

119TH CONGRESS
1ST SESSION

S. _____

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

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on _____

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. EXCEPTION FROM APPLICATION OF ACT WHERE**

6 **FEDERAL LAW PREVENTS HARM TO OTHERS.**

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

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

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

6 “(A) a protection against discrimination or
7 the promotion of equal opportunity, including
8 the Civil Rights Act of 1964 (42 U.S.C. 2000a
9 et seq.), the Americans with Disabilities Act of
10 1990 (42 U.S.C. 12101 et seq.), the Family
11 and Medical Leave Act of 1993 (29 U.S.C.
12 2601 et seq.), and the Violence Against Women
13 Act of 1994 (34 U.S.C. 12291 et seq.);

14 “(B) an employer to provide a wage, other
15 compensation, or a benefit, including leave, or
16 a standard protecting collective activity in the
17 workplace;

18 “(C) a protection against child labor, child
19 abuse, or child exploitation; or

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

23 “(2) any term of a government contract, grant,
24 cooperative agreement, or other award, that provides
25 funds directly or indirectly, and that requires a

1 good, service, function, or activity to be performed
2 for or provided to a beneficiary of or a participant
3 in a program or activity funded, directly or indi-
4 rectly, by a government contract, grant, cooperative
5 agreement, or other award; or

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

10 **SEC. 3. CLARIFICATION OF PRECLUSION OF LITIGATION**
11 **BETWEEN PRIVATE PARTIES.**

12 (a) PURPOSE.—The purpose of the amendment made
13 by subsection (b) is to clarify the applicability of the Reli-
14 gious Freedom Restoration Act of 1993 (42 U.S.C.
15 2000bb et seq.).

16 (b) PRECLUSION.—Section 3(c) of the Religious
17 Freedom Restoration Act of 1993 (42 U.S.C. 2000bb–
18 1(c)) is amended, in the first sentence, by striking “judi-
19 cial proceeding” and all that follows through the first pe-
20 riod and inserting “judicial proceeding to which a govern-
21 ment is a party and obtain appropriate relief against that
22 government.”.