

115TH CONGRESS
1ST SESSION

H. R. 3222

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

JULY 13, 2017

Mr. KENNEDY (for himself, Mr. SCOTT of Virginia, Ms. NORTON, Mr. SEAN PATRICK MALONEY of New York, Mr. HUFFMAN, Ms. SPEIER, Mr. EVANS, Ms. SLAUGHTER, Mr. PALLONE, Ms. WASSERMAN SCHULTZ, Mr. KHANNA, Mr. BEYER, Mr. COHEN, Mr. BLUMENAUER, Mr. CARSON of Indiana, Ms. SCHAKOWSKY, Mr. POCAN, Ms. CASTOR of Florida, Mr. GRIJALVA, Mr. MOULTON, Ms. HANABUSA, Ms. MCCOLLUM, Ms. ESHOO, Mr. LOWENTHAL, Mr. CÁRDENAS, Mr. MCGOVERN, Mr. KEATING, Mrs. LAWRENCE, Mr. QUIGLEY, Mr. PAYNE, Mr. JEFFRIES, Mr. CARBAJAL, Mrs. DAVIS of California, Mr. TED LIEU of California, Mr. WELCH, Ms. CLARK of Massachusetts, Ms. BONAMICI, Mr. GALLEGGO, Mr. ENGEL, Mr. AGUILAR, Miss RICE of New York, Mr. POLIS, Ms. JAYAPAL, Mr. GUTIÉRREZ, Mr. TAKANO, Mr. NORCROSS, Mr. PRICE of North Carolina, Mr. PETERS, Ms. ESTY of Connecticut, Mr. HIGGINS of New York, Mr. O’ROURKE, Mr. HASTINGS, and Ms. TSONGAS) 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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Do No Harm Act”.

3 **SEC. 2. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) the Religious Freedom Restoration Act of
6 1993 should not be interpreted to authorize an ex-
7 emption from generally applicable law that imposes
8 the religious views, habits, or practices of one party
9 upon another;

10 (2) the Religious Freedom Restoration Act of
11 1993 should not be interpreted to authorize an ex-
12 emption from generally applicable law that imposes
13 meaningful harm, including dignitary harm, on a
14 third party; and

15 (3) the Religious Freedom Restoration Act of
16 1993 should not be interpreted to authorize an ex-
17 emption that permits discrimination against other
18 persons, including persons who do not belong to the
19 religion or adhere to the beliefs of those to whom the
20 exemption is given.

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

23 Section 3 of the Religious Freedom Restoration Act
24 of 1993 (42 U.S.C. 2000bb–3) is amended by adding at
25 the end the following:

1 “(d) ADDITIONAL EXCEPTION FROM APPLICATION
2 OF ACT WHERE FEDERAL LAW PREVENTS HARM TO
3 OTHERS.—This section does not apply—

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

6 “(A) protections against discrimination or
7 the promotion of equal opportunity including
8 the Civil Rights Act of 1964, the Americans
9 with Disabilities Act, the Family Medical Leave
10 Act, Executive Order 11246, the Violence
11 Against Women Act, and Equal Access to
12 Housing in HUD Programs Regardless of Sex-
13 ual Orientation or Gender Identity (77 FR
14 5662);

15 “(B) employers to provide wages, other
16 compensation, or benefits including leave, or
17 standards protecting collective activity in the
18 workplace;

19 “(C) protections against child labor, abuse,
20 or exploitation; or

21 “(D) access to, information about, refer-
22 rals for, provision of, or coverage for, any
23 health care item or service;

24 “(2) to any term requiring goods, services,
25 functions, or activities to be performed or provided

1 to beneficiaries of a government contract, grant, co-
2 operative agreement, or other award; or

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

7 **SEC. 4. CLARIFICATION OF PRECLUSION OF LITIGATION**
8 **BETWEEN PRIVATE PARTIES.**

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

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

18 **SEC. 5. DEFINITIONS.**

19 Section 5 of the Religious Freedom Restoration Act
20 of 1993 (42 U.S.C. 2000bb-2) is amended—

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

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

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

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

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