

Testimony

Of

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Committee on Oversight and Accountability

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Full Committee Hearing

Thank you Mr. Chairman and Mr. Ranking Member for the opportunity to be here today and Mr. Ranking Member, for the invitation to testify today. My name is Skye Perryman. I am a lawyer and the President and CEO of Democracy Forward, which is a non-partisan, national legal organization that promotes democracy and progress through litigation, regulatory engagement, policy education, and research.

Democracy Forward has had the privilege of representing clients that make up the very fabric of our democracy in courts across the nation—teachers, parents, workers, small business owners and entrepreneurs, researchers, students, veterans, innovators, doctors, voters, and so many more. Our team includes lawyers, policy experts, and researchers who have prior experience serving our nation and have held positions throughout government, including in the military and national security communities, at independent agencies, other federal agencies, including the Department of Justice, as well as individuals who have practiced law on behalf of corporations and businesses in private practice, and at public interest organizations. We have represented clients both in challenging harmful and unlawful governmental action and in supporting governmental action, including the actions of federal agencies that enable the government to deliver for people within the bounds of our constitutional and statutory system.

We are committed to our country's founding idea that our government derives its power from the consent of the governed¹ and are dedicated to bringing about our democracy's promise that the government must work for all people.² At Democracy Forward, we see in our work every day that the vast majority of the American people believe in the promise and potential of democracy and that it is incumbent upon us all to play a role in advancing our democracy and protecting our freedoms during this critical time. Over the course of my nearly two decades as a practicing attorney, including an attorney who has held positions in corporate law firms, as a general counsel and chief legal officer, and in non-profit organizations, I have been both in the position of representing clients who have challenged governmental action, including the action of federal agencies, when it was outside the bounds of the law, and I have been in a position of supporting governmental action that is lawful and beneficial for people, communities, and businesses throughout the nation.

Fundamentally, my work in leading Democracy Forward centers on the premise that when the government does its job and works for the people within the bounds of the law, our society is stronger—and when our government strays from this purpose, serving only private interests or particularized agendas, our democracy and the well-being of people and communities throughout the nation is in danger. My work is based on the principle, found in the first words of the U.S. Constitution, that *We, the People* have the right and responsibility to work towards a more perfect union and that achieving true democracy requires all of us.

¹ U.S. Nat'l Archives and Recs. Admin., *Declaration of Independence: A Transcription*, Nat'l Archives, <https://www.archives.gov/founding-docs/declaration-transcript> (last visited Sept. 18, 2024).

² *E.g.*, Lincoln, Abraham, *Fragment of a Speech by Abraham Lincoln on the Conflict between Slavery and Republican Government* (1857), https://www.digitalhistory.uh.edu/disp_textbook.cfm?smtID=3&psid=381 (last visited Sept. 18, 2024).

I appreciate the opportunity today to discuss the ways in which efforts to undermine our democracy, our freedom, and to stifle our government's ability to deliver on its promises to the American people are underway across the country, including in the halls of this Congress, in the courts, and in many states and communities across the nation. I provide this testimony with the sincere hope and belief that it is through understanding the nature and extent of the crisis of our freedoms and our democracy in this moment that we can turn the tide and build toward a more democratic and just future. As we remain grateful for those generations of Americans that seized moments of crisis as a catalyst for positive change, this is our moment to do the same for our country.

I. American democracy is at an inflection point and the crisis in our democracy threatens our freedoms.

In the months following an attempt by the former President and extremists to disrupt the peaceful transition of Presidential power on January 6, 2021, the United States was added to a list of global backsliding democracies by the International Institute for Democracy and Electoral Assistance.³ “The United States, a bastion of global democracy, fell victim to authoritarian tendencies,” the report noted.⁴ Myriad factors contribute to this, including “the rejection of an election result by an incumbent president and an attempted insurrection against the legislative branch.”⁵ Every year since the United States has remained on the list. Last year, thirteen Presidential libraries—ranging from President Hoover’s library to President Obama’s library—warned of the fragile state of United States democracy.⁶ They noted “Americans have a strong interest in supporting democratic movements and respect for human rights around the world because free societies elsewhere contribute to our own security and prosperity here at home. But that interest is undermined when others see our own house in disarray.”⁷

The threats to American democracy and freedoms enjoyed by the American people are neither academic nor are they hyperbole. In 2022, the United States Supreme Court reversed a federal constitutional privacy protection that had been recognized for nearly five decades, leaving women of reproductive age today with fewer rights than the generation just before them.⁸ Across the nation, women are living without access to critical care they need, including in

³ Int’l Inst. for Democracy and Electoral Assistance, *The Global State of Democracy Report 2021, Building Resilience in a Pandemic Era*, IDEA (2021), <https://www.idea.int/gsod-2021/>.

⁴ Int’l Inst. for Democracy and Electoral Assistance, *The Global State of Democracy Report 2021, Building Resilience in a Pandemic Era*, IDEA (2021), <https://www.idea.int/gsod-2021/>.

⁵ Thomas Carothers & Benjamin Press, *Understanding and Responding to Global Democratic Backsliding*, Carnegie Endowment for Int’l Peace (Oct. 20, 2022), <https://carnegieendowment.org/research/2022/10/understanding-and-responding-to-global-democratic-backsliding?lang=en>.

⁶ Gary Fields, *13 presidential libraries from Hoover to Obama warn of fragile state of U.S. democracy*, PBS (Sept. 7, 2023), <https://www.pbs.org/newshour/politics/13-presidential-libraries-from-hoover-to-obama-warn-of-fragile-state-of-u-s-democracy>.

⁷ Strengthening our democracy, *Presidential Centers Affirm that "Democracy Holds Us Together"*, George W. Bush Presidential Ctr. (Sept. 7, 2023), <https://www.bushcenter.org/publications/reaffirming-americans-commitment-to-a-more-perfect-union>.

⁸ *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022).

emergent situations. Pregnant patients have been life-flighted out of hospitals in Idaho⁹ and are being denied critical emergency care necessary to preserve their health and their lives across the country. A 28-year old mother who was an aspiring medical student, Amber Nicole Thurman, has died in the state of Georgia as a result of delayed care and criminal abortion bans.¹⁰ Her child will grow up without a mother because of the extremism unleashed by the U.S. Supreme Court's *Dobbs* decision and the right-wing political ecosystem that entrenches these restrictions in communities across the nation. There is a direct relationship between the rights of women and the strength of a democracy; it is not surprising that as the rights of women are declining in our nation so too is the strength of our democracy.

Reproductive health care is just one example of areas where the American people are experiencing reversals of their rights and facing devastating consequences. Attacks on the freedom to read and to be exposed to ideas are also on the rise. According to PEN America, there were more than 10,000 instances of school book bans in the United States in the 2023-2024 school year alone.¹¹ Book bans have been on the rise in the United States for the past three years.¹² In Arkansas, our organization has had to go to court to block¹³ laws that would impose criminal penalties on librarians.¹⁴

⁹ Julie Luchett, *Idaho's biggest hospital says emergency flights for pregnant patients up sharply*, NPR (Apr. 6, 2024), <https://www.npr.org/2024/04/25/1246990306/more-emergency-flights-for-pregnant-patients--in-idaho> (last visited Sept. 18, 2024).

¹⁰ Sarah Posner, *Georgia's 'pro-life' abortion ban literally killed a woman — and she won't be the last*, MSNBC (Sept. 18, 2024), <https://www.msnbc.com/opinion/msnbc-opinion/amber-thurman-death-georgia-abortion-ban-rcna1713> (last visited Sept. 18, 2024).

¹¹ *With A Spiking Crisis of School Book Bans, PEN America Draws Writers, Readers and Advocates Together to Champion the Freedom to Read; Events in Cities Nationwide*, PEN America (Sept. 12, 2024), <https://pen.org/press-release/with-a-spiking-crisis-of-school-book-bans-pen-america-draws-writers-readers-andadvocates-together-to-champion-the-freedom-to-read-events-in-cities-nationwide/> (last visited Sept. 18, 2024).

¹² Alexandra Alter, *Book Bans Continue to Surge in Public Schools*, New York Times (Apr. 16, 2024), <https://www.nytimes.com/2024/04/16/books/book-bans-public-schools.html> (last visited Sept. 18, 2024).

¹³ Association of American Publishers, *Court Grants Preliminary Injunction Barring Implementation of Arkansas Act 372*, July 31, 2023, <https://publishers.org/news/court-grants-preliminary-injunction-barring-implementation-of-arkansas-act-372/> (last visited Sept. 18, 2024).

¹⁴ Martin Pengelly, *'Criminal liability for librarians': the fight against US rightwing book bans*, The Guardian (Aug. 5, 2023), <https://www.theguardian.com/books/2023/aug/05/criminal-liability-librarians-us-rightwing-book-bans-arkansas-democracy-forward> (last visited Sept. 18, 2024).

In states like Texas,¹⁵ Florida,¹⁶ and Utah,¹⁷ there are even restrictions on the freedom to invest; companies are placed on blacklists for their business judgments and expression. Misinformation and disinformation continue to be rampant and perpetuated by far-right groups and political actors, often targeting people and families who have immigrated to the United States.¹⁸ Political violence is on the rise.¹⁹ According to a study by the Brennan Center, 38 percent of local election officials have experienced threats, harassment, or abuse following the failed effort to overturn the 2020 election.²⁰ More than one-third of these officials know a colleague who has resigned, at least in part, due to safety concerns.²¹

All of these events, of course, occur against the backdrop of concerning developments in states across the nation that have sought to make it harder for Americans to vote. Congress has failed to remedy these direct attacks on our democracy through its failure to pass voter protection legislation such as the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act. Also, more than 147 members²² of this body voted to overturn the results of a free and fair election.

Just over two years after former President Trump and his allies first refused to acknowledge the results of the 2020 election, reports began to surface that the former President and his associates were planning a shadow government and developing extensive policy plans to remake American government in a future Presidential administration.²³ These and related

¹⁵ Karen Zraick, *Business Group Sues Texas Officials Over Law That Shields Oil Industry*, New York Times (last updated Sept. 3, 2024), <https://www.nytimes.com/2024/08/30/climate/texas-esg-lawsuit.html> (last visited Sept. 18, 2024).

¹⁶ Josh Boak, *Treasury warns that anti-woke banking laws like Florida's are a national security risk*, AP News (last updated July 19, 2024), <https://apnews.com/article/banking-esg-treasury-national-security-00984615e57dc14d72f04e6e61cc078b> (last visited Sept. 18, 2024).

¹⁷ Tim Fitzpatrick, *Anti-ESG bills roll out to target "the weaponization of capital"*, The Salt Lake Tribune (Feb. 24, 2023), <https://www.sltrib.com/news/2023/02/24/anti-esg-bills-roll-out-target/> (last visited Sept. 18, 2024).

¹⁸ Layla Ferris, *Trump, JD Vance repeat baseless claim Haitian immigrants are eating pets as Ohio officials say there is no evidence*, CBS News (updated Sept. 11, 2024), <https://www.cbsnews.com/news/baseless-claim-haiti-immigrants-cats-springfield-ohio/> (last visited Sept. 18, 2024).

¹⁹ Rachel Kleinfeld, *The Rise of Political Violence in the United States*, 32 J. Democracy 160 (2021), <https://www.journalofdemocracy.org/articles/the-rise-of-political-violence-in-the-united-states/> (last visited Sept. 18, 2024).

²⁰ Brennan Ctr. for Just., *Local Election Officials Survey – May 2024*, at 3 (May 1, 2024), <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-may-2024> (last visited Sept. 18, 2024).

²¹ Brennan Ctr. for Just., *Local Election Officials Survey – May 2024*, at 3 (May 1, 2024), <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-may-2024> (last visited Sept. 18, 2024).

²² Karen Yourish et al., *The 147 Republicans Who Voted to Overturn Election Results*, New York Times (Jan. 7, 2021), <https://www.nytimes.com/interactive/2021/01/07/us/elections/electoral-college-biden-objectors.html> (last visited Sept. 18, 2024).

²³ Jonathan Swan et al., *Trump and Allies Forge Plans to Increase Presidential Power in 2025*, New York Times (July 17, 2023), <https://www.nytimes.com/2023/07/17/us/politics/trump-plans-2025.html> (last visited Sept. 18, 2024).

efforts, including the development of a 922-page policy blueprint sponsored by the Heritage Foundation known as *Mandate for Leadership: Conservative Promise, Project 2025*, have been well documented.

On the eve of the fourth of July this year, Kevin Roberts, the President of the Heritage Foundation, said, in relation to Project 2025, that the United States was in the midst of a “second American revolution” and that it would “only be bloodless if the left allows it to be.”²⁴ Mr. Roberts made these comments on Stephen Bannon’s “The War Room.”

By its terms, Project 2025 is “the conservative movement’s unified effort to be ready for the next conservative Administration to govern at 12:00 noon, January 20, 2025.”²⁵ Portions of the Project have been published in an initial 922 page volume, which covers a range of topics from dismantling the Department of Education, to reversing FDA’s approval of mifepristone, to reversing access to contraception, to politicizing our career civil servants, to “effectively abolish[ing] the Federal Reserve” and considering the feasibility of returning the United States to the gold standard, among many others.²⁶ More than 140 individuals²⁷ who worked in the forty-fifth Presidential administration are reported to have had a role in Project 2025, including nearly half of these individuals as authors of the Project.

II. Proposals in Project 2025 present profound threats to our freedoms and democracy.

Proposals in Project 2025 represent profound threats to the American people, our freedoms, and our democracy. Democracy Forward has published a *People’s Guide to Project 2025*²⁸ and has driven millions of views online to expose many of the policies that undermine the wellbeing of the American people that the authors of Project 2025 suggest can be accomplished in the first days of a new Presidential administration. These policies include, but are not limited to:

- ❖ **Weaponization of the U.S. Department of Justice Against the American People:** Project 2025 threatens to weaponize the U.S. Department of Justice against the American people through encouraging the next President to ignore a long-standing norm of not interfering in certain Justice Department operations, such as specific decisions

²⁴ Maggie Astor, *Heritage Foundation Head Refers to ‘Second American Revolution’*, New York Times (July 3, 2024), <https://www.nytimes.com/2024/07/03/us/politics/heritage-foundation-2025-policy-america.html> (last visited Sept. 18, 2024).

²⁵ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at xiii (2023), https://static.project2025.org/2025_MandateForLeadership_FULLL.pdf.

²⁶ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 661 (2023), https://static.project2025.org/2025_MandateForLeadership_FULLL.pdf.

²⁷ Steve Contorno, *Trump claims not to know who is behind Project 2025. A CNN review found at least 140 people who worked for him are involved*, CNN (July 11, 2024), <https://www.cnn.com/2024/07/11/politics/trump-allies-project-2025/index.html> (last visited Sept. 18, 2024).

²⁸ *The People’s Guide to Project 2025*, Democracy Forward (2024), <https://democracyforward.org/the-peoples-guide-to-project-2025/> (last visited Sept. 18, 2024).

regarding investigations and prosecutions.²⁹ Project 2025 specifically suggests that certain state-level officials such as the Pennsylvania Secretary of the Commonwealth be prosecuted for protecting access to voting during the COVID-19 pandemic.³⁰ The plan calls for the DOJ to enforce broadly abrogated laws such as the Victorian-era Comstock Act that purports to criminalize mailing medicine³¹ that could be used to terminate pregnancy, such as mifepristone or misoprostol. It would also seek to dismantle the way the DOJ's Civil Rights Division operates, making it an arm that seeks to reverse racial equity and civil rights, not expand such protections.³²

- ❖ **Politicizing Our Civil Service, Undermining the Government's Ability to Work for People:** Project 2025 seeks to reinstitute a Trump administration proposal, rescinded by the Biden-Harris administration, known as Schedule F, which would threaten our career civil servants through seeking to reclassify many of them as political appointees. It targets career civil servants who have sworn an oath to the Constitution and do work throughout our federal government to deliver for people, wanting to replace many of them with those who hold political or ideological loyalty. The proposal has been criticized by a bipartisan group of former government officials, scholars, and experts all who warn about the disastrous effect on the nation.³³
- ❖ **Enabling Discrimination Across Society:** Project 2025 would seek to undermine key civil rights protections, including through proposing that the federal government stop using the long-standing "disparate impact" standard in assessing discrimination and encouraging the government to bring lawsuits to undermine the standard's use.³⁴ Project 2025 would manipulate how data is collected regarding race and ethnicity and contains a range of proposals that would enable and encourage discrimination against

²⁹ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 557-66 (2023),

https://static.project2025.org/2025_MandateForLeadership_FULLL.pdf.

³⁰ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 563-64 (2023),

https://static.project2025.org/2025_MandateForLeadership_FULLL.pdf.

³¹ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 458-59, 562 (2023),

https://static.project2025.org/2025_MandateForLeadership_FULLL.pdf.

³² Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 562-63 (2023),

https://static.project2025.org/2025_MandateForLeadership_FULLL.pdf.

³³ Erich Wagner, *Former executives warn Schedule F poses risk to national security* (Sept. 17, 2024), <https://www.govexec.com/workforce/2024/09/former-executives-warn-schedule-f-poses-risk-national-security/399592/> (last visited Sept. 18, 2024).

³⁴ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 335-36 (2023),

https://static.project2025.org/2025_MandateForLeadership_FULLL.pdf.

LGBTQ+ people.³⁵ As another example, it would shut down the Gender Policy Council at the White House on day one.³⁶

- ❖ **Making It Harder to Make Ends Meet:** Project 2025 would harm Americans' pocket books through cutting access to overtime pay. Under the Biden-Harris administration, the Department of Labor increased the threshold for overtime pay from \$35,568 per year to \$58,656, making more than 4.3 million additional workers eligible for overtime pay.³⁷ Yet, Project 2025 seeks to reinstate weaker overtime standards, effectively taking overtime eligibility away from millions of workers.³⁸ Project 2025 also contains proposals that would strain commuters and stifle progress to improve public transit.³⁹ In addition, Project 2025 would eliminate Head Start, a program many families utilized to secure child care and early education when seeking to improve their economic status.⁴⁰ Project 2025 offers no plan to solve the childcare crisis in the country or to help working Americans make ends meet.

- ❖ **Denying our Climate Crisis and Undermining Efforts to Address Climate Change and Environmental Quality:** Project 2025 would undermine efforts to combat climate change by seeking to revise a key finding that the U.S. Environmental Protection Agency makes—the endangerment finding—in its efforts to enforce the Clean Air Act.⁴¹ In addition, Project 2025 calls for a redirection of funds provided by the Inflation Reduction Act from mission-based organizations with expertise to state regulatory entities, including in states whose leaders deny climate change altogether.⁴² These changes would undermine historic investments from the IRA.

- ❖ **Dismantling our Weather Service:** Along with efforts to deny climate change, Project 2025 proposes to eliminate the National Oceanic Atmospheric Administration (“NOAA”), which is the parent agency for the National Weather Service. NOAA monitors

³⁵ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 331-32 (2023),

https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

³⁶ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 62 (2023), https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

³⁷ Aimee Picchi, *Biden administration expands overtime pay to cover 4.3 million more workers. Here's who qualifies.*, CBS News (April 24, 2024), <https://www.cbsnews.com/news/biden-labor-department-overtime-pay-expansion-who-qualifies-cbs-news-explains/> (last visited Sept. 18, 2024).

³⁸ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 587-603 (2023),

https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

³⁹ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 634-46 (2023),

https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

⁴⁰ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 482 (2023), https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

⁴¹ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 425 (2023), https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

⁴² Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 293 (2023), https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

storm and weather patterns and provides updates free of charge to the American people regarding weather patterns and predictions. Project 2025 calls NOAA a driver of the “climate change alarm industry” and would seek to dismantle this service⁴³ to the detriment of Americans.

- ❖ **Making Education Out of Reach:** Project 2025 contains a number of proposals to undermine the affordability of education and make education out of reach, including proposals that would disqualify people for federal student loans in 25 states and the District of Columbia as well as disqualifying parents for taking out certain federal loans for their children.⁴⁴

In addition to these threats outlined in Democracy Forward’s People’s Guide to Project 2025, which highlight certain actions that the Project urges a future administration to take immediately upon taking office, Project 2025 contains a number of other troubling proposals that threaten the well-being of the American people, our economy, and our global leadership. Those include, but are not limited to:

- ❖ Eliminating the Department of Education;⁴⁵
- ❖ Eliminating the Federal Reserve and enabling the President to control the setting of interest rates;⁴⁶
- ❖ Eliminating the National Flood Insurance program;⁴⁷
- ❖ Slashing Veterans Benefits;⁴⁸
- ❖ Undermining Families;⁴⁹ and

⁴³ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 675 (2023), https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

⁴⁴ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 327, 330, 340-41, 353-55 (2023), https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

⁴⁵ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 319 (2023), https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

⁴⁶ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 661 (2023), https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

⁴⁷ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 153-54 (2023), https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

⁴⁸ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 647, 650 (2023), https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

⁴⁹ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 284 (2023), https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

- ❖ Repealing milestone accomplishments in the Inflation Reduction Act, such as making prescription medications more affordable.⁵⁰

Project 2025 has been broadly rejected by the American people and the Project is rightfully seen as a political liability.⁵¹ Yet while awareness of Project 2025 and its unpopularity is growing, many elements of Project 2025 and related attempts to remake American life are already underway across our nation, presenting clear and present threats to the American people, our freedoms, and our Constitution. The sections of my testimony below highlight some of these areas of concern.

III. Extreme legal organizations are seeking to use the courts to advance Project 2025, undermining policies the Biden-Harris Administration has championed that improve the lives of the American people.

A number of Project 2025 Advisory Committee members or supporters are organizations that seek to shape law and policy through the courts. Many of these groups have supported regressions in our federal rights, including overturning *Roe v. Wade*, restricting voting rights access, and undermining our federal government's ability to work for people. A recent report from the *New York Times* notes that one of the far-right funding networks dedicated to promoting a regressive agenda through the courts and in our broader society has now amassed more total cash on hand than the Republican and Democratic National, Congressional and Senatorial committees combined.⁵² It is no surprise, then, that execution of many of the harmful and unpopular proposals in Project 2025—from seeking to restrict access to medication abortion to compromising protections for overtime pay—is already underway in the courts. In many of these cases, groups behind Project 2025 and aligned far-right attorneys general are seeking to undermine people-centered policies and progress that the Biden-Harris administration has achieved, threatening the wellbeing of the American people. In other cases, they are promoting legal theories that are a threat to our Constitution and protections that the American people have long enjoyed.

While this testimony does not purport to recount all instances of these trends, some highlights are as follows:

⁵⁰ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 465 (2023), https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

⁵¹ Jared Sharpe, *Americans Widely Oppose 'Project 2025' According to New UMass Amherst Poll*, Univ. of Mass.-Amherst (August 8, 2024), <https://www.umass.edu/news/article/americans-widely-oppose-project-2025-according-new-umass-amherst-poll> (last visited Sept. 18, 2024); Aaron Zitner, *Project 2025, Already Widely Unpopular, Is a Likely Debate Topic*, Wall Street Journal (Sept. 11, 2024), <https://www.wsj.com/livecoverage/harris-trump-presidential-debate-election-2024/card/project-2025-a-ready-widely-unpopular-is-a-likely-debate-topic-DvIR21TPA5QeCYsYoJwj> (last visited Sept. 18, 2024).

⁵² Thomas B. Edsall, *The Man Behind the End of Roe v. Wade Has Big Plans for America*, New York Times (Sept. 18, 2024), <https://www.nytimes.com/2024/09/18/opinion/leonard-leo-fundraising-supreme-court-irs.html> (last visited Sept. 18, 2024).

Attacks on Medication Abortion, Contraception, and Reproductive Care:

Despite that this term the U.S. Supreme Court ruled that the Alliance for Hippocratic Medicine (AHM), which is represented by Project 2025 advisory member the Alliance for Defending Freedom, does not have standing in their case against the Federal Drug Administration (FDA), access to mifepristone remains at risk. Anti-abortion attorneys general in Idaho, Missouri, and Kansas continue to pursue this same case against the safe, effective medication in federal court before Judge Matthew Kacsmaryk. As in the initial phases of the *AHM v. FDA* litigation, Project 2025 would seek to remove the approval of mifepristone and restrict access, which is what extremists in these cases have sought to accomplish through the courts. This attempt, and the baseless litigation that is currently pending to restrict access, seeks to undermine the Biden-Harris administration's commitment to protecting mifepristone access and FDA's expertise in regulating the medication.⁵³ Moreover, as noted above, Project 2025 seeks to enable enforcement of a nineteenth century law that purports to criminalize the mailing of medication abortion. In their litigation strategies, groups such as Project 2025-aligned Alliance for Defending Freedom continue to seek to have the courts endorse the Comstock Act, including surfacing these arguments regarding the broadly abrogated statute⁵⁴ before the U.S. Supreme Court.⁵⁵ A number of litigation strategies from aligned groups seek to restrict access to contraception,⁵⁶ which is also an element of the Project 2025 agenda.⁵⁷

Attacking Overtime Pay: In 2024, the Biden-Harris administration's U.S. Department of Labor raised the "overtime threshold,"⁵⁸ which increased the number of workers with guaranteed overtime protections.⁵⁹ Project 2025 proposes lowering the threshold and taking away overtime eligibility for millions of workers.⁶⁰ This would leave at least four million

⁵³ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 458 (2023), https://static.project2025.org/2025_MandateForLeadership_FULLL.pdf.

⁵⁴ *GenBioPro, Inc. v. Raynes et al.*, No. 3:23-CV-00058 (S.D.W.V. May 2, 2023), ECF No. 54., Memorandum Opinion and Order at 15.

⁵⁵ Steve Contorno, *Trump claims not to know who is behind Project 2025. A CNN review found at least 140 people who worked for him are involved*, CNN (July 11, 2024), <https://www.cnn.com/2024/07/11/politics/trump-allies-project-2025/index.html> (last visited Sept. 18, 2024).

⁵⁶ *Deanda v. Becerra*, 645 F.Supp.3d 600 (N.D. Tex. 2022); *Braidwood Management Inc. v. Becerra*, 666 F.Supp.3d 613 (N.D. Tex. 2023).

⁵⁷ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 483-84 (2023), https://static.project2025.org/2025_MandateForLeadership_FULLL.pdf.

⁵⁸ Aimee Picchi, *Biden Administration expand overtime pay to cover 4.3 million more workers. Here's who qualifies*, CBS News (Apr. 24, 2024), <https://www.cbsnews.com/news/biden-labor-department-overtime-pay-expansion-who-qualifies-cbs-news-explains/> (last visited Sept. 18, 2024).

⁵⁹ Aimee Picchi, *Biden Administration expand overtime pay to cover 4.3 million more workers. Here's who qualifies*, CBS News (Apr. 24, 2024), <https://www.cbsnews.com/news/biden-labor-department-overtime-pay-expansion-who-qualifies-cbs-news-explains/> (last visited Sept. 18, 2024).

⁶⁰ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 592 (2023), https://static.project2025.org/2025_MandateForLeadership_FULLL.pdf.

working people⁶¹ in industries that pay annually, yet still at lower wages stuck working long hours without overtime pay—everything from hospitality to manufacturing, administrative roles, and more. Special interests are seeking to block this same overtime eligibility in the courts.⁶²

Reversing Progress on Medication Affordability: Medicare now has the authority to negotiate the price of some of the most expensive prescription drugs as a result of the Inflation Reduction Act (IRA). However, Project 2025 calls for Congress to reverse that progress.⁶³ Project 2025’s aim of reversing this progress is also seen in the courts, where threats to special interests have filed a number of pending lawsuits⁶⁴ across the country in an attempt to block the cost-lowering program.⁶⁵

Additional examples of the way in which special interest groups are seeking to achieve Project 2025’s aims through the courts include litigation that is seeking to reverse preventative services access for millions of Americans under the ACA,⁶⁶ efforts to undermine education affordability,⁶⁷ reverse progress on diversity and civil rights,⁶⁸ and more.

The U.S. Supreme Court’s recent term also highlights a number of threats to our system of government and our democracy, many of which resemble the policy aims in Project 2025. The Court’s decision in *Trump v. United States* endorsed a view of the American Presidency that

⁶¹ Aimee Picchi, *Biden Administration expand overtime pay to cover 4.3 million more workers. Here’s who qualifies*, CBS News (Apr. 24, 2024), <https://www.cbsnews.com/news/biden-labor-department-overtime-pay-expansion-who-qualifies-cbs-news-explains/> (last visited Sept. 18, 2024).

⁶² *State of Texas v. United States Department Of Labor, et al.*, No. 4:24-CV-499-SDJ, 2024 WL 3240618 (E.D. Tex.). See also, Rainey, Rebecca, *Overtime Expansion Challenges Multiply in Texas Federal Courts*, Bloomberg Law, (June 4, 2024), <https://news.bloomberglaw.com/daily-labor-report/overtime-expansion-challenges-multiply-in-texas-federal-courts> (last visited Sept. 18, 2024).

⁶³ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found., at 465-66 (2023), https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

⁶⁴ Sheela Ranganathan & Zachary Baron, *Another Administration Win In Medicare Drug Price Negotiation Lawsuits*, Health Affs. (May 7, 2024), <https://www.healthaffairs.org/content/forefront/another-administration-win-medicare-drug-price-negotiation-lawsuits> (last visited Sept. 18, 2024).

⁶⁵ Project 2025 Presidential Transition Project, *Mandate for Leadership: The Conservative Promise*, Heritage Found. 465 (2023), https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

⁶⁶ *Braidwood Management Inc., et al. v. Becerra*, 666 F.Supp.3d 613 (N.D. Tex. 2023), aff’d in part, rev’d in part, 104 F.4th 930 (5th Cir., June 21, 2024), cert. deadline Sept. 19, 2024.

⁶⁷ Sara Partridge and Madison Weiss, *Project 2025 Would Increase Costs, Block Debt Cancellation for Student Loan Borrowers*, Center for American Progress (June 24, 2024), <https://www.americanprogress.org/article/project-2025-would-increase-costs-block-debt-cancellation-for-student-loan-borrowers/> (last visited Sept. 18, 2024)

⁶⁸ Bre Bradham and Patricia Hurtado, *Nasdaq Board-Diversity Plan Challenged in Court as ‘Unfair’*, Bloomberg Law (Aug. 18, 2021), <https://news.bloomberglaw.com/esg/nasdaqs-board-diversity-plan-challenged-in-court-as-unfair> (last visited Sept. 18, 2024).

questions the very foundations of our nation's principle, demonstrated in our founding purpose of throwing off monarchy, that no person is above the law. This decision, which has been criticized by legal scholars across the political spectrum,⁶⁹ led President Biden to call for a Constitutional Amendment to ensure that the nation remains one of laws, not of men.⁷⁰ The potential for abuse of executive power is also a major theme throughout Project 2025, as the policy manifesto calls for a range of expansions of executive power in ways that are antithetical to democracy and good government. The Court also issued decisions in *Loper Bright Enterprises v. Raimondo* and *Relentless, Inc., et al. v. Department of Commerce, et al*, which undermine forty years of legal precedent regarding how our nation's federal agencies operate. Litigants are already seeking to use these decisions to stop or slow a range of federal programs and regulations for the benefit of the American people that Congress delegated to agencies for implementation.⁷¹

IV. Project 2025 and other extremist proposals, which pose threats to the Constitution and to the American way of life, are already underway in many states across the country.

Project 2025 and other extreme proposals are already taking hold at the state level. Far-right leaders are using the states as a testing ground for carrying out and normalizing Project 2025 and other extremist tactics. For example, Project 2025 seeks to undermine a range of worker protections from those that ensure safety to those that protect children and young people. Already in states like Florida, far-right leaders have banned workplace heat safety measures and there are proposals to reduce worker protection for minors.⁷² Arkansas has passed a law that weakens employment protections for children under the age of 16, turning back a century of progress.⁷³ As noted above, there are a number of extreme laws that are being

⁶⁹ Jordan King, *Supreme Court Trashed by Republican Judge: 'Abominable'*, Newsweek (Jul 8, 2024), <https://www.newsweek.com/supreme-court-immunity-donald-trump-judge-j-michael-luttig-1922099> (last visited Sept. 18, 2024).

⁷⁰ Adams, John writing as "Novanglus." *Boston Gazette* (1774) no. 7; later incorporated Article 30 of the Massachusetts Constitution (1780).

⁷¹ *Restaurant Law Center, et al. v. United States Department of Labor, et. al.*, No. 23-50562, 2024 WL 3911308 (5th Cir.). *State of Texas v. United States Department Of Labor, et al.*, No. 4:24-CV-499-SDJ, 2024 WL 3240618 (E.D. Tex.). *State of Florida v. Department of Health and Human Services*, No. 8:24-cv-1080-WFJ-TGW, 2024 WL 3537510 (M.D. Fla.). *State of Kansas v. United States Department of Education, et. al.*, No. 24-4041-JWB, 2024 WL 3471331 (10th Cir.). See also, Naaz Modan, *GOP lawmakers raise pressure on Education Department after Chevron decision*, K-12 Dive (July 12, 2024), <https://www.k12dive.com/news/congress-education-department-inquiry-chevron-doctrine/721287/> (last visited Sept. 18, 2024). See also, James Comer, Chair, H. Comm. on Oversight and Accountability, 118th Cong., Ltr. to Christine J. Harada, Chair, Federal Acquisition Regulatory Council (July 10, 2024)

⁷² *Florida Bans Local Rules To Protect Workers from Heat*, Northwest Labor Press, (Jul. 19 2024), [https://nwlaborpress.org/2024/07/florida-bans-local-rules-to-protect-workers-from-heat/#:~:text=A%20Florida%20state%20law%20that,workers%20from%20extremely%20hot%20weather](https://nwlaborpress.org/2024/07/florida-bans-local-rules-to-protect-workers-from-heat/#:~:text=A%20Florida%20state%20law%20that,workers%20from%20extremely%20hot%20weather;); *Florida Legislature Proposes Dangerous Roll Back of Child Labor Protections*, Economic Policy Institute (Nov. 14, 2023), <https://www.epi.org/blog/florida-legislature-proposes-dangerous-roll-back-of-child-labor-protections-at-least-16-states-have-introduced-bills-putting-children-at-risk/> (last visited Sept. 18, 2024).

⁷³ Veronica Goodman, *Project 2025 Would Exploit Child Labor by Allowing Minors To Work in Dangerous Conditions With Fewer Protections*, Center for American Progress (July 18, 2024), <https://www.americanprogress.org/article/project-2025-would-exploit-child-labor-by-allowing-minors-t>

enforced in states across the country that ban or restrict reproductive health care, consistent with Project 2025's vision of restricting reproductive freedom. Education is another area where many of the proposals in Project 2025 are already taking hold at the state level. States like Florida and Texas are seeking to restrict access to books and ideas⁷⁴ in schools and a range of states are undermining the benefits of public education for all.⁷⁵

Other concerning trends at the state level include a number of states seeking to undermine our federal laws and the U.S. Constitution as the supreme law of the land. For example, Utah Governor Spencer Cox signed the "Utah Constitutional Sovereignty Act" to allow the state legislature to essentially overrule⁷⁶ a federal law in violation of the Supremacy Clause of the Constitution, Missouri Governor Mike Parson signed legislation⁷⁷ asserting that certain longstanding, valid federal laws relating to firearms "shall not be recognized by this state",⁷⁸ and for years Texas Governor Greg Abbott has executed his own border policies in contravention⁷⁹ of the federal government's long-recognized constitutional authority.

Project 2025 is not a hypothetical collection of policy proposals, but represents a vision that many special interests and far-right leaders are already implementing through the courts and in communities across the country. The American people are rightfully concerned about the harmful threats that Project 2025 and other extreme proposals pose to our way of life, our freedom, and our democracy.

o-work-in-dangerous-conditions-with-fewer-protections (last visited Sept. 18, 2024). *See also*, Katlyn Radde, *Arkansas Gov. Sanders Signs A Law That Makes It Easier To Employ Children*, NPR (Mar. 10, 2023), <https://www.npr.org/2023/03/10/1162531885/arkansas-child-labor-law-under-16-years-old-sarah-huckabee-sanders> (last visited Sept. 18, 2024).

⁷⁴ Gloria Oladipo, *Florida School District Pulls Dictionaries For 'Sexual Conduct' Descriptions*, The Guardian (Jan. 11, 2024), <https://www.theguardian.com/us-news/2024/jan/11/florida-schools-ron-desantis-ban-books-sexual-content> (last visited Sept. 18, 2024). *See also*, Juan Perez Jr. and Andrew Atterbury, *AP Psychology 'Effectively Banned' In Florida Over Sexuality Lessons, College Board Says*, Politico (Aug. 3, 2023), <https://www.politico.com/news/2023/08/03/ap-psychology-banned-in-florida-00109720> (last visited Sept. 18, 2024).

⁷⁵ Jessica Alcantara and Laura Petty, *Project 2025's Plan to Eliminate Public Schools Has Already Started*, Time (July 22, 2024), <https://time.com/7001264/project-2025-public-school-closure/> (last visited Sept. 18, 2024).

⁷⁶ Eric Levenson, *Utah's new 'Sovereignty Act' sets up a process to overrule the federal government. But is it constitutional?*, CNN (Feb. 19, 2024), <https://www.cnn.com/2024/02/19/us/utahs-sovereignty-act-overrule-federal/index.html> (last visited Sept. 18, 2024).

⁷⁷ H.B. 85, 101st Gen. Assemb., Reg Sess. (Mo. 2021).

⁷⁸ Amy Howe, *Supreme Court refuses to reinstate Missouri Second Amendment law*, SCOTUSblog (Oct. 20, 2023), <https://www.scotusblog.com/2023/10/supreme-court-refuses-to-reinstate-missouri-second-amendment-law/> (last visited Sept. 18, 2024).

⁷⁹ David Firestone, *Governor Defiance Tries to Usurp Washington's Role*, The New York Times (Jan. 1, 2024), <https://www.nytimes.com/2024/01/01/opinion/editorials/greg-abbott-immigration.html> (last visited Sept. 18, 2024).

Project 2025 is an outgrowth of a broader, concerning trend in our nation and for our democracy. It is important that Congress understand the threats posed by Project 2025 and the harms of far-right, anti-democratic movements that are active in the United States so as to protect our nation's democracy and the American people's freedom.