

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2034

To protect the free exercise of religion by prohibiting religious coercion in our schools.

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IN THE HOUSE OF REPRESENTATIVES

JULY 13, 1995

Mr. NADLER introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

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## A BILL

To protect the free exercise of religion by prohibiting religious coercion in our schools.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Schoolhouse Religious  
5 Freedom Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) various proposals have been made to amend  
9 the Constitution and enact laws that would establish  
10 government-sponsored school prayer;

1           (2) any law, regulation, or practice that coerces  
2 a person to pray, or to pray in a certain manner,  
3 contrary to that person's religious beliefs or prac-  
4 tices, or to refrain from praying, is inconsistent with  
5 the Constitutional guarantee of religious liberty;

6           (3) circumstances that single out, or call atten-  
7 tion to, elementary or secondary school-age children  
8 with religious beliefs or practices different from the  
9 majority of other persons present, will generally have  
10 a coercive effect on those children; and

11           (4) circumstances in which a student's class-  
12 mates recite, as a group, a prayer or other liturgical  
13 reading from a religious tradition that differs from  
14 the student's religious tradition, will generally have  
15 a coercive effect on that student.

16 **SEC. 3. COERCION PROHIBITED.**

17           (a) **GENERALLY.**—Neither the United States, nor  
18 any State may coerce any student at, or employee in, any  
19 public elementary or secondary school to pray or refrain  
20 from praying.

21           (b) **TIME, PLACE, AND MANNER REGULATION PER-**  
22 **MITTED.**—Nothing in this section shall be construed to  
23 prevent reasonable regulations as to the time, place, and  
24 manner of voluntary prayer.

1 (c) COERCION BY EMPLOYEES AND STUDENTS  
2 DEEMED GOVERNMENT COERCION.—Coercion by employ-  
3 ees or students of Public Elementary or Secondary  
4 Schools that is encouraged or permitted by the authorities  
5 in charge of a school shall be deemed to be coercion by  
6 those authorities for the purposes of this section.

7 **SEC. 4. DEFINITIONS.**

8 As used in this Act—

9 (1) the term “coercion”, with respect to prayer,  
10 means—

11 (A) penalizing or withholding a benefit  
12 from an individual because that individual en-  
13 gaged in or failed to engage in prayer;

14 (B) the selection or composition of the  
15 prayer by a public authority;

16 (C) taking any action that calls attention  
17 to an individual who wishes to pray in a par-  
18 ticular manner or to refrain from praying;

19 (D) requiring or permitting organized  
20 group prayer, or the reading of a prayer aloud,  
21 at any time when students of a public elemen-  
22 tary or secondary school are present for a  
23 school sponsored activity;

1           (2) the term “prayer” means any religious text,  
2 liturgy, or musical composition used for the purpose  
3 of religious practice;

4           (3) the term “State” includes the District of  
5 Columbia, Puerto Rico, and any other territory or  
6 possession of the United States; and

7           (4) the term “elementary or secondary school”  
8 means an “elementary school” or a “secondary  
9 school” as those terms are defined in section 14101  
10 of the Elementary and Secondary Education Act of  
11 1965 (20 U.S.C. 8801).

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