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(Original Signature of Member)

114TH CONGRESS
2D 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. KENNEDY 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 that imposes
2 the religious views, habits, or practices of one party
3 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 that imposes
7 meaningful harm, including dignitary harm, on a
8 third party; and

9 (3) the Religious Freedom Restoration Act of
10 1993 should not be interpreted to authorize an ex-
11 emption that permits discrimination against other
12 persons, including persons who do not belong to the
13 religion or adhere to the other beliefs of those to
14 whom the exemption is given.

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

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

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

23 “(1) to any provision of law or its implementa-
24 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 requiring goods, services,
20 functions, or activities to be performed or provided
21 to beneficiaries of a government contract, grant, co-
22 operative agreement, or other award; or

23 “(3) to the extent that application would result
24 in denying a person the full and equal enjoyment of

1 a good, service, benefit, facility, privilege, advantage,
2 or accommodation, provided by the government.”.

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

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

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

14 **SEC. 5. DEFINITIONS.**

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

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

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

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

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