To amend the Religious Freedom Restoration Act of 1993 to protect civil rights and otherwise prevent meaningful harm to third parties, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2019

Mr. KENNEDY (for himself, Mr. SCOTT of Virginia, Mrs. DEMINGS, Ms. DeGETTE, Ms. SPEIER, Ms. NORTON, Mr. HASTINGS, Miss RICE of New York, Mrs. DINGELL, Mr. COHEN, Mr. ESPAILLAT, Ms. DELEURO, Mr. SMITH of Washington, Mr. LYNCH, Mr. KHANNA, Ms. MENG, Mr. SWALWELL of California, Mr. KILMER, Mr. QUIGLEY, Ms. McCOLLUM, Ms. JACKSON LEE, Mr. KRISHNAMOORTHI, Mrs. BEATTY, Mrs. WATSON COLEMAN, Ms. WILD, Mr. PANETTA, Ms. BROWNLEY of California, Mr. MOULTON, Mr. MCEACHIN, Mr. POCAN, Mrs. NAPOLITANO, Ms. SCHA-}

KOWSKY, Mr. SERRANO, Mrs. LAWRENCE, Mr. RASKIN, Mr. WELCH, Ms. BONAMICI, Mr. NADLER, Mr. SEAN PATRICK MALONEY of New York, Ms. PORTER, Mr. PALLONE, Ms. CLARK of Massachusetts, Mr. HUFFMAN, Mr. DEFAZIO, Mr. BLUMENAUER, Mr. LAMB, Ms. SCANLON, Mr. KIND, Ms. VELÁZQUEZ, Mr. RUSH, Mr. SCHIFF, Mr. MCGOVERN, and Ms. HAALAND) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Religious Freedom Restoration Act of 1993 to protect civil rights and otherwise prevent meaningful harm to third parties, and for other purposes.

Be it enacted by the Senate and House of Representa-
SECTION 1. SHORT TITLE.

This Act may be cited as the “Do No Harm Act”.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Religious Freedom Restoration Act of 1993 should not be interpreted to authorize an exemption from generally applicable law that imposes the religious views, habits, or practices of one party upon another;

(2) the Religious Freedom Restoration Act of 1993 should not be interpreted to authorize an exemption from generally applicable law that imposes meaningful harm, including dignitary harm, on a third party; and

(3) the Religious Freedom Restoration Act of 1993 should not be interpreted to authorize an exemption that permits discrimination against other persons, including persons who do not belong to the religion or adhere to the beliefs of those to whom the exemption is given.

SEC. 3. EXCEPTION FROM APPLICATION OF ACT WHERE FEDERAL LAW PREVENTS HARM TO OTHERS.

Section 3 of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb–1) is amended by adding at the end the following:
“(d) ADDITIONAL EXCEPTION FROM APPLICATION OF ACT WHERE FEDERAL LAW PREVENTS HARM TO OTHERS.—This section does not apply—
“(1) to any provision of law or its implementation that provides for or requires—
“(A) protections against discrimination or the promotion of equal opportunity including the Civil Rights Act of 1964, the Americans with Disabilities Act, the Family Medical Leave Act, Executive Order 11246, the Violence Against Women Act, and Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity (77 FR 5662);
“(B) employers to provide wages, other compensation, or benefits including leave, or standards protecting collective activity in the workplace;
“(C) protections against child labor, abuse, or exploitation; or
“(D) access to, information about, referrals for, provision of, or coverage for, any health care item or service;
“(2) to any term requiring goods, services, functions, or activities to be performed or provided
to beneficiaries of a government contract, grant, co-
operative agreement, or other award; or

“(3) to the extent that application would result
in denying a person the full and equal enjoyment of
a good, service, benefit, facility, privilege, advantage,
or accommodation, provided by the government.”.

SEC. 4. CLARIFICATION OF PRECLUSION OF LITIGATION
BETWEEN PRIVATE PARTIES.

(a) PURPOSE.—The purpose of the amendment made
by subsection (b) is to clarify the applicability of the Reli-
gious Freedom Restoration Act of 1993, as enacted.

(b) PRECLUSION.—Section 3(c) of the Religious
1(c)) is amended, in the first sentence, by striking “judi-
cial proceeding” and all that follows and inserting “judi-
cial proceeding to which the government is a party and
obtain appropriate relief against that government.”.

SEC. 5. DEFINITIONS.

Section 5 of the Religious Freedom Restoration Act
of 1993 (42 U.S.C. 2000bb–2) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period and
inserting “; and”; and

(3) by adding at the end the following:
“(5) the term ‘including’ means including, but not limited to, consistent with the term’s standard meaning in Federal law.”.