gentleman from New York, Mr. NADLER and the gentleman from Texas, Mr. EDWARDS, the Religious Land Use and Institutionalized Persons Act, a bill designed to protect the free exercise of religion from unnecessary government 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—institutionalized persons.

The land use section of the legislation would prohibit discrimination against or among religious assemblies and institutions, and prohibit the total unreasonable limits on religious assemblies and institutions. Finally, it would require that land use regulations that substantially burden the exercise of religion be justified by a compelling interest. The legislation would also require that a substantial burden on an institutionalized person's religious exercise be justified by a compelling interest.

The Religious Land Use and Institutionalized Persons Act is a partial response to rulings by the Supreme Court which have curtailed constitutional protection for one of our most fundamental rights. In 1990, the Supreme court in Employment Division v. Smith held that governmental actions under neutral laws of general applicability—that is, laws which do not ''target'' religion for adverse treatment—are not ordinarily subject to challenge under the free exercise clause even if they result in substantial burdens on religious practice. In doing so, the Court abandoned the strict scrutiny legal standard for governmental actions that have the effect of substantially burdening the free exercise of religion. Prior to the Smith decision the Court had for many years recognized, as the Court said in 1972 in Wisconsin v. Yoder, that ''[a] regulation neutral on its face may, in its application, nonetheless offend the constitutional requirement for government neutrality if it unduly burdens the free exercise of religion.''

In response to widespread public concern regarding the impact of the Smith decision, the Congress in 1993 passed the Religious Freedom Restoration Act, frequently referred to as RFRA, which sought to restore the strict scrutiny legal standard for governmental actions that substantially burdened religious exercise. RFRA was based in part on the power of Congress under Section 5 of the 14th Amendment to ''enforce, by appropriate legislation, the provisions'' of the 14th Amendment with respect to the States. The Supreme Court in 1997 in the City of Boerne v. Flores, however, held that Congress had gone beyond its proper powers under Section 5 of the 14th Amendment in enacting RFRA.

The Religious Land Use and Institutionalized Persons Act approaches the issue of protecting free exercise in a way that will not be subject to the same challenge that succeeded in Boerne. Its protection for religious assemblies and institutions and for institutionalized persons applies where the religious exercise is burdened in a program or activity operated by the government that receives Federal financial assistance, a provision closely tracking Title VI of the Civil Rights Act of 1964. Such protection also applies where the burden on a person's religious exercise, or removal of the burden, would affect interstate commerce, also following in the tradition of the civil rights laws. In addition, the land use section applies to cases of discrimination and exclusion to cases in which land use authorities can make individualized assessments of proposed land uses. These provisions are designed to remedy the well-documented discriminatory and abusive treatment suffered by religious individuals and organizations in the land use context.

The protection afforded religious exercise by this legislation in the area of land use and zoning will be of great significance to people of faith. Attempting to locate a new church in a residential neighborhood can often be an exercise in futility. Commercial districts are frequently the only feasible avenue for the location of new churches, but many land use schemes permit churches only in residential areas, thus giving the appearance that regulators are being generous to churches when just the opposite is true. Other land use restrictions are more brazen. Some deliberately exclude all new churches from an entire city, others refuse to permit churches to use existing buildings that non-religious assemblies had previously used, and some intentionally change a zone to exclude a church. For example, churches who applied for permits to use a flower shop, a bank, and a theater were excluded when the land use regulators rezoned each small parcel of land into a tiny manufacturing zone.

The Religious Land Use and Institutionalized Persons Act is supported by a broad coalition of more than 70 religious and civil rights groups ranging from the Family Research Council and Campus Crusade for Christ to the National Council of Churches People for the American Way. While it 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.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes:

Mr. BASS. Mr. Speaker, I rise in strong support of the amendment offered by my colleagues from Oklahoma and Maine.

Prescription drugs are playing an increasing role in health care, and thereby account for a growing share of health care costs. To help address this trend, I have supported legislation to make health insurance, including employer-provided and Medicare managed care plans, which often provide special coverage for prescription medication, more affordable, accessible, and fair.

But a particular problem with prescription drug costs is foreign price controls. Countries like Canada maintain artificially low drug prices, contributing to higher prices in America's free market as companies seek to recoup costs for research and development, which in turn benefits all countries. Simply establishing price controls in America would seriously risk such life-saving and life-improving innovation. Instead, we must focus on ways to break down foreign price controls and create a broader free market in prescription drugs. A first step would be to remove existing barriers to trade while maintaining safety and quality controls.

For example, I am a cosponsor of the Drug Import Fairness Act, H.R. 3240, which would remove unwarranted red tape from legal prescription imports from other countries under current reporting requirements. I also recently cosponsored the International Prescription Drug Parity Act, H.R. 1885, which would revise reporting requirements better to facilitate imports from FDA-certified facilities abroad while continuing to protect safety and quality standards.

This amendment is a step in the same direction, and I hope that Congress will continue to examine additional steps to open up free trade in prescription drugs while maintaining safety and quality standards.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

Mr. MORAN of Virginia. Mr. Chairman, the FY 2001 Foreign Operations Appropriations bill is a bare-bones measure.

This bill provides for a mere $13.3 billion—about $200 million less than the FY2000 Act and $1.8 billion, or 12%, below the President's $15.1 billion FY2001 request.

Most disconcerting are the inadequate funding levels for debt relief and HIV/AIDS, and language placing restrictions on international funds for family planning.

The Foreign Operations Appropriations bill contains only $82 million of the $472 million requested for multilateral debt relief assistance. This is appalling.

Developing countries are struggling to pay debts that are crippling their economies. These countries have had to make drastic cuts in education and health care in order to make payments on these debts.

Debt relief is good moral and economic policy. Relieving the debt burden borne by the world's poorest nations will significantly improve the lives of millions of people around the world, while also serving U.S. interests by promoting stability and self-sufficiency in these countries.

Last month, the United Nations issued a report that uncovered the major devastation of