the committee, the gentleman from Texas [Mr. BROOKS], the gentleman from New York [Mr. SCHUMER], and the gentleman from California [Mr. EDWARDS], and I hope it meets the expectations of those concerned about the free exercise of religion.

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from New York.

□ 1310

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for yielding to me.

I just wanted to thank the chairman of our committee, the ranking member, the gentleman from Illinois (Mr. HYDE), my lead cosponsor on this bill, the gentleman from California [Mr. COX], for their work. This was truly a bipartisan effort, and the delicate balance between the Government's interest and the freedom of religion, I think, will be restored once this bill is signed.

I would agree with both the chairman and the gentleman from Illinois that even if the prison situation, which caused some problems in the other body, once again, if the State proves a compelling interest, then it will pre-

vail. That is how it always had been, until the Smith case. It will continue to be.

This is a good moment for those of us who believe in the flower of religious freedom that so adorns America, because it is so important for us to allow that freedom to flourish and not to come down on it unless we really have to.

This bill does that. I thank everybody who worked so hard on it.

Mr. HYDE. Mr. Speaker, further reserving the right to object, I might say to the two distinguished gentleman, it would not be malapropos to also thank Mr. Stephen Solarz, who originally plowed this ground. I think he deserves some credit.

Mr. SCHUMER. Mr. Speaker, if the gentleman will continue to yield, it is not malapropos. It is perfectly fitting and appropriate. Congressman Solarz originally drafted this bill and worked on it long and hard. He deserves a heck of a lot of credit. He should be very happy with what we have done here today.

Mr. EDWARDS of California. Mr. Speaker, today, we have taken another step to ensure that the promise of the first amendment and the protections afforded by the Constitution are available to all religious believers. By passing the Religious Freedom Restoration Act of 1993, we send a clear message to all governmental entities and individuals. The message is that the free exercise of religion is a necessity, not a luxury, and will be defended by the Congress.

I want to express my thanks to Congressman SCHUMER and Congressman COX, as well as the hundreds of members of the Coalition for the Free Exercise of Religion. In particular, I want to thank Rev. Oliver Thomas, J. Brent Walker, Robert Peck, Rabbi David Saperstein, Forest Montgomery, Leslie Harris, Jim Halpert, Steven McFarland, Richard Foltin, and Judy Golub.

Mr. HOYER. Mr. Speaker, I rise in strong support of the Religious Freedom Restoration Act of 1993. I commend Chairman BROOKS, the gentleman from Texas, and the gentleman from California, Chairman EDWARDS, for their sincere efforts in restoring a right which is so sacred to the American people. Former Congressman Stephen Solarz, who championed this bill in the last Congress, is to be commended and congratulated for his diligence and commitment.

Mr. Speaker, the people look to the first amendment as a guarantee that they will be able to practice their religion freely without any type of government intervention. Unless the government can show a compelling interest to interfere, the government should adhere to a hands-off approach to the religious practices of the citizenry.

Mr. Speaker, today we have the ability to assure the American people that they can once again practice their religion freely, absent a compelling State interest. It is quite evident the Framers of the Constitution realized the importance of religious freedom. This is evidenced by its place in the Bill of Rights as the first amendment. We must heed the knowledge and wisdom of the Founding Fathers and ensure that their progeny continue to possess a right so precious.

Today, Mr. Speaker, we can undo the harm of the Supreme Court decision in Smith and passing this legislation is the required means.

Our decision today can remedy a decision which posed great risk to the religious rights of all Americans. Religious freedom will again be a fundamental constitutional right.

Mr. Speaker, I commend the religious groups who coalesced and set aside religious differences and political agendas so that all Americans regardless of their religion are able to enjoy religious liberty and freedom.

Mr. Speaker, I also commend the efforts of those who fought hard to safeguard a right which is so sacred and fundamental.

I urge all of my colleagues to support this legislation.

Mr. HYDE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the original request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members shall have 5 legislative days in which to revise and extend their remarks on H.R. 1308, the legislation just under consideration.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business today, following the vote on House Resolution 2684.

GRANTS TO INCREASE POLICE PRESENCE AND EXPAND COOPERATION BETWEEN POLICE AND COMMUNITIES

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety, as amended.

The Clerk read as follows:

H.R. 3355

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

SECTION 1. COMMUNITY POLICING; "COPS ON THE BEAT".

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by—

- (1) redesignating part Q as part R;
- (2) redesignating section 1701 as section 1801; and
- (3) inserting after part P the following new part:

"PART Q—PUBLIC SAFETY AND COMMUNITY POLICING; 'COPS ON THE BEAT'"

"SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND COMMUNITY POLICING GRANTS.

"(a) GRANT AUTHORIZATION.—The Attorney General is authorized to make grants to States and units of local government, and to other public and private entities, to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

"(b) REHIRING AND HIRING GRANT PROJECTS.—Grants made under the authority of subsection (a) of this section may be used for programs, projects, and other activities to—

"(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing; and

"(2) hire and train new, additional career law enforcement officers (including cadets and trainees) for deployment in community-oriented policing across the Nation.

"(c) ADDITIONAL GRANT PROJECTS.—Grants made under the authority of subsection (a) of this section also may include programs, projects, and other activities to—

"(1) increase the number of law enforcement officers involved in activities that are focused on interaction with members of the community on proactive crime control and prevention by redeploying officers to such activities;

"(2) provide specialized training to law enforcement officers to enhance their conflict resolution, mediation, problem solving, service, and other skills needed to work in partnership with members of the community;

"(3) increase police participation in multidisciplinary early intervention teams;

"(4) develop new technologies to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime;

"(5) develop and implement innovative programs to permit members of the community to assist State and local law enforcement agencies in the prevention of crime in the community;

"(6) establish innovative programs to reduce, and keep to a minimum, the amount of time that law enforcement officers must be away from the community while awaiting court appearances;

"(7) establish and implement innovative programs to increase and enhance proactive crime control and prevention programs involving law enforcement officers and young persons in the community;

"(8) develop and establish new administrative and managerial systems to facilitate the adoption of community-oriented policing as an organization-wide philosophy; and

"(9) establish, implement, and coordinate crime prevention and control programs (involving law enforcement officers working with community members) with other existing Federal programs that serve the community and community members to better address the comprehensive needs of such community and its members.

"(d) PREFERENTIAL CONSIDERATION OF APPLICATIONS FOR CERTAIN GRANTS.—In award-

ing grants under this part, the Attorney General may give preferential consideration to grants for hiring and rehiring additional career law enforcement officers that involve a non-Federal contribution exceeding the 25 percent minimum under subsection (h) of this section.

"(e) TECHNICAL ASSISTANCE.—(1) The Attorney General may provide technical assistance to States and units of local government, and to other public and private entities, in furtherance of the purposes of this part.

"(2) The technical assistance provided by the Attorney General may include the development of a flexible model that will define for States and units of local government, and other public and private entities, definitions and strategies associated with community or problem-oriented policing and methodologies for its implementation.

"(3) The technical assistance provided by the Attorney General may include the establishment and operation of training centers or facilities, either directly or by contracting or cooperative arrangements. The functions of the centers or facilities established under this paragraph may include instruction and seminars for police executives, managers, trainers, and supervisors concerning community or problem-oriented policing and improvements in police-community interaction and cooperation that further the purposes of this part.

"(f) UTILIZATION OF DEPARTMENT OF JUSTICE OFFICES AND SERVICES.—The Attorney General may utilize any office or service of the Department of Justice in carrying out this part.

"(g) MINIMUM AMOUNT.—Each qualifying State, together with grantees within the State, shall receive in each fiscal year pursuant to subsection (a) of this not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to such subsection. As used in this subsection, 'qualifying State' means any State which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in this part.

"(h) MATCHING FUNDS.—The portion of the costs of a program, project, or activity provided by a grant under subsection (a) of this section may not exceed 75 percent, unless the Attorney General waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. In relation to a grant for a period exceeding one year for hiring or re-hiring career law enforcement officers, the Federal share shall decrease from year to year, looking towards the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support, as provided in an approved plan pursuant to section 1702(c)(8) of this part.

"(i) ALLOCATION OF FUNDS.—The funds available under this part shall be allocated as provided in section 1001(a)(11)(B) of this title.

"(j) TERMINATION OF GRANTS FOR HIRING OFFICERS.—The authority under subsection (a) of this section to make grants for the hiring and rehiring of additional career law enforcement officers shall lapse at the conclusion of six years from the date of enactment of this part. Prior to the expiration of this grant authority, the Attorney General shall submit a report to Congress concerning the experience with and effects of such grants. The report may include any recommendations the Attorney General may have for amendments to this part and related provisions of law in light of the termination of the authority to make grants for the hiring