

103^D CONGRESS
2^D SESSION

H. CON. RES. 265

Expressing the sense of the Congress regarding the issuance under title VII of the Civil Rights Act of 1964 of administrative guidelines applicable to religious harassment in employment.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 1994

Mr. HILLIARD submitted the following concurrent resolution; which was referred to the Committee on Education and Labor

CONCURRENT RESOLUTION

Expressing the sense of the Congress regarding the issuance under title VII of the Civil Rights Act of 1964 of administrative guidelines applicable to religious harassment in employment.

Whereas the liberties protected by our Constitution include religious liberty protected by the first article of amendment to the Constitution of the United States;

Whereas citizens of the United States profess the beliefs of almost every conceivable religion;

Whereas Congress historically has protected religious freedom of expression even from Government action not intended to be hostile to religion;

Whereas the Supreme Court of the United States has written that “the free exercise of religion means, first and fore-

most, the right to believe whatever religious doctrine one desires”;

Whereas the Supreme Court has firmly settled that under the Constitution the public expression of ideas may not be prohibited merely because the content of ideas is offensive to some;

Whereas Congress enacted the Religious Freedom Restoration Act of 1993 to restate and clear again our intent and position that religious liberty is and should forever be granted protection from unwarranted and unjustified Government intrusions and burdens;

Whereas the Equal Employment Opportunity Commission has written proposed guidelines to title VII of the Civil Rights Act of 1964, published in the Federal Register on October 1, 1993, that may result in the infringement of religious freedom;

Whereas such guidelines do not resolve issues related to religious liberty and religious expression in the workplace;

Whereas properly drawn guidelines for the determination of religious harassment should provide appropriate guidelines to employers and employees to assist in the continued preservation of religious liberty as guaranteed by the first amendment;

Whereas the Commission states in its proposed guidelines that it retains wholly separate guidelines for the determination of sexual harassment in employment because the Commission believes that sexual harassment raises issues about human interaction that are to some extent unique in comparison to other harassment and may warrant separate treatment; and

Whereas the subject of religious harassment in employment also raises issues about human interaction that are to some extent unique in comparison to other harassment: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of the Congress that for
3 the purpose of issuing final regulations under title VII of
4 the Civil Rights Act of 1964 in connection with the pro-
5 posed guidelines published by the Equal Employment Op-
6 portunity Commission on October 1, 1993 (58 Fed. Reg.
7 51266)—

8 (1) the category of religion should be withdrawn
9 from the proposed guidelines at this time;

10 (2) any new guidelines for the determination of
11 religious harassment in employment should be draft-
12 ed so as to make explicitly clear that symbols or ex-
13 pressions of religious belief consistent with the first
14 article of amendment to the Constitution of the
15 United States, and with the Religious Freedom Act
16 of 1993, are not to be restricted and do not con-
17 stitute proof of harassment;

18 (3) the Commission should hold public hearings
19 on such new proposed guidelines; and

1 (4) the Commission should receive additional
2 public comment before issuing similar new guide-
3 lines.

