

115TH CONGRESS
2D SESSION

S. _____

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 SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and 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-
9 emption from generally applicable law that imposes

1 the religious views, habits, or practices of one party
2 upon another;

3 (2) the Religious Freedom Restoration Act of
4 1993 should not be interpreted to authorize an ex-
5 emption from generally applicable law that imposes
6 meaningful harm, including dignitary harm, on a
7 third party; and

8 (3) the Religious Freedom Restoration Act of
9 1993 should not be interpreted to authorize an ex-
10 emption for one party that permits discrimination
11 against others, including persons who do not belong
12 to the religion or adhere to the beliefs of that party.

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

15 Section 3 of the Religious Freedom Restoration Act
16 of 1993 (42 U.S.C. 2000bb-1) is amended by adding at
17 the end the following:

18 “(d) ADDITIONAL EXCEPTION FROM APPLICATION
19 OF ACT WHERE FEDERAL LAW PREVENTS HARM TO
20 OTHERS.—Subsection (a) shall not apply—

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

23 “(A) a protection against discrimination or
24 the promotion of equal opportunity, including
25 the Civil Rights Act of 1964 (42 U.S.C. 2000a

1 et seq.), the Americans with Disabilities Act of
2 1990 (42 U.S.C. 12101 et seq.), the Family
3 and Medical Leave Act of 1993 (29 U.S.C.
4 2601 et seq.), Executive Order 11246 (42
5 U.S.C. 2000e note; relating to equal oppor-
6 tunity in Federal employment), the Violence
7 Against Women Act of 1994 (42 U.S.C. 13925
8 et seq.), the final rule of the Department of
9 Housing and Urban Development entitled
10 ‘Equal Access to Housing in HUD Programs
11 Regardless of Sexual Orientation or Gender
12 Identity’ (77 Fed. Reg. 5661 (February 3,
13 2012)) (or any corresponding similar regulation
14 or ruling), or section 5.106 of title 24, Code of
15 Federal Regulations (or any corresponding
16 similar regulation or ruling);

17 “(B) an employer to provide a wage, other
18 compensation, or a benefit including leave, or a
19 standard protecting collective activity in the
20 workplace;

21 “(C) protection against child labor, child
22 abuse, or child exploitation; or

23 “(D) access to, information about, a refer-
24 ral for, provision of, or coverage for, any health
25 care item or service;

1 “(2) to any term, requiring a good, service,
2 function, or activity to be performed or provided to
3 a beneficiary, of a government contract, grant, coop-
4 erative agreement, or other instrument for an award;
5 or

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

10 **SEC. 4. CLARIFICATION OF PRECLUSION OF LITIGATION**
11 **BETWEEN PRIVATE PARTIES.**

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

15 (b) **PRECLUSION.**—Section 3(c) of the Religious
16 Freedom Restoration Act of 1993 (42 U.S.C. 2000bb–
17 1(c)) is amended, in the first sentence, by striking “judi-
18 cial proceeding” and all that follows and inserting “judi-
19 cial proceeding to which the government is a party and
20 obtain appropriate relief against that government.”.

21 **SEC. 5. DEFINITIONS.**

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

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

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

3 (3) by adding at the end the following:

4 “(5) the term ‘including’ means including, but
5 not limited to, consistent with the term’s standard
6 meaning in Federal law.”.