

Do No Harm Act

Background

In 1993, Congress passed the bipartisan *Religious Freedom Restoration Act* (RFRA) to prohibit the government from interfering with one's practice of religion unless (1) there is a compelling government interest and (2) the law is implemented in the least restrictive manner to further that interest. When enacted, RFRA was intended to protect religious freedom of individuals, especially for religious minorities, while safeguarding the government's ability to pursue important policy objectives. At the time of its passage, RFRA was supported by a broad bipartisan coalition that represented diverse faith groups, legal experts, and civil liberty advocates.

However, despite its clear intent to protect people from discrimination, RFRA has increasingly been misapplied by the courts to harm the rights of others. For example, in 2022, a District Court judge in Texas ruled that the *Affordable Care Act's* requirement that employers cover HIV-prevention medication, known as PrEP, violates RFRA. And in 2023, the Fifth Circuit Court of Appeals ruled that a for-profit employer could use RFRA to ignore Title VII of the *Civil Rights Act of 1964* and discriminate against employees based on sexual orientation and gender identity.

To read more about the history of religious liberty in federal policy and the courts from 1993 to 2022, [click here](#).

Current Problem

The current Trump Administration is poised to supercharge the misapplication of RFRA through executive actions. For instance, on February 27, 2025, President Trump issued [Executive Order 14205](#) titled "Establishment of the White House Faith Office" directing the White House Faith Office to support federal agencies in providing training and education on the availability of religious exemptions.

About the *Do No Harm Act*

The *Do No Harm Act* restores the original purpose of the *Religious Freedom Restoration Act* to provide protections for religious exercise while ensuring that RFRA is not used to erode civil rights, access to health care and government services, and worker protections under the guise of religious freedom.

The bill clarifies that RFRA would not apply in certain circumstances where a religious exemption could cause harm to others. Specifically, the bill limits the application of RFRA from being used against:

- Nondiscrimination laws,
- Employment laws governing wages and collective bargaining,
- Child labor and protection laws,
- Access to health care,
- Services provided through a government contract or grant, and
- Services by government officials.

These areas of the law protect important civil and legal rights and are places where a religious exemption for one harm another. The *Do No Harm Act* restores protections for these areas under the law to ensure that RFRA can no longer be used to weaken civil rights and other protections. Additionally, the legislation clarifies that RFRA can only be used in litigation where the government is a party.