

November 7, 2023

Re: Vote “NO” on H.R. 4664, the Financial Services and General Government Appropriations Act for FY 2024, and Vote “NO” on Amendments that Harm Civil Rights and Civil Liberties

Dear Representative:

The American Civil Liberties Union strongly urges you to vote “NO” on H.R. 4664, making appropriations for financial services and general government for the fiscal year ending September 30, 2024 and for other purposes. The ACLU also strongly urges you to vote “No” on Amendments Nos. 95, 61, 60, 99, 93, 88, and 40 which would undermine civil rights and civil liberties.



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The ACLU will score the vote on final passage of the bill. The ACLU will also score Amendments Nos. 95, 61, 60, 99, 93, 88, and 40, even if they become part of an en bloc amendment.

Provisions Undermining Civil Rights and Civil Liberties in the Base Bill

As passed out of committee, H.R. 4664 includes multiple provisions that would undermine civil rights and civil liberties.

Provisions Undermining District of Columbia Autonomy

Year after year, appropriations bills such as HR4664 consistently include provisions that erode the District of Columbia's self-governance and undermine the democratic rights of D.C. residents. It is troubling to observe members of Congress, who lack a genuine connection to or electoral responsibility toward the District, impose riders that adversely affect the District, with no avenue for these residents to hold them electorally accountable. The ACLU strongly opposes provisions that undermine District autonomy.

In particular, however, we are concerned about provisions that would prohibit D.C. from spending local funds on abortion, commercializing recreational marijuana, carrying out the Reproductive Health Non-Discrimination Act and carrying out the Comprehensive Policing and Justice Reform Act. We are also concerned about provisions that would prohibit D.C. from passing legislation similar to the Death with Dignity Act, require D.C. to submit reports on the enforcement of the Partial Birth Abortion Ban Act and on maternity care, amend Anti-SLAPP legislation and require D.C. to accept concealed carry licenses issued by other jurisdictions. The 700,000 D.C. residents are veterans, nurses, and families, and they demand the same democratic respect and self-determination granted to every other American. D.C. deserves to govern itself, as a matter of democracy and self-determination, but also because D.C. knows its communities better than anyone else.

Provisions Undermining Grants to States from the Election Assistance Commission

The Election Assistance Commission provides critical support to states to improve the security and reliability of elections. The ACLU opposes efforts to cut \$75 million in grant funds from this program.

Provisions Undermining Reproductive Healthcare

This bill contains a number of provisions that will limit access to reproductive healthcare and attack reproductive freedom. As briefly mentioned above, this bill would prohibit Washington D.C. from using its own locally raised tax dollars to provide reproductive healthcare to its low-income residents. Everyone, no matter their zip-code or income, must have the freedom to make decisions about their reproductive health. Coverage bans like this deny that freedom to people who are working to make ends meet. In addition, this bill would bar the Federal Employees Health Benefits Program—which provides health care coverage for over 8 million people—from covering abortion services, denying federal employees access to reproductive health care. Everyone, including federal employees, must be able to make decisions about whether and when to have children and have access to that reproductive care.

In addition this bill attacks reproductive freedom by directing Washington D.C. to submit a report to Congress regarding how it has complied with a dangerous abortion ban. It would also prohibit funding to carry out the Reproductive Health Non-Discrimination Amendment Act of 2014 -- an important law that ensures individuals are protected from discrimination by an employer based on their reproductive health decisions. Such a measure would open up those who have sought abortion care to discrimination at work. The ACLU strongly opposes efforts that threaten a person's right to make decisions about their reproductive health.

Provisions Undermining Freedom of Speech

Strategic Lawsuits Against Public Participation, or SLAPP laws, are lawsuits that are brought with the intent to chill speech. Laws precluding this practice are an important protection to freedom of speech, as they enable people to speak out without fear of defending a meritless lawsuit. The ACLU strongly opposes efforts to overturn Anti-SLAPP laws.

Provisions Undermining Diversity, Equity and Inclusion

The ACLU strongly opposes efforts to prohibit the implementation of Executive Orders related to Diversity, Equity and Inclusion. To begin to heal and move toward real racial justice, we must address not only the harms of the recent past, but also the harms tracing back to this country's origins. The history of the United States has shown that it's not enough to take racist policies off the books to achieve true justice. Those past policies have structured our society and created deeply-rooted patterns and practices that can only be disrupted and reformed with new policies of similar strength and efficacy. Efforts to increase diversity, equity and are appropriate steps to remedying and preventing racial discrimination in federal programs and should be supported by the House, not eliminated.

Provisions Attacking the Rights and Liberties of LGBTQ+ Persons

The ACLU is strongly opposed to provisions in the underlying legislation that target the LGBTQ community for discriminatory treatment. In particular, we oppose Sec. 641, which would allow taxpayer-funded discrimination against married same-sex couples. Freedom of religion is a fundamental American value protected by the First Amendment. This provision, however, would turn religious freedom on its head – transforming it from a shield that protects to a sword that discriminates and causes harm. No one should be denied a government service simply because of who they are.

In addition, Sec. 757 would ban funding for life-saving gender-affirming care in the Federal Employees Health Benefits program. Transgender people have a fundamental right to access gender-affirming care. Every leading medical and mental health organization in the country – including the American Medical Association and the American Psychological Association – agree that this health care saves lives. It is safe, effective, and necessary. Medical and mental health treatment for transgender people is always guided by evidence-based clinical guidelines and always based on the individual needs of each patient. It is for this reason that, to date, federal courts have consistently upheld the legal right to access gender-affirming care.

Members of Congress should never place themselves between patients, families, and doctors, and yet that is exactly what this discriminatory provision would do. This provision violates the constitutional guarantee of equal protection under the law and the ACLU is strongly opposed to it. The ACLU opposes any appropriations bill that bans funding for essential health care for transgender people.

Salazar Amendment No. 95, Hageman Amendment No. 61, Grothman Amendment No. 60, Steube Amendment No. 99

The ACLU urges you to vote no on Amendment No. 95, which Prohibits funds from being used to produce official documents containing the term "latinx" or "latin-x", Amendment No. 61, which prevents funds for the Office of Diversity, Equity, Inclusion, and Accessibility at the Office of Personnel Management, Amendment No. 60, which eliminates funding for the SBA's contracting preference program for "socially and economically disadvantaged individuals", and Amendment No. 99, which defunds the Communications Equity and Diversity Council at the FCC. Racism has played an active role in the creation of our systems of education, health care, ownership, and employment, and virtually every other facet of life since this nation's founding. The history of the United States has shown that it's not enough to take racist policies off the books to achieve true justice. Those past policies have structured our society and created deeply-rooted patterns and practices that can only be disrupted and reformed with new policies of similar strength and efficacy. In short, a systemic problem requires a systemic solution. These amendments, when taken together, will move the country backwards on this journey towards true racial justice.

Roy Amendment No. 93 and Pfuger Amendment No. 88

The ACLU urges you to vote no on Amendment No. 88, which prohibits funds from being used by DC for signage that designates 16th Street NW as "Black Lives Matter Plaza," and Amendment No. 175, which prohibits D.C. from using federal or local funds to require that students in elementary or secondary schools receive a COVID-19 vaccination. Both amendments undermine District autonomy and the rights of residents to engage in the democratic process.

Boebert Amendment No. 40

The ACLU urges you to vote “NO” on Amendment No. 40, which would prohibit funds from being used in contravention of 8 USC Section 1373. This amendment is a nonsensical attack on so-called “sanctuary” state and local governments, which have declined to spend local resources on federal immigration enforcement. Policies that limit collaboration with ICE through detainers and detention do not violate 8 USC Section 1373, which prohibits government entities from enacting policies that restrict the sharing of “information regarding...citizenship or immigration status.” The Tenth Amendment of the Constitution gives state and local governments the right to refuse to help enforce federal regulatory programs and the federal government cannot commandeer state and local government resources for federal immigration enforcement.

For these reasons, the ACLU strongly urges you to vote “NO” on final passage of H.R. 4664, after voting “NO” on each amendment described in this letter. Please do not hesitate to contact us with any questions.

Sincerely,



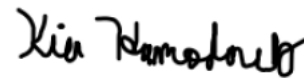
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