

116TH CONGRESS  
1ST SESSION

# H. R. 1450

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 28, 2019

Mr. KENNEDY (for himself, Mr. SCOTT of Virginia, Mrs. DEMINGS, Ms. DEGETTE, Ms. SPEIER, Ms. NORTON, Mr. HASTINGS, Miss RICE of New York, Mrs. DINGELL, Mr. COHEN, Mr. ESPAILLAT, Ms. DELAURO, Mr. SMITH of Washington, Mr. LYNCH, Mr. KHANNA, Ms. MENG, Mr. SWALWELL of California, Mr. KILMER, Mr. QUIGLEY, Ms. MCCOLLUM, Ms. JACKSON LEE, Mr. KRISHNAMOORTHY, Mrs. BEATTY, Mrs. WATSON COLEMAN, Ms. WILD, Mr. PANETTA, Ms. BROWNLEY of California, Mr. MOULTON, Mr. MCEACHIN, Mr. POCAN, Mrs. NAPOLITANO, Ms. SCHAKOWSKY, Mr. SERRANO, Mrs. LAWRENCE, Mr. RASKIN, Mr. WELCH, Ms. BONAMICI, Mr. NADLER, Mr. SEAN PATRICK MALONEY of New York, Ms. PORTER, Mr. PALLONE, Ms. CLARK of Massachusetts, Mr. HUFFMAN, Mr. DEFazio, Mr. BLUMENAUER, Mr. LAMB, Ms. SCANLON, Mr. KIND, Ms. VELÁZQUEZ, Mr. RUSH, Mr. SCHIFF, Mr. MCGOVERN, and Ms. HAALAND) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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–1) 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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