

118TH CONGRESS
1ST SESSION

H. R. 2725

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

APRIL 19, 2023

Mr. SCOTT of Virginia (for himself, Mr. COHEN, Mr. RASKIN, Ms. SCANLON, Mr. DESAULNIER, Mr. SABLAN, Ms. BONAMICI, Mr. GOMEZ, Ms. MATSUI, Mr. KILMER, Ms. LOFGREN, Ms. DAVIDS of Kansas, Ms. ROSS, Mr. JOHNSON of Georgia, Mr. MOULTON, Mr. HIGGINS of New York, Mr. DAVID SCOTT of Georgia, Ms. SCHAKOWSKY, Ms. DELBENE, Ms. GARCIA of Texas, Ms. BARRAGÁN, Ms. BUSH, Ms. LEE of California, Ms. WILLIAMS of Georgia, Ms. CHU, Mrs. BEATTY, Ms. ADAMS, Mrs. DINGELL, Mr. MENENDEZ, Mr. SMITH of Washington, Ms. TITUS, Mr. CASAR, Mr. MORELLE, Ms. SÁNCHEZ, Ms. DEGETTE, Mr. MRVAN, Ms. WILSON of Florida, Ms. WASSERMAN SCHULTZ, Mr. DOGGETT, Ms. PORTER, Mr. PANETTA, Mrs. LEE of Nevada, Mr. PAYNE, Ms. BROWN, Ms. STEVENS, Mr. TORRES of New York, Mr. TONKO, Ms. KUSTER, Mr. NADLER, Mr. QUIGLEY, Mr. SCHIFF, Mr. SARBANES, Ms. STANSBURY, Mrs. WATSON COLEMAN, Mr. STANTON, Ms. BALINT, Mr. TRONE, Mr. POCAN, Mrs. TRAHAN, Mr. KILDEE, Mrs. MCBATH, Ms. MCCOLLUM, Mr. VEASEY, Mr. SWALWELL, Ms. WILD, Ms. JACOBS, Mr. SHERMAN, Mr. SCHNEIDER, Mr. BOYLE of Pennsylvania, Mr. BLUMENAUER, Mr. GOTTHEIMER, Mr. MCGOVERN, Mr. COURTNEY, Mr. JACKSON of North Carolina, Mr. PHILLIPS, Ms. PINGREE, Mr. MCGARVEY, Ms. TOKUDA, Mr. GRIJALVA, Mr. CROW, Mr. ROBERT GARCIA of California, Mrs. HAYES, and Mr. MULLIN) 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. 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:

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

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

15 “(A) a protection against discrimination or
16 the promotion of equal opportunity, including
17 the Civil Rights Act of 1964 (42 U.S.C. 2000a
18 et seq.), the Americans with Disabilities Act of
19 1990 (42 U.S.C. 12101 et seq.), the Family
20 and Medical Leave Act of 1993 (29 U.S.C.
21 2601 et seq.), Executive Order 11246 (42
22 U.S.C. 2000e note; relating to equal employ-
23 ment opportunity), and the Violence Against
24 Women Act of 1994 (42 U.S.C. 13925 et seq.);

1 “(B) an employer to provide a wage, other
2 compensation, or a benefit, including leave, or
3 a standard protecting collective activity in the
4 workplace;

5 “(C) a protection against child labor, child
6 abuse, or child exploitation; or

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

10 “(2) any term of a government contract, grant,
11 cooperative agreement, or other award, that provides
12 funds directly or indirectly, and that requires a
13 good, service, function, or activity to be performed
14 for or provided to a beneficiary of or a participant
15 in a program or activity funded, directly or indi-
16 rectly, by a government contract, grant, cooperative
17 agreement, or other award; or

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

22 **SEC. 3. CLARIFICATION OF PRECLUSION OF LITIGATION**
23 **BETWEEN PRIVATE PARTIES.**

24 (a) **PURPOSE.**—The purpose of the amendment made
25 by subsection (b) is to clarify the applicability of the Reli-

1 gious Freedom Restoration Act of 1993 (42 U.S.C.
2 2000bb et seq.).

3 (b) PRECLUSION.—Section 3(c) of the Religious
4 Freedom Restoration Act of 1993 (42 U.S.C. 2000bb–
5 1(c)) is amended, in the first sentence, by striking “judi-
6 cial proceeding” and all that follows through the first pe-
7 riod and inserting “judicial proceeding to which a govern-
8 ment is a party and obtain appropriate relief against that
9 government.”.

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