May 6, 2024

The Honorable Ron Wyden
Chairman
U.S. Senate Committee on Finance
219 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Mike Crapo
Ranking Member
U.S Senate Committee on Finance
219 Dirksen Senate Office Building
Washington, DC 20510


Dear Chairman Wyden and Ranking Member Crapo,

On behalf of the 134 undersigned civil liberties, human rights, community, faith, and privacy organizations, we respectfully request that the United States Senate Committee on Finance refrain from advancing consideration of H.R. 6408, and its companion bill S. 4136, introduced by Senators John Cornyn and Angus King. This proposed legislation would unconstitutionally harm all Americans' free speech and due process rights by creating new executive authorities that could be abused by any presidential administration seeking to terminate the tax-exempt status of nonprofit organizations arbitrarily.

If enacted, this act would grant the Secretary of the Treasury broad discretionary powers to terminate the tax-exempt status of nonprofit organizations based solely on a subjective declaration that they are "terrorist supporting organizations." This proposal lacks sufficient accountability measures and opens the door to potential abuse, especially given the current climate of increased politicization and polarization within the U.S. government.

We draw attention to recent incidents where state governors and entities such as state and private universities, with vocal support from some members of Congress, have attempted to revoke the status or ban student-led chapters of Jewish and Palestinian groups organizing in support of Palestinian human rights. These actions underscore the danger of unchecked authority that could be wielded by an administration that does not respect the Bill of Rights to stifle free speech and legitimate advocacy efforts to petition the government.

Furthermore, this act seems to be motivated by an anti-Palestinian bias aimed at stifling voices advocating for Palestinian human rights, especially in light of Israel's deadly invasion of Gaza, resulting in over 34,000 civilian deaths and nearly 80,000 injuries. While this may be the primary concern for lawmakers backing this act, if it becomes law, it could be exploited by a hostile presidential administration to target organizations for political reasons, irrespective of their ideological stance.
This act’s due process and court challenge provisions raise legal concerns similar to those surrounding the unconstitutional federal terrorism watchlists. Allowing the Secretary of the Treasury to use "classified information" to make such a designation without permitting nonprofits to review, or challenge, such evidence in federal courts mirrors the difficulties faced by individuals wrongly listed on federal watchlists. This lack of transparency violates the due process rights of Americans and increases the chances of errors and arbitrary actions, which undermines the rule of law. It is crucial to avoid codifying into law the same administrative due process mistakes of prior presidential administrations that civil rights organizations are successfully working to remedy in the courts.

Additionally, under these proposed authorities, an organization could potentially lose its tax-exempt status without facing criminal charges from the federal government. Such a scenario could be leveraged to silence, inflict economic harm, and legally burden a politically active nonprofit without the need for formal criminal charges. This also parallels the federal terrorism watchlists, where American citizens encounter travel, employment, and banking limitations, while never being charged with a crime or provided avenues for legal redress.

We would also note that U.S. law already codifies financing terrorism as illegal and bans designated entities from claiming tax-exempt status under section 501(c)(3) of the tax code as a felony charge under the Antiterrorism and Effective Death Penalty Act of 1996 and the International Emergency Economic Powers Act (IEEPA) enacted in 1977.

In conclusion, the undersigned organizations strongly oppose H.R. 6408 and S. 4136, and respectfully request that the Senate Committee on Finance exercise caution by not advancing this legislation. Again, enacting such a law would pose a risk of political misuse, allowing a president and the federal government to suppress dissent under the guise of national security without sufficient oversight. This would significantly undermine our nation's democratic freedoms and principles. We believe that any measures aimed at addressing terrorism-related concerns must uphold constitutional rights, due process, and accountability.

Thank you for considering our concerns and your dedication to safeguarding civil liberties. We would be happy to meet to answer any questions you may have.

Sincerely,

National Organizations

18 MILLION RISING

Adalah Justice Project

Al-Furqaan Foundation

American Booksellers Association
American Federation of Ramallah Palestine
American Friends Service Committee
American Muslim Health Professionals
American Muslim Voice Foundation
American Muslims for Palestine
American Pakistani Advocacy Group (APAG)
American-Arab Anti-Discrimination Committee (ADC)
Arab American Civic Council
Asian American Advocacy Fund
Asian Americans Advancing Justice - Asian Law Caucus
Asian Americans and Pacific Islanders for Civic Empowerment (AAPI FORCE)
Asian Americans United
Association of Muslim American Lawyers (AMAL)
Aurora Commons LLC
CAIR Action 501(c)4
Center for Protest Law & Litigation @ Partnership for Civil Justice Fund
Center for Security, Race and Rights
Center on Conscience and War
Children of Adam
Committee in Solidarity with the People of El Salvador
Council on American-Islamic Relations (CAIR)
DAWN
Defending Rights & Dissent
Demand Progress
Demo Lab South
Detention Watch Network
Doctors Against Genocide
Due Process Institute
EducateUS
Equality Labs
Evangelical Lutheran Church in America
Freedom of the Press Foundation
Freedom To Thrive
Friends of Sabeel North America (FOSNA)
Global Network Against Weapons & Nuclear Power in Space
Government Information Watch
Healthcare Across Borders
Hindus for Human Rights
ICNA Council for Social Justice (ICNA CSJ)
Indonesian Muslim Society in America
International Refugee Assistance Project (IRAP)
Islamic Association Of North America
Islamic Society of North America (I.S.N.A.)
Jewish Voice for Peace Action
LittleSis / Public Accountability Initiative
Malaysian Islamic Foundation of North America (MIFNA)
Missionary Oblates of Mary Immaculate
MPower Change Action Fund
Muslim Advocates
Muslim American Society
Muslim Counterpublics Lab
Muslim Justice League
Muslim Public Affairs Council (MPAC)
Muslim Student Association of United States & Canada (MSA National)
Muslim Ummah of North America (MUNA)
Muslim Women Kreate
Muslims for Just Futures
National Iranian American Council Action
National Lawyers Guild
No Separate Justice
Partnership for the Advancement of New Americans
Peace Action
Project South
Restore The Fourth
Shoulder to Shoulder Campaign
STEM4US!
Surveillance Technology Oversight Project
The Latin America Working Group
The People’s Forum
US Campaign for Palestinian Rights (USCPR)
US Council of Muslim Organizations (USCMO)
Veterans For Peace
Voices of Muslims
Win Without War
X-Lab

**Regional and State Organizations**

Ahlulbayt Society of Columbus
Al Farooq Foundation
Ansaar Academy of Inland Empire
API Equality-LA
Asian Americans Advancing Justice Southern California
AZ Muslim Police Advisory Board
CAIR-Pittsburgh
Cham Muslims of Fullerton
Chino Valley Islamic Center
Council of Islamic Organizations of Greater Chicago
DarusSalam Masjid
Downtown Islamic Center
Hejrat Educational Center
Hillside Islamic Center
Husaynia Islamic Society of Seattle
Illinois Muslim Action Network
Indianapolis Dawah Mission
Islamic Center of Conejo Valley
Islamic Center of Detroit
Islamic Center of Pittsburgh
Islamic Center of San Diego
Islamic Center of San Gabriel Valley
Islamic Center of South Bay-LA
Islamic Center of Wheaton ICW
Islamic Center of Wisconsin
Islamic Community Cultural Center
Islamic Education Center-Houston
Islamic Society of Basking Ridge, Inc.
Islamic Society of West Valley
Khan Enterprise Investments, LLC
Majlis Ash-Shura: Islamic Leadership Council of NY
MAS Central Jersey
MAS Maryland
Masjid Al-Furqan - West Cobb Islamic Center
Masjid Al-Momineen
Muslim American Society (MAS) of Central Florida
Muslim American Public Affairs Council
Muslim Community Center of Greater Pittsburgh
Muslim Community of Folsom
Muslim Community of Nassau County
Muslim Community of New Jersey (MCNJ)
Muslim Resource Center
New Dominion PAC
Noor Islamic Cultural Center
Northern California Islamic Council
O'People Foundation
Prince George's County Muslim Council
Rightly Guided Physicians
Sacramento Area League of Associated Muslims
Sammamish Muslim Association
Shia Muslim Council of Southern California
South Florida Muslim Federation
Tawhid Community Center
The Long Island Muslim Society, Inc.
The Mosque Foundation