| § 2000cc. Protection of land use as religious exercise | 5 |
| § 2000cc–1. Protection of religious exercise of institutionalized persons | 6 |
| § 2000cc–2. Judicial relief | 6 |
| § 2000cc–4. Establishment Clause unaffected | 8 |
| § 2000cc–5. Definitions | 8 |
TITLE 42 THE PUBLIC HEALTH AND WELFARE

Nb: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see http://www.law.cornell.edu/uscode/uscprint.html).

Title 42—THE PUBLIC HEALTH AND WELFARE

Chap. ...Sec.
1. The Public Health Service [Mostly Repealed or Omitted, See Chapter 6A] ...1
1A. The Public Health Service; Supplemental Provisions [Transferred or Omitted] ...71
2. Sanitation and Quarantine ...81
3. Leprosy [Repealed] ...121
3A. Cancer [Repealed] ...137
4. Viruses, Serums, Toxins, Antitoxins, etc. [Repealed] ...141
5. Maternity and Infancy Welfare and Hygiene [Repealed] ...161
6. The Children’s Bureau ...191
6A. Public Health Service ...201
7. Social Security ...301
7A. Temporary Unemployment Compensation Program [Omitted] ...1400
8. Low-Income Housing ...1401
8A. Slum Clearance, Urban Renewal, and Farm Housing ...1441
8B. Public Works or Facilities [Omitted] ...1491
8C. Open-Space Land [Omitted or Repealed] ...1500
9. Housing of Persons Engaged in National Defense ...1501
10. Federal Security Agency [Transferred or Omitted] ...1601
11. Compensation for Disability or Death to Persons Employed at Military, Air, and Naval Bases Outside United States ...1651
12. Compensation for Injury, Death, or Detention of Employees of Contractors with United States Outside United States ...1701
13. School Lunch Programs ...1751
13A. Child Nutrition ...1771
14. Development and Control of Atomic Energy [Transferred to Chapter 23] ...1801
15. Disaster Relief [Repealed] ...1851
15A. Reciprocal Fire Protection Agreements ...1856
15B. Air Pollution Control [Transferred or Repealed] ...1857
16. National Science Foundation ...1861
16A. Grants for Support of Scientific Research [Repealed] ...1891
16B. Contracts for Scientific and Technological Research ...1900
17. Federal Employment Service [Transferred] ...1901
18. Youth Medals ...1921
19. Saline and Salt Waters [Repealed, Omitted, or Transferred] ...1951
19A. Water Resources Research Program [Repealed] ...1961
19B. Water Resources Planning ...1962
20. Elective Franchise ...1971
20A. Civil Rights Commission ...1975
21. Civil Rights ...1981
21A. Privacy Protection ...2000aa
21B. Religious Freedom Restoration ...2000bb
21C. Protection of Religious Exercise in Land Use and by Institutionalized Persons ...2000cc
21D. Detainee Treatment ...2000dd
21E. Privacy and Civil Liberties Protection and Oversight ...2000ee
21F. Prohibiting Employment Discrimination on the Basis of Genetic Information ...2000ff
22. Indian Hospitals and Health Facilities ...2001
23. Development and Control of Atomic Energy ...2011
24. Disposal of Atomic Energy Communities ...2301
25. Federal Flood Insurance ...2401
26. National Space Program [Repealed, Omitted, or Transferred] ...2451
26A. National Space Grant College and Fellowship Program [Repealed or Transferred] ...2486
26B. Biomedical Research in Space [Repealed or Transferred] ...2487
27. Loan Service of Captioned Films and Educational Media for Handicapped ...2491
28. Area Redevelopment Program [Omitted or Repealed] ...2501
29. Juvenile Delinquency and Youth Offenses Control [Omitted] ...2541
30. Manpower Development and Training Program [Repealed] ...2571
31. Public Works Acceleration Program ...2641
32. Third Party Liability for Hospital and Medical Care ...2651
33. Community Mental Health Centers [Omitted, Transferred, or Repealed] ...2661
34. Economic Opportunity Program ...2701
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>35.</td>
<td>Programs for Older Americans</td>
</tr>
<tr>
<td>35A.</td>
<td>Community Service Employment for Older Americans [Repealed]</td>
</tr>
<tr>
<td>36.</td>
<td>Compensation of Condemnees in Development Programs [Repealed]</td>
</tr>
<tr>
<td>37.</td>
<td>Community Facilities and Advance Land Acquisition</td>
</tr>
<tr>
<td>38.</td>
<td>Public Works and Economic Development</td>
</tr>
<tr>
<td>39.</td>
<td>Solid Waste Disposal [Omitted or Repealed, See Chapter 82]</td>
</tr>
<tr>
<td>40.</td>
<td>Soil Information Assistance for Community Planning and Resource Development</td>
</tr>
<tr>
<td>41.</td>
<td>Demonstration Cities and Metropolitan Development Program</td>
</tr>
<tr>
<td>42.</td>
<td>Narcotic Addict Rehabilitation</td>
</tr>
<tr>
<td>43.</td>
<td>Department of Health and Human Services</td>
</tr>
<tr>
<td>44.</td>
<td>Department of Housing and Urban Development</td>
</tr>
<tr>
<td>45.</td>
<td>Fair Housing</td>
</tr>
<tr>
<td>46.</td>
<td>Justice System Improvement</td>
</tr>
<tr>
<td>47.</td>
<td>Juvenile Delinquency Prevention and Control [Omitted or Repealed]</td>
</tr>
<tr>
<td>48.</td>
<td>Guarantees for Financing New Community Land Development [Repealed or Omitted]</td>
</tr>
<tr>
<td>49.</td>
<td>National Housing Partnerships</td>
</tr>
<tr>
<td>50.</td>
<td>National Flood Insurance</td>
</tr>
<tr>
<td>51.</td>
<td>Design and Construction of Public Buildings To Accommodate Physically Handicapped</td>
</tr>
<tr>
<td>52.</td>
<td>Intergovernmental Cooperation [Repealed, See Chapter 65 of Title 31]</td>
</tr>
<tr>
<td>52A.</td>
<td>Joint Funding Simplification [Repealed]</td>
</tr>
<tr>
<td>53.</td>
<td>Advisory Commission on Intergovernmental Relations</td>
</tr>
<tr>
<td>54.</td>
<td>Cabinet Committee on Opportunities for Spanish-Speaking People [Omitted]</td>
</tr>
<tr>
<td>55.</td>
<td>National Environmental Policy</td>
</tr>
<tr>
<td>56.</td>
<td>Environmental Quality Improvement</td>
</tr>
<tr>
<td>57.</td>
<td>Environmental Pollution Study</td>
</tr>
<tr>
<td>58.</td>
<td>Disaster Relief [Repealed or Transferred]</td>
</tr>
<tr>
<td>59.</td>
<td>National Urban Policy and New Community Development</td>
</tr>
<tr>
<td>60.</td>
<td>Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Program</td>
</tr>
<tr>
<td>61.</td>
<td>Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs</td>
</tr>
<tr>
<td>62.</td>
<td>Intergovernmental Personnel Program</td>
</tr>
<tr>
<td>63.</td>
<td>Lead-Based Paint Poisoning Prevention</td>
</tr>
<tr>
<td>63A.</td>
<td>Residential Lead-Based Paint Hazard Reduction</td>
</tr>
<tr>
<td>64.</td>
<td>Public Service Employment Programs [Omitted]</td>
</tr>
<tr>
<td>65.</td>
<td>Noise Control</td>
</tr>
<tr>
<td>66.</td>
<td>Domestic Volunteer Services</td>
</tr>
<tr>
<td>67.</td>
<td>Child Abuse Prevention and Treatment and Adoption Reform</td>
</tr>
<tr>
<td>68.</td>
<td>Disaster Relief</td>
</tr>
<tr>
<td>69.</td>
<td>Community Development</td>
</tr>
<tr>
<td>70.</td>
<td>Manufactured Home Construction and Safety Standards</td>
</tr>
<tr>
<td>71.</td>
<td>Solar Energy</td>
</tr>
<tr>
<td>72.</td>
<td>Juvenile Justice and Delinquency Prevention</td>
</tr>
<tr>
<td>73.</td>
<td>Development of Energy Sources</td>
</tr>
<tr>
<td>74.</td>
<td>Nonnuclear Energy Research and Development</td>
</tr>
<tr>
<td>75.</td>
<td>Programs for Individuals With Developmental Disabilities [Repealed]</td>
</tr>
<tr>
<td>76.</td>
<td>Age Discrimination in Federally Assisted Programs</td>
</tr>
<tr>
<td>77.</td>
<td>Energy Conservation</td>
</tr>
<tr>
<td>78.</td>
<td>National Petroleum Reserve in Alaska</td>
</tr>
<tr>
<td>79.</td>
<td>Science and Technology Policy, Organization and Priorities</td>
</tr>
<tr>
<td>80.</td>
<td>Public Works Employment</td>
</tr>
<tr>
<td>81.</td>
<td>Energy Conservation and Resource Renewal</td>
</tr>
<tr>
<td>82.</td>
<td>Solid Waste Disposal</td>
</tr>
<tr>
<td>83.</td>
<td>Energy Extension Service</td>
</tr>
<tr>
<td>84.</td>
<td>Department of Energy</td>
</tr>
<tr>
<td>85.</td>
<td>Air Pollution Prevention and Control</td>
</tr>
<tr>
<td>86.</td>
<td>Earthquake Hazards Reduction</td>
</tr>
<tr>
<td>87.</td>
<td>Water Research and Development [Repealed or Transferred]</td>
</tr>
<tr>
<td>88.</td>
<td>Uranium Mill Tailings Radiation Control</td>
</tr>
<tr>
<td>89.</td>
<td>Congregate Housing Services</td>
</tr>
<tr>
<td>90.</td>
<td>Neighborhood and City Reinvestment, Self-Help and Revitalization</td>
</tr>
<tr>
<td>91.</td>
<td>National Energy Conservation Policy</td>
</tr>
<tr>
<td>92.</td>
<td>Powerplant and Industrial Fuel Use</td>
</tr>
</tbody>
</table>
93. Emergency Energy Conservation ...8501
94. Low-Income Energy Assistance ...8601
95. United States Synthetic Fuels Corporation [Omitted] ...8701
96. Biomass Energy and Alcohol Fuels ...8801
97. Acid Precipitation Program and Carbon Dioxide Study ...8901
98. Ocean Thermal Energy Conversion Research and Development ...9001
99. Ocean Thermal Energy Conversion ...9101
100. Wind Energy Systems ...9201
101. Magnetic Fusion Energy Engineering ...9301
102. Mental Health Systems ...9401
103. Comprehensive Environmental Response, Compensation, and Liability ...9601
104. Nuclear Safety Research, Development, and Demonstration ...9701
105. Community Services Programs ...9801
106. Community Services Block Grant Program ...9901
107. Consumer-Patient Radiation Health and Safety ...10001
108. Nuclear Waste Policy ...10101
109. Water Resources Research ...10301
109A. Membrane Processes Research ...10341
109B. Secure Water ...10361
110. Family Violence Prevention and Services ...10401
111. Emergency Federal Law Enforcement Assistance ...10501
112. Victim Compensation and Assistance ...10601
113. State Justice Institute ...10701
114. Protection and Advocacy for Individuals With Mental Illness ...10801
115. Child Development Associate Scholarship Assistance Program ...10901
116. Emergency Planning and Community Right-To-Know ...11001
117. Encouraging Good Faith Professional Review Activities ...11101
118. Alzheimer’s Disease and Related Dementias Research ...11201
119. Homeless Assistance ...11301
120. Enterprise Zone Development ...11501
121. International Child Abduction Remedies ...11601
122. Native Hawaiian Health Care ...11701
123. Drug Abuse Education and Prevention ...11801
124. Public Housing Drug Elimination ...11901
125. Renewable Energy and Energy Efficiency Technology Competitiveness ...12001
126. Equal Opportunity for Individuals With Disabilities ...12101
127. Coordinated Services for Children, Youth, and Families ...12301
128. Hydrogen Research, Development, and Demonstration Program ...12401
129. National and Community Service ...12501
130. National Affordable Housing ...12701
131. Housing Opportunities for Persons With AIDS ...12901
132. Victims of Child Abuse ...13001
133. Pollution Prevention ...13101
134. Energy Policy ...13201
135. Residency and Service Requirements in Federally Assisted Housing ...13601
136. Violent Crime Control and Law Enforcement ...13701
137. Management of Rechargeable Batteries and Batteries Containing Mercury ...14301
138. Assisted Suicide Funding Restriction ...14401
139. Volunteer Protection ...14501
140. Criminal Justice Identification, Information, and Communication ...14601
140A. Jennifer’s Law ...14661
141. Commercial Space Opportunities and Transportation Services [Repealed or Transferred] ...14701
142. Poison Control Center Enhancement and Awareness [Repealed] ...14801
143. Intercountry Adoptions ...14901
144. Developmental Disabilities Assistance and Bill of Rights ...15001
145. Public Safety Officer Medal of Valor and Tributes ...15201
145A. Law Enforcement Congressional Badge of Bravery ...15231
146. Election Administration Improvement ...15301
147. Prison Rape Elimination ...15601
148. Windstorm Impact Reduction ...15701
149. National Energy Policy and Programs ...15801
150. National Aeronautics and Space Programs, 2005 [Repealed, Omitted, or Transferred] ...16601
151. Child Protection and Safety ...16901
152. Energy Independence and Security ...17001
153. Community Safety Through Recidivism Prevention ...17501
154. Combating Child Exploitation ...17601
155. Aeronautics and Space Activities [Repealed, Omitted, or Transferred] ...17701
156. Health Information Technology ...17901
157. Quality, Affordable Health Care for All Americans ...18001
158. Support for Pregnant and Parenting Teens and Women ...18201
159. Space Exploration, Technology, and Science ...18301
CHAPTER 21C—PROTECTION OF RELIGIOUS EXERCISE IN LAND USE AND BY INSTITUTIONALIZED PERSONS

Sec.
2000cc. Protection of land use as religious exercise.

§ 2000cc. Protection of land use as religious exercise

(a) Substantial burdens

(1) General rule

No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution—

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

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

(2) Scope of application

This subsection applies in any case in which—

(A) the substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability;

(B) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, even if the burden results from a rule of general applicability; or

(C) the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.

(b) Discrimination and exclusion

(1) Equal terms

No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

(2) Nondiscrimination

No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.

(3) Exclusions and limits

No government shall impose or implement a land use regulation that—

(A) totally excludes religious assemblies from a jurisdiction; or

(B) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

§ 2000cc–1. Protection of religious exercise of institutionalized persons

(a) General rule

No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in section 1997 of this title, even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person—

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

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

(b) Scope of application

This section applies in any case in which—

(1) the substantial burden is imposed in a program or activity that receives Federal financial assistance; or

(2) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes.


§ 2000cc–2. Judicial relief

(a) Cause of action

A person may assert a violation of this chapter 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.

(b) Burden of persuasion

If a plaintiff produces prima facie evidence to support a claim alleging a violation of the Free Exercise Clause or a violation of section 2000cc of this title, the government shall bear the burden of persuasion on any element of the claim, except that the plaintiff shall bear the burden of persuasion on whether the law (including a regulation) or government practice that is challenged by the claim substantially burdens the plaintiff’s exercise of religion.

(c) Full faith and credit

Adjudication of a claim of a violation of section 2000cc of this title in a non-Federal forum shall not be entitled to full faith and credit in a Federal court unless the claimant had a full and fair adjudication of that claim in the non-Federal forum.

(d) Omitted

(e) Prisoners

Nothing in this chapter shall be construed to amend or repeal the Prison Litigation Reform Act of 1995 (including provisions of law amended by that Act).

(f) Authority of United States to enforce this chapter

The United States may bring an action for injunctive or declaratory relief to enforce compliance with this chapter. Nothing in this subsection shall be construed to deny, impair, or otherwise affect any right
or authority of the Attorney General, the United States, or any agency, officer, or employee of the United States, acting under any law other than this subsection, to institute or intervene in any proceeding.

(g) Limitation

If the only jurisdictional basis for applying a provision of this chapter is a claim that a substantial burden by a government on religious exercise affects, or that removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, the provision shall not apply if the government demonstrates that all substantial burdens on, or the removal of all substantial burdens from, similar religious exercise throughout the Nation would not lead in the aggregate to a substantial effect on commerce with foreign nations, among the several States, or with Indian tribes.


References in Text

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 106–274, Sept. 22, 2000, 114 Stat. 803, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2000cc of this title and Tables.


Codification

Section is comprised of section 4 of Pub. L. 106–274. Subsec. (d) of section 4 of Pub. L. 106–274 amended section 1988 (b) of this title.


(a) Religious belief unaffected

Nothing in this chapter shall be construed to authorize any government to burden any religious belief.

(b) Religious exercise not regulated

Nothing in this chapter shall create any basis for restricting or burdening religious exercise or for claims against a religious organization including any religiously affiliated school or university, not acting under color of law.

(c) Claims to funding unaffected

Nothing in this chapter shall create or preclude a right of any religious organization to receive funding or other assistance from a government, or of any person to receive government funding for a religious activity, but this chapter may require a government to incur expenses in its own operations to avoid imposing a substantial burden on religious exercise.

(d) Other authority to impose conditions on funding unaffected

Nothing in this chapter shall—

1. authorize a government to regulate or affect, directly or indirectly, the activities or policies of a person other than a government as a condition of receiving funding or other assistance; or
2. restrict any authority that may exist under other law to so regulate or affect, except as provided in this chapter.

(e) Governmental discretion in alleviating burdens on religious exercise

A government may avoid the preemptive force of any provision of this chapter by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions from the policy...
or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.

(f) Effect on other law

With respect to a claim brought under this chapter, proof that a substantial burden on a person’s religious exercise affects, or removal of that burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, shall not establish any inference or presumption that Congress intends that any religious exercise is, or is not, subject to any law other than this chapter.

(g) Broad construction

This chapter shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this chapter and the Constitution.

(h) No preemption or repeal

Nothing in this chapter shall be construed to preempt State law, or repeal Federal law, that is equally as protective of religious exercise as, or more protective of religious exercise than, this chapter.

(i) Severability

If any provision of this chapter or of an amendment made by this chapter, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this chapter, the amendments made by this chapter, and the application of the provision to any other person or circumstance shall not be affected.


References in Text

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 106–274, Sept. 22, 2000, 114 Stat. 803, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2000cc of this title and Tables.

§ 2000cc–4. Establishment Clause unaffected

Nothing in this chapter shall be construed to affect, interpret, or in any way address that portion of the first amendment to the Constitution prohibiting laws respecting an 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 chapter. 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.


References in Text

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 106–274, Sept. 22, 2000, 114 Stat. 803, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2000cc of this title and Tables.

§ 2000cc–5. Definitions

In this chapter:

(1) Claimant
The term “claimant” means a person raising a claim or defense under this chapter.

(2) **Demonstrates**

The term “demonstrates” means meets the burdens of going forward with the evidence and of persuasion.

(3) **Free Exercise Clause**

The term “Free Exercise Clause” means that portion of the first amendment to the Constitution that proscribes laws prohibiting the free exercise of religion.

(4) **Government**

The term “government”—

(A) means—

(i) a State, county, municipality, or other governmental entity created under the authority of a State;

(ii) any branch, department, agency, instrumentality, or official of an entity listed in clause (i); and

(iii) any other person acting under color of State law; and

(B) for the purposes of sections 2000cc–2 (b) and 2000cc–3 of this title, includes the United States, a branch, department, agency, instrumentality, or official of the United States, and any other person acting under color of Federal law.

(5) **Land use regulation**

The term “land use regulation” means a zoning or landmarking law, or the application of such a law, that limits or restricts a claimant’s use or development of land (including a structure affixed to land), if the claimant has an ownership, leasehold, easement, servitude, or other property interest in the regulated land or a contract or option to acquire such an interest.

(6) **Program or activity**

The term “program or activity” means all of the operations of any entity as described in paragraph (1) or (2) of section 2000d–4a of this title.

(7) **Religious exercise**

(A) **In general**

The term “religious exercise” includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief.

(B) **Rule**

The use, building, or conversion of real property for the purpose of religious exercise shall be considered to be religious exercise of the person or entity that uses or intends to use the property for that purpose.


**References in Text**

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 106–274, Sept. 22, 2000, 114 Stat. 803, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2000cc of this title and Tables.