

114TH CONGRESS
2D SESSION

H. R. 5272

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

MAY 18, 2016

Mr. KENNEDY (for himself and Mr. SCOTT of Virginia) 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 that imposes

1 the religious views, habits, or practices of one party
2 upon another;

3 (2) the Religious Freedom Restoration Act of
4 1993 should not be interpreted to authorize an ex-
5 emption from generally applicable law that imposes
6 meaningful harm, including dignitary harm, on a
7 third party; and

8 (3) the Religious Freedom Restoration Act of
9 1993 should not be interpreted to authorize an ex-
10 emption that permits discrimination against other
11 persons, including persons who do not belong to the
12 religion or adhere to the beliefs of those to whom the
13 exemption is given.

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

16 Section 3 of the Religious Freedom Restoration Act
17 of 1993 (42 U.S.C. 2000bb-3) is amended by adding at
18 the end the following:

19 “(d) **ADDITIONAL EXCEPTION FROM APPLICATION**
20 **OF ACT WHERE FEDERAL LAW PREVENTS HARM TO**
21 **OTHERS.—This section does not apply—**

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

24 “(A) protections against discrimination or
25 the promotion of equal opportunity including

1 the Civil Rights Act of 1964, the Americans
2 with Disabilities Act, the Family Medical Leave
3 Act, Executive Order 11246, the Violence
4 Against Women Act, and Equal Access to
5 Housing in HUD Programs Regardless of Sex-
6 ual Orientation or Gender Identity (77 FR
7 5662);

8 “(B) employers to provide wages, other
9 compensation, or benefits including leave, or
10 standards protecting collective activity in the
11 workplace;

12 “(C) protections against child labor, abuse,
13 or exploitation; or

14 “(D) access to, information about, refer-
15 rals for, provision of, or coverage for, any
16 health care item or service;

17 “(2) to any term requiring goods, services,
18 functions, or activities to be performed or provided
19 to beneficiaries of a government contract, grant, co-
20 operative agreement, or other award; or

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

1 **SEC. 4. CLARIFICATION OF PRECLUSION OF LITIGATION**
2 **BETWEEN PRIVATE PARTIES.**

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

6 (b) **PRECLUSION.**—Section 3(c) of the Religious
7 Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-
8 1(c)) is amended, in the first sentence, by striking “judi-
9 cial proceeding” and all that follows and inserting “judi-
10 cial proceeding to which the government is a party and
11 obtain appropriate relief against that government.”.

12 **SEC. 5. DEFINITIONS.**

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

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

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

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

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

○