

.....
(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R.

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

Mr. SCOTT of Virginia introduced the following bill; which was referred to the Committee on _____

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.

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 “Do No Harm Act”.

5 **SEC. 2. SENSE OF CONGRESS.**

6 It is the sense of Congress that—

7 (1) the Religious Freedom Restoration Act of
8 1993 should not be interpreted to authorize an ex-

1 exemption from generally applicable law if the exemp-
2 tion would impose the religious views, habits, or
3 practices of one party upon another;

4 (2) the Religious Freedom Restoration Act of
5 1993 should not be interpreted to authorize an ex-
6 emption from generally applicable law if the exemp-
7 tion would impose meaningful harm, including dig-
8 nitary harm, on a third party; and

9 (3) the Religious Freedom Restoration Act of
10 1993 should not be interpreted to authorize an ex-
11 emption from generally applicable law if the exemp-
12 tion would permit discrimination against other per-
13 sons, including persons who do not belong to the re-
14 ligion or adhere to the beliefs of those to whom the
15 exemption is given.

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

18 Section 3 of the Religious Freedom Restoration Act
19 of 1993 (42 U.S.C. 2000bb–1) is amended by adding at
20 the end the following:

21 “(d) **ADDITIONAL EXCEPTION FROM APPLICATION**
22 **OF ACT WHERE FEDERAL LAW PREVENTS HARM TO**
23 **OTHERS.—This section does not apply—**

24 “(1) to any provision of law or its implementa-
25 tion that provides for or requires—

1 “(A) protections against discrimination or
2 the promotion of equal opportunity including
3 the Civil Rights Act of 1964, the Americans
4 with Disabilities Act, the Family Medical Leave
5 Act, Executive Order 11246, the Violence
6 Against Women Act, and Equal Access to
7 Housing in HUD Programs Regardless of Sex-
8 ual Orientation or Gender Identity (77 FR
9 5662);

10 “(B) employers to provide wages, other
11 compensation, or benefits including leave, or
12 standards protecting collective activity in the
13 workplace;

14 “(C) protections against child labor, abuse,
15 or exploitation; or

16 “(D) access to, information about, refer-
17 rals for, provision of, or coverage for, any
18 health care item or service;

19 “(2) to any term of a government contract,
20 grant, cooperative agreement, or other award, that
21 requires goods, services, functions, or activities to be
22 performed for or provided to beneficiaries of or par-
23 ticipants in a program or activity funded by such a
24 government contract, grant, cooperative agreement,
25 or other award; or

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

5 **SEC. 4. CLARIFICATION OF PRECLUSION OF LITIGATION**
6 **BETWEEN PRIVATE PARTIES.**

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

10 (b) **PRECLUSION.**—Section 3(e) of the Religious
11 Freedom Restoration Act of 1993 (42 U.S.C. 2000bb–
12 1(c)) is amended, in the first sentence, by striking “judi-
13 cial proceeding” and all that follows and inserting “judi-
14 cial proceeding to which the government is a party and
15 obtain appropriate relief against that government.”.