



Atheists. Agnostics. Humanists.
Americans.

PROTECTING THE FUNDAMENTAL CIVIL AND LEGAL RIGHTS OF ALL AMERICANS

H.R. 3222, *Do No Harm Act*

POSITION

The Secular Coalition for America strongly supports efforts to enact the *Do No Harm Act* and, thereby, amend the *Religious Freedom Restoration Act* (RFRA).

BACKGROUND

Do No Harm Act

The *Do No Harm Act* was first introduced by U.S. Representatives Joe Kennedy, III (D-MA) and Bobbie Scott (D-VA) in the 114th Congress (H.R. 5272) on May 18, 2016. By the end of the 114th Congress, the bill had 36 co-sponsors. The bill was re-introduced in the 115th Congress on July 13, 2017, and there are currently 118 co-sponsors. There is currently not a Senate companion bill.

If enacted, the *Do No Harm Act* would ensure that individuals and businesses are not granted religious exemptions under RFRA from laws that serve to protect fundamental civil and legal rights, preventing claims of religious freedom from being used to discriminate against others or impose religious beliefs upon them. In particular, it would limit such religious exemptions “in cases involving discrimination, child labor and abuse, wages and collective bargaining, access to health care, public accommodations, and social services provided through government contract.”¹ The *Do No Harm Act* must be enacted quickly to combat those who, contrary to Congressional intent, have begun to use RFRA as a means by which to “undermine Civil Rights Act protections, limit access to healthcare, and refuse service to minority populations.”²

THIS ACT MUST BE ENACTED STOP THE DISTORTION OF RFRA

The *Do No Harm Act* must be enacted to stop individuals and businesses from continuing to distort RFRA to discriminate against others and impose religious beliefs upon them. Since the Supreme Court’s 2014 *Hobby Lobby* decision, there have been “continued efforts across the country to cite religious belief as grounds to undermine *Civil Rights Act* protections, limit access

¹ See Kennedy, Scott Reintroduce Amendment to Religious Freedom Restoration Act, EDUCATION AND THE WORKFORCE COMMITTEE DEMOCRATS, <https://democrats-edworkforce.house.gov/about/history> (last visited Mar. 16, 2018).

² *Id.*

[Type here]

to healthcare, and refuse service to minority populations.”³ As she wrote in her dissent in the *Hobby Lobby* decision, Justice Ginsburg predicted this trend, noting that the majority’s opinion could result in “RFRA being used to permit discrimination against minority groups.”⁴ Only by enacting the *Do No Harm Act* can Congress ensure that RFRA will no longer be used to undermine Americans’ fundamental civil and legal rights.

THE ACT WOULD NOT REPEAL RFRA OR UNJUSTLY INFRINGE UPON RELIGIOUS FREEDOM

The *Do No Harm Act* would not repeal RFRA or unjustly infringe upon religious freedom. Rather, it would simply reestablish “the fundamental balance between two bedrock American values ... [-] the free exercise of religion and the equal protection of [the] law” – by allowing individuals and businesses to obtain religious exemptions under RFRA in all cases except those in which discrimination or the imposition of one’s faith upon another would result.⁵ Because, contrary to the current state of affairs, this was how RFRA was always intended to be interpreted. By passing this bill, Congress would actually be restoring “RFRA to its original purpose.”⁶

POLICY RECOMMENDATION

The Secular Coalition for America urges members of Congress to support efforts to enact the *Do No Harm Act* and applauds actions to protect Americans’ fundamental civil and legal rights.

###

Contact: Larry T. Decker
Executive Director
(202) 299-1091, ext. 207 // larry@secular.org

Sarah M. Levin
Director of Grassroots and Community Programs
(202) 299-1091, ext. 202 // sarah@secular.org

³ *Id.*

⁴ See *Do No Harm Act*, HUMAN RIGHTS CAMPAIGN, <https://www.hrc.org/resources/do-no-harm-act> (last visited Mar. 16, 2018).

⁵ See Gabby Bess, *Congress Wants to Stop the A***** Who Use 'Religious Freedom' to Discriminate*, VICE (May 19, 2016, 12:20 PM), https://broadly.vice.com/en_us/article/vb4mea/congress-wants-to-stop-the-assholes-who-use-religious-freedom-to-discriminate.

⁶ See Kira Shepherd, *The 'Do No Harm Act' Could Help Prevent Discrimination on Religious Grounds, But Will Congress Ever Vote on It?*, REWIRE NEWS (Sept. 15, 2016, 2:48 PM), <https://rewire.news/article/2016/09/15/no-harm-act-help-prevent-discrimination-religious-grounds-will-congress-ever-vote/>.