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 25, 2021

Mr. SCOTT of Virginia (for himself, Mr. COHEN, Mr. RASKIN, Ms. SCANLON, Ms. ROSS, Ms. WILSON of Florida, Mr. PAPPAS, Mr. DANNY K. DAVIS of Illinois, Ms. MANNING, Mr. ESPLAULT, Ms. TITUS, Mr. EVANS, Mr. CONNOLLY, Mr. COOPER, Ms. BONAMICI, Mr. CASTRO of Texas, Mr. GARCÍA of Illinois, Ms. SÁNCHEZ, Mr. LAWSON of Florida, Ms. SCHAUKOWSKY, Mr. CASTEN, Ms. BROWNLEY, Mr. TAKANO, Mr. MOULTON, Mr. GARAMENDI, Ms. NORTON, Mrs. TRAHAN, Mr. DELGADO, Mrs. WATSON COLEMAN, Mrs. BEATTY, Ms. McCOLLUM, Ms. DEGETTE, Ms. LEE of California, Mr. NEGUSE, Mr. CARSON, Mr. WELCH, Mrs. HAYES, Ms. SPEIER, Mr. CROW, Mr. SMITH of Washington, Mr. GALLEGOS, Ms. ROYBAL-ALLARD, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KRISHNAMOORTHI, Ms. KELLY of Illinois, Mr. TONKO, Mr. FOSTER, Mr. DEFAZIO, Ms. PINGREE, Mr. BLUMENAUER, Miss RICE of New York, Mr. CABRAJAL, Ms. CASTOR of Florida, Mr. PANETTA, Mr. CRIST, Mr. MEeks, Ms. OMAR, Mr. SARAHANES, Mr. PETERS, Ms. KUSTER, Mr. TRONE, Mr. PAULONE, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. DELBENE, Mr. SCHIFF, Ms. MATSU, Mr. SHRES, Mrs. LAWRENCE, Ms. GARCÍA of Texas, Ms. WEXTON, Mrs. DINGELL, Mr. JONES, Mr. YARmUTh, Mr. HASTINGS, Ms. DEAN, Ms. JACOBS of California, Ms. LOIS FRANKEL of Florida, Ms. BASS, Mrs. CAROLYN B. MALONEY of New York, Ms. HOULAHAN, Mrs. NAPOLITANO, Mr. MORELLE, Mr. PARCReLL, Ms. BLUNT Rochester, Ms. STEVENS, Ms. BOURDEAUX, Mr. LOWENTHAL, Mr. KILDEE, Mrs. KIRKPATRICK, Mr. VELA, Mr. RUSH, Mr. THOMPSON of California, Mr. HIMES, Mr. STANTON, Mr. HUFFMAN, Mr. NADLER, Mr. OHALLERAN, Mr. LANGEVIN, Mr. BERA, Ms. ADAMS, Mr. SCHRADE, and Ms. SHERRILL) 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 Representatives of the United States of America in Congress assembled,

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 if the exemption would impose 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 if the exemption would impose 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 from generally applicable law if the exemption would permit discrimination against other persons, including persons who do not belong to the re-
ligion 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 Sex-
ual 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 of a government contract, grant, cooperative agreement, or other award, that requires goods, services, functions, or activities to be performed for or provided to beneficiaries of or participants in a program or activity funded by such a government contract, grant, cooperative 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 Religious Freedom Restoration Act of 1993, as enacted.

(b) PRECLUSION.—Section 3(c) of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb–1(c)) is amended, in the first sentence, by striking “judicial proceeding” and all that follows and inserting “judi-
1 cial proceeding to which the government is a party and
2 obtain appropriate relief against that government.”.