



August 28, 2023

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Dear Member of Congress:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 240 national civil and human rights advocacy organizations, we write to urge you to ensure that federal agencies have the resources necessary to get people the health care they deserve, an education free of discrimination, workplace protections, and other critical civil and human rights. We have grave concerns with pending FY 2024 appropriations bills. In particular, we are concerned with the lack of full funding for important civil and human rights initiatives and with the inclusion of numerous policy riders that are detrimental to civil and human rights matters.

As Congress continues its negotiations on the FY 2024 appropriations cycle, through and beyond the August recess, we urge you to support additional funding of agencies charged with enforcing civil rights laws and of programs and safety nets that are vital to the communities we represent. And we urge you to take a strong stance against riders designed to undermine long established legal rights and priorities a majority of Americans support — particularly in the House appropriations bills — that would undercut existing civil rights, human rights, and labor laws; inhibit quality health care; make it harder for families to house and feed themselves and have more educational opportunities for their children; unfairly impede local governance; undermine a fair census; and scapegoat individual communities that have long been targets of discrimination.

Concerns with Funding Levels for Programs that Advance Civil and Human Rights

The appropriations process is meant to ensure that federal government agencies have the resources they need to do their jobs in the upcoming fiscal year. While we recognize that Congress has been constrained by the debt ceiling agreement it reached earlier this summer, now more than ever this country needs economic mobility, more opportunity, and support for democracy-building tools and processes. This is particularly important as our economy continues its steady but uneven recovery from the pandemic. Cuts in federal spending that force low-income communities — who rely the most on policies and programs affecting education, health care, housing, and fair treatment — to suffer more will slow mobility and curtail opportunity. It is also immoral and unfair. Congress must do all it can to ensure that no community is left behind.

For example, we are deeply concerned about FY 2024 appropriations levels in the following areas:

- **Office for Civil Rights (OCR):** Across federal agencies, offices for civil rights (OCRs) ensure that recipients of financial assistance comply with federal laws prohibiting discrimination in employment and delivery of services or benefits based on race, color, national origin, sex, religion, age, and disability. All OCRs must be robustly funded and resourced. For example, at a time when we have seen increased complaints of discrimination in education, high-profile attacks on equal opportunity, and delays in case resolution, the Department of Education’s Office for Civil Rights needs substantially higher funding to fulfill its responsibilities. Also, the Department of Health and Human Services’ Office for Civil Rights has significant enforcement, resolution, and outreach responsibilities to protect people from discrimination in health care settings — made even more urgent as the COVID-19 Public Health Emergency unwinds — and needs higher funding levels to ensure adequate and timely completion of these responsibilities.
- **Access to High Quality Education and Early Care:** Students are still recovering from lost instructional time during the pandemic, and they face staggering financial barriers to education at all levels. Our future literally depends on adequate funding for K-12 public schools and higher education, the Individuals with Disabilities Education Act (IDEA), early care and education, Pell grants, Historically Black Colleges and Universities (HBCUs), Tribally Controlled Colleges and Universities (TCCUs), and Minority Serving Institutions (MSIs).
- **Fair Housing Enforcement:** Despite increases in housing discrimination complaints, fair housing enforcement has been chronically underfunded in recent years, particularly when it comes to HUD’s Office of Fair Housing and Equal Opportunity (FHEO), the Fair Housing Initiatives Program (FHIP), and the Fair Housing Assistance Program (FHAP).
- **SNAP/Nutrition Programs:** We have previously expressed deep concerns about proposals to cut food assistance to millions of low-income households and the damaging impact these cuts would have on communities of color and other marginalized groups. We strongly urge all members to oppose all harmful amendments and cuts regarding SNAP and other forms of nutrition assistance.
- **Federal Indigent Defense System:** Both chambers have proposed troubling cuts to the federal indigent defense system. These cuts would decimate the federal defender system, possibly causing the loss of 9-12 percent of current federal defender staff and undermining the promise of *Gideon v. Wainwright* to provide federal criminal defendants with quality representation.
- **Census:** The proposed FY 2024 funding for the Census Bureau falls well short of the \$2 billion needed to make sure that the necessary tests, preparations, and surveys needed during this step in the census cycle are completed. These essential components directly affect the accuracy, outcome, and overall preparedness of the 2030 Census.
- **Employment:** The House proposal for FY 2024 would drastically cut funding for the Department of Labor’s worker protection agencies and the National Labor Relations Board, reduce funding for the EEOC, and even eliminate the DOL’s Women’s Bureau. Working people deserve federal

agencies that can marshal the resources needed to enforce the law and protect our civil rights in the workplace.

- **DOJ Community Relations Service (CRS):** This office works to address tension associated with discrimination, police shootings, and other high-profile incidents, and support local leaders in efforts to prevent and improve the response to hate crimes. During a time when reported hate crimes are at an all-time high, it is critical that CRS be appropriately funded. The House bill falls well short.

Opposition to Ideological Policy Riders that Legislate Outside of Regular Order

The appropriations cycle should not be exploited by Congress to dramatically upend laws, propose new ones, or prevent existing ones from being implemented. We urge you to reject efforts to circumvent regular order, particularly when it comes to the following areas:

- **Abortion, Reproductive Health Care, and Gender-Affirming Care:** We strongly oppose all attempts to use the appropriations process to further inappropriate attacks on abortion access, reproductive health care, and gender-affirming care. Numerous harmful riders included in the appropriations bills aim to ban or restrict access to abortion, reproductive health care, and gender-affirming care, which will disproportionately impact people of color, people with low incomes, people with disabilities, and other communities our coalition represents.
- **Micromanagement of the District of Columbia:** Another rider would prohibit the District of Columbia from implementing its purely local police reform law. This rider is another in a long line of attacks on democracy in the District of Columbia, and it is an attempt to make an end run around President Biden's veto of the disapproval resolution. D.C. citizens pay federal taxes and comply with all the other duties of citizenship, yet they are deprived of not only voting representation in Congress, but also of control over their own local governance. Washingtonians are best situated to address policies in their own community and should be able to do so without congressional interference.
- **Controlled Substances:** We strongly oppose a rider in the House's L-HHS-E bill regarding the decriminalization of controlled substances, including cannabis. The federal cannabis prohibition has led to overincarceration and vast racial disparities. Decriminalization would help to address the decades of harm perpetrated on communities of color and low-income communities, and it would heal some of the wounds from the failed "War on Drugs."
- **Fair Housing Act Implementation:** We strongly oppose a rider that would prohibit HUD from utilizing funds to implement the proposed "Affirmatively Furthering Fair Housing" (AFFH) rule, a rule that is vital to addressing the longstanding impact of decades of discrimination — much of it encouraged by previous federal policy — in housing and access to credit.

- **Marriage Equality and LGBTQ Rights:** We urge you to oppose any riders that would prohibit denial of funds to anyone with a religious belief or moral conviction that marriage should be a union of one man and one woman. These riders would effectively serve as a license to discriminate using taxpayer dollars. Similarly, we oppose any riders that would curtail pro-LGBTQ expression such as flying pride flags, prevent agencies from enforcing anti-discrimination laws on the basis of gender identity, or block access to medically necessary gender-affirming care.
- **Health Care Discrimination:** We urge you to oppose language that would block funding for a rule that bans discrimination on the basis of race, color, national origin, sex, age, or disability in certain health programs and activities under the Affordable Care Act (ACA).
- **Independent Contractors:** We urge you to remove a rider that would effectively keep in place a Trump-era rule, published in the final days of his administration, that made it easier for employers to misclassify workers as independent contractors, removing them from minimum wage and other labor protections.
- **Federal Employee Benefits ESG Investing:** We oppose language that would block implementation of the U.S. Department of Labor's ESG investing rule for the Employee Benefits Security Administration, which has been the subject of failed Congressional Review Act attempts.
- **H-2A Visas:** We oppose a rider that would block implementation of the Labor Department's rule on H-2A visas to strengthen protections and wage calculations for temporary foreign workers. This rule is facing a Congressional Review Act challenge. Overturning it would take away an estimated \$38 million wage increase from impacted H-2A farmworkers.
- **Immigration Enforcement:** We urge you to oppose riders that would undermine due process and the human rights of immigrants. These include riders that would a) block funds for implementing the Biden administration's "Guidelines for the Enforcement of Civil Immigration Law," which the U.S. Supreme Court already upheld; b) prohibit any funds being used or transferred to any other federal agency, board, or commission to dismantle existing parts of the current border wall; c) block funds being used for the CBP One application or any successor system intended to handle asylum claims; and d) require DHS to expand the detention of immigrants or the use of mandatory ankle monitoring.
- **Census:** We strongly urge you to remove a rider that unconstitutionally seeks to exclude undocumented immigrants from apportionment counts. This provision goes directly against the Constitution, including the 14th Amendment, and federal precedent. If a citizenship or immigration status question were added, it would cause a chilling effect among immigrant participation in the census and would contribute to general distrust in the survey.

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Thank you for your consideration. If you have any questions, please contact Rob Randhava, senior counsel, at (202) 466-6058 or randhava@civilrights.org.

Sincerely



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