The Honorable John Thune
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Charles Schumer
Minority Leader
United States Senate
Washington, DC 20510

RE: Reject Inclusion of Anti-Democratic Provision in the Reconciliation Package

June 25, 2025

Dear Senators,

Democracy Defenders Action ("DDA") respectfully urges the Senate to reject—or substantially amend—the reconciliation package unless the following anti-democratic provisions are removed and stricken provisions are not revived.[1] As drafted, this bill could do grave and lasting harm to the democratic institutions, legal safeguards, and civil liberties your constituents rely on. If these provisions remain intact or are reinstated through other legislative vehicles through the reconciliation process, a vote in favor of the package would not merely advance disastrous fiscal policy—it would authorize sweeping expansions of executive power at the expense of accountability, judicial oversight, and public trust.

I. Remaining provisions demand urgent attention:

Despite the Senate Parliamentarian's actions striking key anti-democratic provisions from the reconciliation bill, the text still contains numerous deeply harmful provisions. They are as corrosive to democracy as those that were struck, and they demand urgent opposition:

1. Support for artificial intelligence under the broadband equity, access, and deployment program (Section 0012)

Section 0012 of the Senate Commerce, Science, and Transportation Committee text would prohibit states from enforcing their own deep-fake and AI-generated misinformation laws for a decade–unless they are willing to forfeit millions in crucial broadband funding.[2] At a time

[1] One Big Beautiful Bill, H.R.1, 119th Cong. (As passed in the House of Representatives , May 22, 2025). https://www.congress.gov/bill/119th-congress/house-bill/1/text.

[2] One Big Beautiful Bill, S.1, 119th Cong. § 0012 (2025) (as reported by S. Commerce, Science, and Transportation Comm., Jun. 16, 2025), https://www.commerce.senate.gov/services/files/AD3D04CF-52B4-411F-854B-44C55ABBADDA

when foreign and domestic actors are already flooding social media with AI-driven disinformation, this provision is not just reckless—it's an open invitation for chaos. In fact, to help safeguard our electoral systems from this very imminent threat, over 25 states have enacted laws regulating their role in elections.[3] This prohibition will cripple state-level election defense, and strip away one of the few tools left to protect voters from being manipulated by increasingly convincing AI misinformation and falsehoods.

2. Detention capacity (Section 90004) and state homeland security grant program (Section 90006)

These provisions, contained within the Senate Homeland Security and Governmental Affairs Committee (HSGAC) mark, allocate $22.5 billion, exceeding even last year's record detention budget, to private immigration detention centers while simultaneously exempting those same facilities from key health and safety requirements.[4] Conditions in many of these centers are already inhumane and deadly.[5] This measure will only make matters worse. Simultaneously, Section 90007 directs an additional $19.5 million for retaining and hiring Immigration and Customs Enforcement (ICE) agents, supercharging Trump's ability to carry out and expand domestic immigration raids, in schools, hospitals, and houses of worship.[6] These are places of safety and community, not battlegrounds for militarized immigration enforcement. Turning them into sites of fear, danger, and trauma is not governance. It's cruelty codified. No senator who claims to represent the interests of families and communities should defend policies that transform places of refuge and peace into sites of fear and pain.

3. Deductions from pay of federal employees (Section 90104)

Similarly, tucked within the HSGAC mark, the bill targets unions and nonprofits by levying a 10% penalty on funds that federal employees automatically deduct from their paychecks to put towards these organizations, like union dues or other donations.[7] Many federal employees prefer automatic dues deduction because it offers employees a simple way to contribute their dues, and unions have come to rely on it. This section could require unions to forfeit hundreds

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[3] *Artificial Intelligence (AI) in Elections and Campaigns*, The National Conference of State Legislators (Jun. 18, 2025), https://www.ncsl.org/elections-and-campaigns/artificial-intelligence-ai-in-elections-and-campaigns

[4] One Big Beautiful Bill, S.1, 119th Cong. § 90004(a) (as reported by S. Homeland Security and Governmental Affairs Comm, Jun. 16, 2025) [hereinafter "HSGAC text"]. https://www.paul.senate.gov/wp-content/uploads/2025/06/MDM25B50.pdf

[5] Physicians for Human Rights, et. al., *"Endless Nightmare" Torture and Inhuman Treatment in Solitary Confinement in U.S. Immigration Detention* (Feb. 2024), https://phr.org/wp-content/uploads/2024/02/PHR-REPORT-ICE-Solitary-Confinement-2024.pdf

[6] *See* HGSAC text § 90007

[7] *Id*. at § 90104

of thousands of dollars, weakening their ability to fulfill their legal responsibilities to workers. It would also hurt the many federal workers who prefer the simplicity of these automatic deductions, and would likely cause a drop in donations to charities like the United Way that use Combined Federal Campaign Deductions.

4. Modification of excise tax on investment income of certain private colleges and universities (Section 70415)

Also remaining in the package, within the Senate Finance Committee text, is a provision that levies new taxes on some colleges' endowments while excluding a narrow group of higher education institutions. The exemption applies to colleges that decline federal financial aid — effectively benefiting a small number of well-resourced schools that offer students fewer options to afford tuition. This selective carveout raises broader concerns about fairness and consistency in tax policy by creating uneven treatment across higher education institutions.[8] It creates a dynamic that penalizes many schools that serve low-and middle-income students and rely on federal support to expand access and opportunity and instead incentivizes schools to reject a key pathway to affordable college to enjoy a tax break.

Several provisions have been struck, but still could return:

The Senate Parliamentarian has rightly determined that several controversial provisions violate the Byrd Rule and must be removed or subjected to a 60-vote filibuster to be included in the bill.[9] While these provisions have technically been removed from the bill in its current form, they could still be reinserted if Senators attempt to override the parliamentarian or pursue other legislative avenues within the reconciliation process. Their inclusion in the original draft reveals a willingness to use the budget process to circumvent open debate and push through sweeping structural changes that would undermine labor rights, the federal judiciary, and the makeup of our government. Senators from both sides of the aisle should remain attentive and engaged to ensure that measures with such broad-ranging implications are not adopted without full and fair debate.

1. **Restriction on Enforcement (Section 203)** — This provision, included in an early Senate Judiciary Committee draft, would have made it nearly impossible for individuals and organizations to obtain temporary restraining orders or preliminary injunctions against

[8] One Big Beautiful Bill, 119th Cong. § 70415 (as reported by S. Finance, Jun. 16, 2025), https://www.finance.senate.gov/imo/media/doc/finance_committee_legislative_text_title_vii.pdf
[9] *See* Press Release, Ranking Member Jeff Merkley, Sen. Comm. on the Budget, "One Big, Beautiful Bill" Has More Provisions That Violate the Byrd Rule, According to Senate Parliamentarian (Jun. 23, 2025), https://www.budget.senate.gov/ranking-member/newsroom/press/one-big-beautiful-bill-has-more-provisions-that-violate-the-byrd-rule-according-to-senate-parliamentarian

the federal government by requiring challengers to post bonds, which could range from hundreds of millions to billions of dollars, before a court could act.[10] In effect, courts would be forced to stand idle not because the law favors the government, but because litigants cannot raise an arbitrary cash tribute first. Such a policy risks denying justice to all but the wealthiest plaintiffs and could prevent courts from halting unlawful government action in real time

2. **Executive Reorganization Plans (Section 90107)** — This provision, originally included in the HGSAC mark, would have authorized broad unilateral presidential authority to reorganize—or dismantle—entire federal agencies, gutting 5 U.S.C. § 908 and bypassing judicial review, mechanisms that have blocked similar efforts. [11]
3. **Election for at-will employment and lower contributions for new federal civil service hires (Sections 90101), Filing fee for merit systems protection board claims and appeals (Section 90102), and Bonuses for "Cost Cutters" (Section 90105)** — These provisions proposed in an early HGSAC draft would have placed new financial burdens on civil servants seeking to challenge improper dismissals and would have created unequal classes of federal employees by diminishing protections for new hires.[12] The bill even includes a provision that offers cash bonuses to employees who report colleagues for so-called "surplus salaries"—incentivizing internal surveillance and partisan snitching. These measures would have politicized the professional civil service while also undermining the independence, expertise, and neutrality that the public sector was built to safeguard.

- **Charging labor organizations for use of federal resources (Section 90106)** — This provision, also in a previous HGSAC draft, attempted to impose new penalties on federal employee unions, potentially discouraging oversight and undermining collective bargaining rights for those working to uphold ethical government practices.

The reconciliation process was designed for budgetary measures, not to advance sweeping policy changes without full deliberation. These provisions— those that remain and those that could return— threaten the foundations of our government. We respectfully urge Senators to oppose the bill in its current form.

We remain ready to collaborate with your offices and provide support to develop and advance equitable and inclusive policies that strengthen and protect our democracy.

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[10] One Big Beautiful Bill, 119th Cong. § 203 (as reported by S. Comm. on the Judiciary, Jun. 16, 2025), https://www.grassley.senate.gov/imo/media/doc/reconciliation_-_senate_judiciary_committee_-_final.pdf
[11] *See* HSGAC text § 90107
[12] *Id*. at § 90101 & 90102 & 90105

Sincerely,
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