



SECTION BY SECTION

House Committee on Education and Labor
Chairman Robert C. "Bobby" Scott

Do No Harm Act (H.R. 1378)

Section 1. Short Title

This section establishes that this Act's short title is the "Do No Harm Act".

Section 2. Sense of Congress

This section adds a sense of Congress that the *Religious Freedom Restoration Act* (RFRA) should not be used to create an exemption from a generally applicable law that would result in imposing the religious views, habits, or practices upon another party. This section states that it is also the sense of Congress that RFRA should not be interpreted to authorize an exemption that would cause harm to or otherwise permit discrimination against other persons.

Section 3. Exception from Application of Act Where Federal Law Prevents Harm to Others

This section amends Section 3 of RFRA to add exceptions where an exemption could cause harm to others. RFRA would not apply where a provision of federal law: protects against discrimination or the promotion of equal opportunity; requires employers to provide wages, other compensation, or benefits including leave or standards protecting collective activity in the workplace; protects against child labor, abuse or exploitation; or provides access to and coverage for any health care item or service.

This section also bars RFRA from being used to refuse to provide goods, services, functions or activities to beneficiaries of or participants in a program or activity funded by a government grant or contract. This section would also prohibit government employees from using RFRA to refuse to perform their duties when it would deny a person the full and equal enjoyment of a good or service provided by the government.

Section 4. Clarification of Preclusion of Litigation Between Private Parties

This section amends Section 3(c) of RFRA to clarify that RFRA claims may only be raised in judicial proceedings in which the government is a party.