

117TH CONGRESS  
1ST SESSION

# H. R. 1378

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2021

Mr. SCOTT of Virginia (for himself, Mr. COHEN, Mr. RASKIN, Ms. SCANLON, Ms. ROSS, Ms. WILSON of Florida, Mr. PAPPAS, Mr. DANNY K. DAVIS of Illinois, Ms. MANNING, Mr. ESPAILLAT, Ms. TITUS, Mr. EVANS, Mr. CONNOLLY, Mr. COOPER, Ms. BONAMICI, Mr. CASTRO of Texas, Mr. GARCÍA of Illinois, Ms. SÁNCHEZ, Mr. LAWSON of Florida, Ms. SCHAKOWSKY, Mr. CASTEN, Ms. BROWNLEY, Mr. TAKANO, Mr. MOULTON, Mr. GARAMENDI, Ms. NORTON, Mrs. TRAHAN, Mr. DELGADO, Mrs. WATSON COLEMAN, Mrs. BEATTY, Ms. MCCOLLUM, Ms. DEGETTE, Ms. LEE of California, Mr. NEGUSE, Mr. CARSON, Mr. WELCH, Mrs. HAYES, Ms. SPEIER, Mr. CROW, Mr. SMITH of Washington, Mr. GALLEGRO, Ms. ROYBAL-ALLARD, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KRISHNAMOORTHY, Ms. KELLY of Illinois, Mr. TONKO, Mr. FOSTER, Mr. DEFazio, Ms. PINGREE, Mr. BLUMENAUER, Miss RICE of New York, Mr. CARBAJAL, Ms. CASTOR of Florida, Mr. PANETTA, Mr. CRIST, Mr. MEEKS, Ms. OMAR, Mr. SARBANES, Mr. PETERS, Ms. KUSTER, Mr. TRONE, Mr. PALLONE, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. DELBENE, Mr. SCHIFF, Ms. MATSUI, Mr. SIRES, Mrs. LAWRENCE, Ms. GARCIA of Texas, Ms. WEXTON, Mrs. DINGELL, Mr. JONES, Mr. YARMUTH, Mr. HASTINGS, Ms. DEAN, Ms. JACOBS of California, Ms. LOIS FRANKEL of Florida, Ms. BASS, Mrs. CAROLYN B. MALONEY of New York, Ms. HOULAHAN, Mrs. NAPOLITANO, Mr. MORELLE, Mr. PASCRELL, Ms. BLUNT ROCHESTER, Ms. STEVENS, Ms. BOURDEAUX, Mr. LOWENTHAL, Mr. KILDEE, Mrs. KIRKPATRICK, Mr. VELA, Mr. RUSH, Mr. THOMPSON of California, Mr. HIMES, Mr. STANTON, Mr. HUFFMAN, Mr. NADLER, Mr. O'HALLERAN, Mr. LANGEVIN, Mr. BERA, Ms. ADAMS, Mr. SCHRADER, and Ms. SHERRILL) 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,*

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 if the exemp-  
10      tion would impose the religious views, habits, or  
11      practices of one party upon another;

12              (2) the Religious Freedom Restoration Act of  
13      1993 should not be interpreted to authorize an ex-  
14      emption from generally applicable law if the exemp-  
15      tion would impose meaningful harm, including dig-  
16      nitary harm, on a third party; and

17              (3) the Religious Freedom Restoration Act of  
18      1993 should not be interpreted to authorize an ex-  
19      emption from generally applicable law if the exemp-  
20      tion would permit discrimination against other per-  
21      sons, including persons who do not belong to the re-

1       ligion or adhere to the beliefs of those to whom the  
2       exemption is given.

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

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

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

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

13                   “(A) protections against discrimination or  
14 the promotion of equal opportunity including  
15 the Civil Rights Act of 1964, the Americans  
16 with Disabilities Act, the Family Medical Leave  
17 Act, Executive Order 11246, the Violence  
18 Against Women Act, and Equal Access to  
19 Housing in HUD Programs Regardless of Sex-  
20 ual Orientation or Gender Identity (77 FR  
21 5662);

22                   “(B) employers to provide wages, other  
23 compensation, or benefits including leave, or  
24 standards protecting collective activity in the  
25 workplace;

1           “(C) protections against child labor, abuse,  
2           or exploitation; or

3           “(D) access to, information about, refer-  
4           rals for, provision of, or coverage for, any  
5           health care item or service;

6           “(2) to any term of a government contract,  
7           grant, cooperative agreement, or other award, that  
8           requires goods, services, functions, or activities to be  
9           performed for or provided to beneficiaries of or par-  
10          ticipants in a program or activity funded by such a  
11          government contract, grant, cooperative agreement,  
12          or other award; or

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

17 **SEC. 4. CLARIFICATION OF PRECLUSION OF LITIGATION**  
18 **BETWEEN PRIVATE PARTIES.**

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

22          (b) **PRECLUSION.**—Section 3(e) of the Religious  
23 Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-  
24 1(c)) is amended, in the first sentence, by striking “judi-  
25 cial proceeding” and all that follows and inserting “judi-

- 1 cial proceeding to which the government is a party and
- 2 obtain appropriate relief against that government.”.

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