

July 23, 2024

RE: Vote “NO” on H.R. 8997, the Energy and Water Development and Related Agencies 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. 8997, the Energy and Water Development and Related Agencies Appropriations Act for FY 2025. The ACLU also strongly urges you to vote “NO” on amendments that would undermine democratic norms, civil rights, and civil liberties. Spending bills that are critical to the operations of federal agencies and government programs should not be vehicles for divisive attacks and riders that suppress important civil liberties and freedoms.



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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. 8997 includes poison pill riders that attack fundamental civil rights and civil liberties. The American people want a budget process that reflects investments in beneficial federal programs. Instead, this bill is compromised by politically motivated attacks that serve to distract and divide people. This bill includes poison pill riders that:

- prohibit the renaming monuments that commemorate the Confederacy;
- silence discussions of all discrimination, harassment, and systemic injustice and attack programs that provide greater strength and diversity within the federal service by attacking the Department of Energy’s Equity Action Plan or any Diversity, Equity, and Inclusion programs;
- authorize taxpayer-funded discrimination against married same-sex couples; and
- suppress speech and expression supportive of the LGBTQ community by banning certain flags in federal facilities.

The ACLU strongly urges the House to reject these unnecessary and discriminatory attacks on freedom of speech, diversity programs, and the LGBTQ community.

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

**The ACLU strongly urges you to vote “NO” on Amendment No. 38**, offered by Representative Norman, which would hinder the Department of Energy from: (1) funding training programs to prevent discrimination or harassment of any kind in the workplace; (2) addressing and resolving Equal Employment Opportunity

(EEO) complaints from any employees; (3) engaging in hiring programs to eliminate barriers to the recruitment of a wide range of potential employees including veterans, persons with disabilities, women, and persons of color; and (4) ensuring equal pay for equal work for all employees. This amendment violates the Civil Rights Act of 1964, in addition to other federal non-discrimination laws.

**The ACLU strongly urges you to vote “NO” on Amendment No. 61**, 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 urges you to vote “NO” on Amendments No. 60 and 63**, offered by Representatives Tenny and Van Drew, which would unconstitutionally reduce to \$1 the salaries of specific officials. This amendment 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.

For these reasons, the ACLU strongly urges you to vote “NO” on final passage of H.R. 8997, after voting “NO” on each amendment described in this letter. Please contact Tara Stutsman at [tstutsman@aclu.org](mailto:tstutsman@aclu.org) with any questions.

Sincerely,



Mike Zamore  
National Director of Policy & Government Affairs