

Bill Summary & Status
105th Congress (1997 - 1998)
S.2148
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S.2148

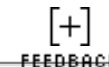
Title: Religious Liberty Protection Act of 1998

Sponsor: [Sen Hatch, Orrin G.](#) [UT] (introduced 6/9/1998) [Cosponsors](#) (6)

Related Bills: [H.R.4019](#)

Latest Major Action: 6/23/1998 Senate committee/subcommittee actions. Status: Committee on the Judiciary. Hearings held. Hearings printed: S.Hrg. 105-997.

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SUMMARY AS OF:

6/9/1998--Introduced.

Religious Liberty Protection Act of 1998 - Prohibits a State (or any person acting under color of State law) from placing a substantial burden upon a person's religious exercise: (1) in a State-operated program or activity that receives Federal financial assistance; or (2) in or affecting international or interstate commerce.

Declares that a State (or any person acting under color of State law) may substantially burden a person's religious exercise if such burden is: (1) in furtherance of a compelling governmental interest; and (2) the least restrictive means of furthering that compelling governmental interest.

Declares that nothing in this Act shall be construed to authorize the United States to deny or withhold Federal financial assistance as a remedy for a violation of this Act.

(Sec. 3) Places upon a State the burden of persuasion on all issues relating to an alleged violation supported by prima facie evidence of the Free Exercise Clause.

Prohibits a State from imposing a land use regulation that: (1) substantially burdens religious exercise; (2) denies religious assemblies a reasonable location; or (3) excludes religious assemblies from areas in which nonreligious assemblies are permitted. Declares that this Act does not preempt State law that is equally or more protective of religious exercise.

(Sec. 4) Subjects both a State and the Federal Government to liability for a violation of the Free Exercise Clause, including a civil action for money damages.

(Sec. 5) Emphasizes that this Act does not: (1) authorize a State to burden any religious belief; (2) create any basis for the regulation of religious exercise or for claims against a religious organization not acting under color of law; (3) create or preclude a right of any religious organization to receive State funding or assistance; (4) authorize State regulation of the activities or policies of a person other than a government as a condition of receiving funding or other assistance; or (5) restrict any authority that may exist under other law to so regulate or affect, except as provided in this Act.

(Sec. 6) Declares that nothing in this Act shall be construed to affect, interpret, or in any way address the Establishment Clause of the Constitution (prohibiting laws respecting an establishment of religion).

(Sec. 7) Amends the Religious Freedom Restoration Act of 1993 to repeal its applicability to the States and to make it applicable only to the Federal Government, the District of Columbia, Puerto Rico, and U.S. territories and possessions. Redefines exercise of religion to mean an act or refusal to act that is substantially motivated by a religious belief, whether or not the act or refusal is compulsory or central to a larger system of religious belief.

MAJOR ACTIONS:

NONE

ALL ACTIONS: ([Floor Actions/Congressional Record Page References](#))

6/9/1998:

Sponsor introductory remarks on measure. (CR [S5791-5793](#))

6/9/1998:

Read twice and referred to the Committee on Judiciary.

6/23/1998:

Committee on the Judiciary. Hearings held. Hearings printed: S.Hrg. 105-997.

TITLE(S): *(italics indicate a title for a portion of a bill)*

NONE

COSPONSORS(6), ALPHABETICAL [followed by Cosponsors withdrawn]: (Sort: [by date](#))

[Sen Bennett, Robert F.](#) [UT] - 9/8/1998 [Sen Hutchinson, Tim](#) [AR] - 9/17/1998

[Sen Kennedy, Edward M.](#) [MA] - 6/9/1998 [Sen Lieberman, Joseph I.](#) [CT] - 10/8/1998

[Sen Sessions, Jeff](#) [AL] - 9/8/1998 [Sen Smith, Gordon H.](#) [OR] - 9/8/1998

COMMITTEE(S):

Committee/Subcommittee:

[Senate Judiciary](#)

Activity:

Referral, Hearings, In Committee

RELATED BILL DETAILS: (additional related bills may be indentified in Status)

Bill:

[H.R.4019](#)

Relationship:

Identical bill identified by CRS

AMENDMENT(S):

NONE