

June 26, 2024

RE: Vote “NO” on H.R. 8752, the Department of Homeland Security Appropriations Act for FY 2025, and Vote “NO” on Amendments that Harm Health Care, Civil Rights, and Civil Liberties

Dear Representative:

The American Civil Liberties Union strongly urges you to vote “NO” on H.R. 8752, the Department of Homeland Security Appropriations Act for FY 2025. The ACLU also strongly urges you to vote “NO” on a series of amendments that would undermine or reverse humanitarian aid, health care, civil rights, and civil liberties, and “YES” on amendments that support humane services and care for people accessing our asylum system.



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The ACLU opposes passage of this bill and further urges you to vote “NO” on several amendments specified in this letter, even if an amendment becomes part of an en bloc amendment.

As passed out of committee, H.R. 8752 is rife with poison pill riders that undermine humanitarian processes and attack fundamental civil rights and civil liberties. The increasing use of appropriations bills as vehicles to espouse xenophobic and bigoted rhetoric, threaten fundamental freedoms, and erode democratic norms is alarming. We urge you to oppose this bill and the increasingly partisan appropriations process that does not serve the interests and needs of the American people. This bill includes poison pill riders that, if adopted, would:

- violate lawful immigration processes and increases our reliance on inhumane for-profit detention;
- enable racist and xenophobic policing practices known to be pervasive in Immigration and Customs Enforcement’s 287(g) program;
- deprive people of access to life-saving gender-affirming care;
- block women and pregnant people in immigration custody from accessing abortion care;
- attack programs that provide greater strength and diversity within federal programs and blatantly attempts to suppress education and conversation related to racial justice;
- further limit access to the asylum system and remove critical Customs and Border Protection accountability and safety protections; and
- authorize taxpayer-funded discrimination against married same-sex couples.

The ACLU strongly urges the House to reject attacks on migrant communities, LGBTQ people, and to oppose riders that restrict the freedom to access reproductive and gender-affirming care, and to reject the blatant attempts to attack programs that support racial justice and equality.

The ACLU recommends the following votes to prevent additional harms to civil rights and civil liberties, and to provide for beneficial human rights-focused programs:

The ACLU urges you to vote “NO” on Amendment No. 12, offered by Representative Feenstra, which would re-allocate \$1 million of the Department’s budget for construction of a Southern border wall. The border wall constructed under the previous Administration already created significant damage to wildlife, public lands, and Indigenous sacred sites and burial grounds along the U.S.-Mexico border, while also resulting in increased injuries to migrants.

The ACLU urges you to vote “YES” on Amendment No. 14, offered by Representative Garcia, which would cut the \$600 million for the Border Wall and the \$100 million plus-up for ICE transportation and instead, reallocate this \$700 million to FEMA for states, cities, and nonprofits to provide immigrant shelter and services. The Shelter and Services Program provides necessary support to cities, states, and communities that are receiving newly arriving immigrants with essential services. Supporting this under-funded program is critical to ensure that immigrant families have the assistance they need, to assist cities and civil society organizations, and also to promote a fair border management program.

The ACLU urges you to vote “NO” on Amendments No. 18 and 39, offered by Representatives Greene and Stefanik, which would unconstitutionally reduce to \$1 the salary of specific employees of the Department of Homeland Security. These amendments would violate the constitutional prohibition against a bill of attainder.

The prohibition against a bill of attainder is so fundamental to the Constitution’s principle of separation of powers and protection of due process that the drafters of the Constitution wrote it into the body of the Constitution itself. Article I of the Constitution provides that “[n]o bill of attainder or ex post facto law shall be passed” by the Congress. U.S. Const. Art. I, § 9, cl. 3. In interpreting the Bill of Attainder Clause, the Supreme Court has held that “legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial are bills of attainder prohibited by the Constitution.” *United States v. Lovett*, 328 U.S. 303, 315 (1946). Every member of Congress has an obligation to uphold the Constitution by refraining from passing unconstitutional legislation.

The ACLU urges you to vote “NO” on Amendment No. 19, offered by Representative Greene, which prohibits the use of funds by the Department of Homeland Security to partner with the Department of State to establish Safe

Mobility Offices (SMOs). SMOs facilitate expedited refugee processing via the U.S. Refugee Admissions Program (USRAP) and provide information and/or referrals to humanitarian parole, family reunification, and labor pathways. SMOs provide necessary access to legal pathways to the United States to help refugees, vulnerable migrants, and other forcibly displaced persons in the Western Hemisphere.

The ACLU urges you to vote “NO” on Amendment No. 20, offered by Representative Grothman, which prohibits the use of funds for the parole program entitled “Processes for Cubans, Haitians, Nicaraguans, and Venezuelans” (CHNV). The CHNV program has provided necessary legal pathways to the United States for vulnerable people from the covered countries.

The ACLU urges you to vote “NO” on Amendment No. 29, offered by Representative McCormick, which would prohibit the use of funds to dismantle or remove any physical barriers placed by State governments along the U.S.-Mexico border. States like Texas have placed razor-wire and other dangerous barriers along the border, which has resulted in many severe injuries to children and families seeking protection in the U.S. and has created an increasingly dangerous border zone.

The ACLU urges you to vote “NO” on Amendment No. 39, offered by Representative Norman, which would defund and effectively dismantle the Transportation Security Administration’s Inclusive Action Committee. This would prevent the committee from achieving its mission to ensure agency wide compliance with federal civil rights laws and regulations that prohibit unlawful employment discrimination. It serves as the agency’s primary point of contact for internal civil rights matters, facilitates the Equal Employment Opportunity complaint process, and provides guidance, training, and technical assistance to agency offices and employees.

The ACLU strongly urges you to vote “NO” on Amendment No. 43, offered by Representative Ogles. This amendment would prohibit funding for the implementation of Executive Order 14019 on Promoting Access to Voting, which is vital to removing barriers to voting and strengthening our democracy.

The ACLU urges you to vote “NO” on Amendment No. 45, offered by Representative Ogles, which prohibits the use of funds to administer, implement, or enforce the Memorandum on the Deferred Enforced Departure (DED) for Certain Palestinians, issued by the President on February 14, 2024. DED protects Palestinian nationals from being sent back to life-threatening conditions. According to reports from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), as of June 14, 2024, at least 37,266 Palestinians have been killed and 85,102 Palestinians have been injured. The United Nations estimates that 1.7 million people have been displaced in Gaza out of a total population of 2.2 million. And recently the

Director of the United Nations World Food Program stated that northern Gaza is experiencing a “full-blown famine,” and that the famine is spreading south.

The ACLU urges you to vote “YES” on Amendment No. 52, offered by Rep. Ramirez, which would strike Immigration and Customs Enforcement (ICE) 287(g) agreements and minimum detention bed levels. The 287(g) program, which taps hundreds of state and local law enforcement officers around the country to help ICE identify, detain, and deport immigrants, has been [rife with abuse](#), notably racial profiling as well as other civil rights violations. Several of the agencies participating in this program have particularly egregious records of poor jail or prison conditions and treatment of individuals in its custody as well as anti-immigrant, xenophobic statements by officials. Further, this program also makes communities less safe, as research has shown that local law enforcement collaboration with ICE reduces residents’ willingness to report crime or assist with investigations, seriously hampering law enforcement’s ability to perform their jobs. Maintaining a minimum detention bed space is an inhumane, counterproductive, and costly policy that detains individuals who could instead participate in immigration proceedings from the community. Continuing to expand immigration detention despite consistent concerns about [abysmal conditions of confinement](#), including [preventable deaths](#), results in unnecessary, prolonged immigration detention that also makes it nearly impossible for individuals to fight their cases—including those with legitimate claims for legal status in the United States.

The ACLU urges you to vote “NO” on Amendment No. 54, offered by Representative Roy, which prohibits the use of funds to carry out, enforce, or implement the process entitled, “Process to Promote the Unity and Stability of Families”, announced by the Department of Homeland Security on June 18, 2024. This process will help keep committed, loving families together, which strengthens all of our communities.

The ACLU urges you to vote “NO” on Amendments No. 58 and 59, offered by Representative Tiffany, which prohibit the use of funds to grant temporary protected status (TPS) to any national of El Salvador and Honduras. Under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a), the Secretary of Homeland Security may designate a foreign country for TPS due to conditions in the country that temporarily prevent the country’s nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately. The Secretary has determined that El Salvador and Honduras meet those conditions and that their nationals should be protected.

For these reasons, the ACLU strongly urges you to vote “NO” on final passage of H.R. 8752, after voting in accordance with the recommendations described in this letter. Please contact Tara Stutsman at tstutsman@aclu.org with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Zamore", with a long, sweeping horizontal line extending to the right.

Mike Zamore
National Director, Policy & Government Affairs