



Religious Freedom Restoration Act

Brief Overview/History

The Religious Freedom Restoration Act (also known as **RFRA**)—Pub. L. No. 103-141, 107 Stat. 1488—is a federal statute aimed at preventing laws that substantially burden a person’s free exercise of religion. The bill was introduced by Congressman Chuck Schumer (D-NY) in 1993, passed unanimously by the U.S. House and a near unanimous U.S. Senate (with three dissenting votes) and signed into law by President Bill Clinton. The RFRA is applicable to all religions; however, it was initially conceived as a response to Native American tribes who were being burdened by the expansion of government projects on their “sacred” lands. The Act applies, “to all Federal law, and the implementation of that law, whether statutory or otherwise,” including any Federal statutory law adopted after the RFRA’s date of signing, “unless such law explicitly excludes such application.” The RFRA reinstated what is referred to as the Sherbert Test, which was set forth by Sherbert v. Verner, and Wisconsin v. Yoder, mandating that “*strict scrutiny*” be used when determining whether the Free Exercise Clause of the First Amendment, guaranteeing religious freedom, has been violated. In the course of deliberations, Congress concluded that a religiously neutral law can burden a religion just as much as one that was intended to interfere with religion. In that regard, the Act states that the, “Government shall not substantially burden a person’s exercise of religion even if the burden results from a rule of general applicability.” The law provided an exception if two conditions are both met. First, the burden must be necessary for the, “furtherance of a compelling government interest.” Under the concept of strict scrutiny, a government interest is compelling when it is deemed to be more than merely routine and goes beyond simply improving government efficiency. A compelling interest pertains to core constitutional issues. Secondly, the rule must be the least restrictive way in which to further the government interest.