

# Congress of the United States

Washington, DC 20515

June 20, 2025

The Honorable John Thune  
Majority Leader  
United States Senate  
Room S-230, The Capitol  
Washington, D.C. 20510

Dear Leader Thune,

As the Senate considers the *One Big Beautiful Bill Act*, we write to respectfully urge you to strike Section 203 of the Senate Judiciary Committee title of the bill, which threatens to fundamentally undermine the longstanding role of our courts defined by our Constitution. Additionally, we urge you to follow through on your stated commitment not to overrule the Senate Parliamentarian, should they, as expected, rule this provision out of order.<sup>1</sup>

Section 203 prohibits federal courts from issuing a preliminary injunction or temporary restraining order against the United States government unless the judge required a plaintiff to post a bond at the beginning of the case — something very commonly waived in public interest cases or when the United States is the defendant. This provision threatens to make it prohibitively expensive for individuals to hold the federal government accountable for unlawful and damaging actions. Courts could find themselves forced to require absurdly large bond amounts, even when the government has clearly violated the law, or be unable to immediately require a stop to unlawful action. That would leave our courts nearly powerless to hold administrations — of either party — responsible for breaking the law. It is also highly likely to create a chilling effect on potential litigants who have been wronged by illegal government action, but who do not have the necessary resources to post a massive bond.

There is also broad concern that this provision does not meet the requirements of the Byrd Rule. According to a former Director of Budget and Appropriations for a previous Republican Senate Majority Leader, a similar provision in the House-passed version of the bill “really is beyond the pale for a budget reconciliation bill,” and there is “no way” the Congressional Budget Office (CBO) could estimate its budget or financial impacts.<sup>2</sup>

Last month, Members of the House of Representatives wrote to Speaker Johnson raising concerns about the inclusion of a similar provision, Section 70302, in the House-passed version of the bill.<sup>3</sup> As the Senate considers this legislation, we strongly urge you to uphold the historical role of our courts, and the integrity and enforceability of our civil justice system by striking Section 203 from the Senate Judiciary Committee title of the bill and following through on your

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<sup>1</sup> <https://www.politico.com/live-updates/2025/06/02/congress/senate-parliamentarian-overrule-thune-00380848>

<sup>2</sup> <https://www.washingtonpost.com/politics/2025/06/02/will-senate-kill-house-gop-pet-policy/>

<sup>3</sup> <https://friedman.house.gov/sites/evo-subsites/friedman.house.gov/files/evo-media-document/friedman-letter-opposing-reconciliation-changes-to-court-contempt-powers-21-moc.pdf>

stated commitment to adhere to the ruling of the Parliamentarian, should they deem the provision out of order.

Protecting the independence of our courts and the balance of powers enshrined in the Constitution should be a goal we all strive to accomplish.

Sincerely,



Laura Friedman  
Member of Congress



Seth Moulton  
Member of Congress



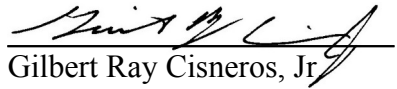
Rashida Tlaib  
Member of Congress



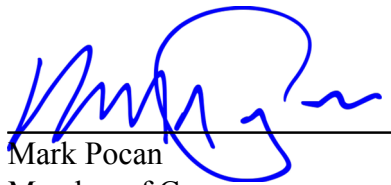
Ami Bera, M.D.  
Member of Congress



Ted W. Lieu  
Member of Congress



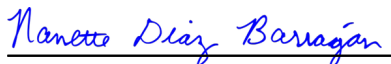
Gilbert Ray Cisneros, Jr.  
Member of Congress



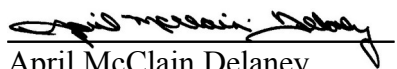
Mark Pocan  
Member of Congress



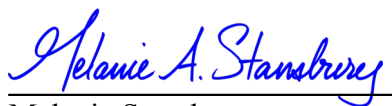
Val Hoyle  
Member of Congress



Nanette Diaz Barragan  
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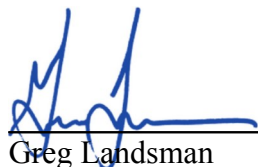
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Melanie Stansbury  
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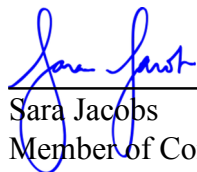
Maggie Goodlander  
Member of Congress



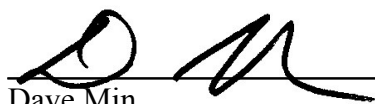
Greg Landsman  
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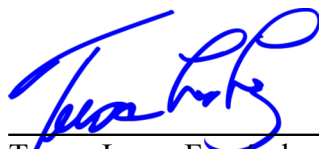
Eleanor Holmes Norton  
Member of Congress



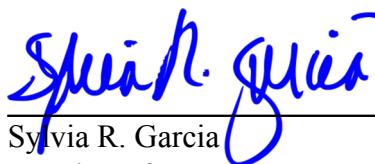
Sara Jacobs  
Member of Congress



Dave Min  
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Teresa Leger Fernandez  
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Sylvia R. Garcia  
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Kelly Morrison  
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Scott H. Peters  
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