

June 26, 2024

RE: Vote “NO” on H.R. 8771, the Department of State, Foreign Operations, and Related Appropriations Act for FY 2025, 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. 8771, the Department of State, Foreign Operations, and Related Programs Appropriations Act for FY 2025. The ACLU also strongly urges you to vote “NO” on a series of amendments that would undermine or violate protections for health care, civil rights, and civil liberties, including for Foreign Service and other civilian employees, children and families of these federal employees, and others protected through federal programs.



AMERICAN CIVIL LIBERTIES UNION

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

As passed out of committee, H.R. 8771 singles out members of the LGBTQ community, restricts access to reproductive care, and harms important programs that promote racial justice and equality. Instead of crafting a bill that would strengthen America’s diplomatic mission and foreign relations, this bill contains riders that harm civil rights and liberties and undermines our standing on the world’s stage through these degrading attacks. This bill contains riders that:

- suppress freedom of speech and expression via targeted attacks on the LGBTQ community;
- stifle conversation and programs that serve to address and remedy long-standing inequalities related to racism, sexism, and other forms of bias;
- bar access to life-saving gender affirming care for people in America as well as abroad; and
- impose draconian restrictions on U.S. foreign assistance funding for family planning and reproductive healthcare.

Additionally, there are a series of amendments that would, if adopted, compound the harm that the bill would cause:

The ACLU urges you to vote “NO” on Amendments No. 4, 17, 18, 49, and 64 offered by Representatives Burchett, Greene, Ogles, and Tenney, which would each unconstitutionally reduce to \$1 or \$0 the salaries of specific employees of the Department of State. 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 strongly urges you to vote "NO" on Amendment No. 63, offered by Representative Tenney. 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 also urges a NO vote on Amendments No. 18, 22, 36, and 47, offered by Representatives Hageman, Mace, and Nehls, which reduce funding and assistance for refugee and migration management. These are counterproductive amendments that not only expose migrants and refugees to continued harm but will increase the strain on our border management system by undercutting programs that help migrants access lawful pathways and necessary support.

For these reasons, the ACLU strongly urges you to vote "NO" on final passage of H.R. 8771, after voting "NO" on each amendment described in this letter, or on amendments that would harm international migration and refugee assistance programs. Please contact Tara Stutsman at tstutsman@aclu.org with any questions.

Sincerely,



Mike Zamore
National Director, Policy & Government Affairs