

118TH CONGRESS
1ST SESSION

S. 1206

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

APRIL 19, 2023

Mr. BOOKER (for himself, Mr. BLUMENTHAL, Ms. CORTEZ MASTO, Ms. BALDWIN, Mr. MERKLEY, Mr. MARKEY, Mr. SANDERS, Mr. REED, Mr. HICKENLOOPER, Ms. CANTWELL, Mr. WHITEHOUSE, Ms. WARREN, Mr. PADILLA, Mrs. FEINSTEIN, Mr. MENENDEZ, Mr. VAN HOLLEN, Mrs. SHAHEEN, Ms. KLOBUCHAR, Mr. WYDEN, Mr. HEINRICH, Mr. CARDIN, Ms. STABENOW, Mr. CARPER, Ms. DUCKWORTH, Mr. DURBIN, Mr. BROWN, and Mr. LUJÁN) introduced the following bill; which was read twice and 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”.

1 **SEC. 2. EXCEPTION FROM APPLICATION OF ACT WHERE**
2 **FEDERAL LAW PREVENTS HARM TO OTHERS.**

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

6 “(d) ADDITIONAL EXCEPTION FROM APPLICATION
7 OF ACT WHERE FEDERAL LAW PREVENTS HARM TO
8 OTHERS.—Subsections (a), (b), and (c) do not apply to—

9 “(1) any provision of law or its implementation
10 that provides for or requires—

11 “(A) a protection against discrimination or
12 the promotion of equal opportunity, including
13 the Civil Rights Act of 1964 (42 U.S.C. 2000a
14 et seq.), the Americans with Disabilities Act of
15 1990 (42 U.S.C. 12101 et seq.), the Family
16 and Medical Leave Act of 1993 (29 U.S.C.
17 2601 et seq.), Executive Order 11246 (42
18 U.S.C. 2000e note; relating to equal employ-
19 ment opportunity), and the Violence Against
20 Women Act of 1994 (42 U.S.C. 13925 et seq.);

21 “(B) an employer to provide a wage, other
22 compensation, or a benefit, including leave, or
23 a standard protecting collective activity in the
24 workplace;

25 “(C) a protection against child labor, child
26 abuse, or child exploitation; or

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

4 “(2) any term of a government contract, grant,
5 cooperative agreement, or other award, that provides
6 funds directly or indirectly, and that requires a
7 good, service, function, or activity to be performed
8 for or provided to a beneficiary of or a participant
9 in a program or activity funded, directly or indi-
10 rectly, by a government contract, grant, cooperative
11 agreement, or other award; or

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

16 **SEC. 3. CLARIFICATION OF PRECLUSION OF LITIGATION**
17 **BETWEEN PRIVATE PARTIES.**

18 (a) **PURPOSE.**—The purpose of the amendment made
19 by subsection (b) is to clarify the applicability of the Reli-
20 gious Freedom Restoration Act of 1993 (42 U.S.C.
21 2000bb et seq.).

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 through the first pe-

1 riod and inserting “judicial proceeding to which a govern-
2 ment is a party and obtain appropriate relief against that
3 government.”.

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