

118TH CONGRESS
1ST SESSION

S. 2797

To ensure religious freedom and rights of conscience for health care workers and other government employees, and to protect health care workers and other government employees from various forms of compelled speech.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 2023

Mr. RUBIO (for himself, Mr. VANCE, Mr. TILLIS, and Mrs. HYDE-SMITH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To ensure religious freedom and rights of conscience for health care workers and other government employees, and to protect health care workers and other government employees from various forms of compelled speech.

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 “Protecting Conscience
5 in Our Health Care Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) COVERED ENTITY.—The term “covered en-
2 tity” means a hospital, health clinic, medical organi-
3 zation, or other health care entity, using Federal
4 funds to implement a program or activity, or a re-
5 lated policy.

6 (2) FEDERAL FUNDS.—The term “Federal
7 funds” includes direct and indirect Federal financial
8 assistance.

9 (3) PROGRAM OR ACTIVITY.—The term “pro-
10 gram or activity” has the meaning given the term in
11 section 606 of the Civil Rights Act of 1965 (20
12 U.S.C. 2000d–4a).

13 (4) SEX.—Except as provided in section
14 3(a)(6), the term “sex”—

15 (A) means the biological indication of male
16 and female in the context of natural reproduc-
17 tive potential or capacity, such as genes or sex
18 chromosomes, gonads, and nonambiguous inter-
19 nal and external genitalia present at or before
20 birth; and

21 (B) does not include an individual’s psy-
22 chological, chosen, or subjective experience.

23 (5) STATE GOVERNMENT OR AGENCY.—The
24 term “State”, used with respect to a government or
25 agency, means a government or agency, respectively,

1 using Federal funds to implement a program or ac-
2 tivity, or a related policy.

3 **SEC. 3. FEDERAL FUNDS LIMITATION TO PROTECT**
4 **AGAINST COMPELLED SPEECH AND ACTION.**

5 (a) PROHIBITION ON COMPELLED SPEECH AND AC-
6 TION.—No Federal or State government or agency, or cov-
7 ered entity shall—

8 (1) require an employee to participate in a sem-
9 inar, workshop, training, or other educational or
10 professional activity, or in using a curriculum, that
11 advocates for the idea that an individual can have an
12 identity that is incongruent with their sex;

13 (2) require an employee to attend or participate
14 in an event or activity affirming, celebrating, or sup-
15 porting an identity that is incongruent with an indi-
16 vidual's sex;

17 (3) require, as a condition of employment or
18 good standing with the government, agency, or enti-
19 ty involved, that an employee pledge or otherwise
20 commit to support or condone an identity that is in-
21 congruent with an individual's sex through verbal af-
22 firmation, written recognition, or any physical exer-
23 cise;

24 (4) require, as a condition of employment or
25 good standing with the government, agency, or enti-

1 ty involved, that an employee sign a statement of
2 commitment to a particular belief or form of social
3 action that supports, condones, or advances the idea
4 that an individual can have an identity that is incon-
5 gruent with their sex;

6 (5) require, as a condition of employment or
7 good standing with the government, agency, or enti-
8 ty involved, that an employee wear apparel or an ac-
9 cessory that supports or condones an identity that is
10 incongruent with an individual's sex;

11 (6) require an employee to affirm and use pre-
12 ferred pronouns of another, including a medical pa-
13 tient, without regard for whether those pronouns
14 conflict with the employee's religious or moral be-
15 liefs, or the employee's understanding of the rela-
16 tionship between sex and identity;

17 (7) require an employee to share the employee's
18 preferred pronouns upon meeting or interacting with
19 another individual or patient, or to include preferred
20 pronouns on or in a name tag, email signature, busi-
21 ness card, or other regular means of communication;
22 or

23 (8) terminate an employee's employment be-
24 cause, based on their religious or moral beliefs, the
25 employee refuses to support, condone, or acknowl-

1 edge someone's professed identity that is incon-
2 gruent with sex, including refusing to carry out any
3 activity that a Federal or State government or agen-
4 cy, or covered entity may not require under any of
5 paragraphs (1) through (7).

6 (b) PROHIBITION ON RETALIATION.—It shall be un-
7 lawful for a Federal or State government or agency, or
8 covered entity to intimidate, threaten, coerce, or discrimi-
9 nate against any individual because the individual has
10 made a complaint, testified, assisted, or participated in
11 any manner in a civil action under section 4.

12 (c) REMEDY.—The remedies, procedures, and rights
13 set forth in title VI of the Civil Rights Act of 1964 (42
14 U.S.C. 2000d et seq.) shall be available to—

15 (1) any person aggrieved by any violation of
16 subsection (a) by a State government or agency, or
17 covered entity; and

18 (2) any person aggrieved by any violation of
19 subsection (b) by a Federal or State government or
20 agency, or covered entity,

21 with respect to the amount of Federal financial assistance
22 expended for the period of the violation.

1 **SEC. 4. PRIVATE RIGHT OF ACTION FOR AFFECTED INDI-**
2 **VIDUALS.**

3 (a) **IN GENERAL.**—Any individual employed by a
4 Federal or State government or agency, or covered entity
5 may bring a civil action in an appropriate district court
6 of the United States against the government, agency, or
7 entity involved for a violation of section 3(a).

8 (b) **REMEDY.**—In the case that the individual de-
9 scribed in subsection (a) demonstrates such a violation,
10 the individual shall be entitled to—

11 (1) declaratory and injunctive relief; and

12 (2) reasonable attorney’s fees, and costs of the
13 action, that the court determines are appropriate to
14 award to a prevailing plaintiff.

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