

# Constitutional Concerns in H.R.1 "One Big Beautiful Bill Act"

## Executive Summary

H.R.1, the "One Big Beautiful Bill Act," contains multiple provisions that raise significant constitutional concerns, particularly regarding the separation of powers, due process, and equal protection. The most critical provisions undermine judicial authority, expand restrictive eligibility criteria for social programs, and risk systemic inequities. This analysis highlights five key areas of constitutional infringement, supported by direct references to the bill's text and legal scholarship.

## 1. Judicial Enforcement Restrictions (Section 70302)

### Separation of Powers Violation

**Section 70302** prohibits federal courts from enforcing contempt citations for noncompliance with injunctions or temporary restraining orders if no security bond was posted under Federal Rule of Civil Procedure 65(c) <sup>[1]</sup> <sup>[2]</sup> <sup>[3]</sup>. This provision effectively neuters judicial authority by allowing the executive branch to ignore court orders without consequence.

- **Article III Implications:** By stripping courts of their contempt power—a core function of judicial oversight—this section violates the constitutional separation of powers<sup>[1]</sup> <sup>[3]</sup>. Courts cannot fulfill their role as a check on executive overreach if their orders are unenforceable.
- **Retroactive Application:** The provision applies retroactively, invalidating existing contempt rulings and enabling ongoing defiance of judicial injunctions<sup>[2]</sup> <sup>[4]</sup>. This destabilizes the rule of law and undermines judicial finality.
- **Practical Impact:** Legal experts warn this creates a "two-tiered justice system," where only plaintiffs who can afford security bonds receive enforceable relief<sup>[3]</sup> <sup>[4]</sup>. This disproportionately harms low-income litigants and public-interest cases, such as civil rights or environmental challenges<sup>[2]</sup> <sup>[3]</sup>.

## 2. SNAP Work Requirements (Sections 10002, 10008)

## Equal Protection and Due Process Concerns

The bill expands work requirements for the Supplemental Nutrition Assistance Program (SNAP) to include adults aged 50–64 without dependents and caregivers of children over seven<sup>[5]</sup> <sup>[6]</sup> <sup>[7]</sup>. These changes risk violating the Fifth Amendment's Due Process Clause and the Fourteenth Amendment's Equal Protection Clause.

- **Arbitrary Age Classification:** Extending work requirements to older adults (50–64) lacks a rational basis, as age alone does not correlate with employability, particularly for individuals with undiagnosed disabilities or limited job access<sup>[6]</sup> <sup>[7]</sup>.
- **Disproportionate Impact on Vulnerable Groups:** By targeting caregivers of children over seven, the bill ignores the realities of childcare responsibilities, disproportionately affecting single parents and low-income families<sup>[6]</sup> <sup>[8]</sup>.
- **Procedural Deficiencies:** States lack infrastructure to verify compliance, increasing wrongful benefit terminations without adequate appeal mechanisms<sup>[6]</sup> <sup>[8]</sup>. This denies recipients procedural due process.

## 3. Noncitizen Eligibility Restrictions (Section 10012)

### Equal Protection Challenges

**Section 10012** limits SNAP eligibility to lawful permanent residents (LPRs), certain Cuban parolees, and Compact of Free Association (COFA) migrants, excluding other noncitizens<sup>[6]</sup> <sup>[7]</sup>. While immigration policy is federal, this provision may face scrutiny if applied discriminatorily.

- **Rational Basis Test:** Courts typically defer to Congress on immigration-related classifications, but excluding specific groups (e.g., asylum seekers) without a clear nexus to national interests could fail rational basis review<sup>[6]</sup>.
- **Humanitarian Impact:** Denying food assistance to vulnerable noncitizens risks violating international human rights norms, though these are not directly enforceable in U.S. courts<sup>[8]</sup>.

## 4. State Funding Mandates (Sections 10006, 10007)

### Tenth Amendment and Spending Clause Issues

The bill mandates states to contribute 5–25% of SNAP benefit costs based on error rates, shifting financial burdens traditionally borne by the federal government<sup>[5]</sup> <sup>[6]</sup>.

- **Coercion Doctrine:** Forcing states to fund federal programs under threat of reduced flexibility may violate the anti-coercion principle established in *NFIB v. Sebelius* (2012)<sup>[6]</sup>. States cannot reasonably opt out without jeopardizing critical nutrition assistance.
- **Unfunded Mandates:** Imposing administrative cost-sharing (Section 10007) without adequate federal support strains state budgets, particularly for states with high poverty rates<sup>[6]</sup> <sup>[8]</sup>.

## 5. Retroactive Judicial Limitations

### Due Process and Ex Post Facto Concerns

The retroactive application of Section 70302 invalidates existing contempt orders, allowing past violations of court injunctions to go unpunished<sup>[2]</sup> <sup>[3]</sup>.

- **Ex Post Facto Implications:** While not a criminal penalty, retroactively stripping courts of enforcement power disrupts settled legal expectations and undermines the finality of judgments<sup>[3]</sup>.
- **Vested Rights:** Plaintiffs who secured injunctions under previous rules face revoked protections, violating procedural due process<sup>[4]</sup>.

### Conclusion and Recommendations

H.R.1's most concerning provisions threaten foundational constitutional principles. To mitigate these risks:

1. **Repeal Section 70302** to restore judicial enforcement authority and preserve separation of powers.
2. **Revise SNAP Work Requirements** to exempt vulnerable populations and ensure adequate procedural safeguards.
3. **Conduct Impact Assessments** on eligibility restrictions to evaluate discriminatory effects.
4. **Challenge Funding Mandates** under the Spending Clause to prevent state coercion.

These steps are critical to upholding constitutional integrity and protecting individual rights against legislative overreach.

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1. <https://societyfortheruleoflaw.org/gregg-nunziata-and-trevor-potter-urge-senate-to-reject-provision-undermining-judicial-authority/>
2. <https://abovethelaw.com/2025/05/trumps-budget-bill-seeks-to-smother-federal-injunctions/>
3. <https://dkotok.substack.com/p/section-70302-a-poison-pill-in-the>
4. [https://www.huffpost.com/entry/a-showdown-over-the-power-of-the-courts-is-headed-to-the-senate\\_n\\_683da629e4b08b77a460d021](https://www.huffpost.com/entry/a-showdown-over-the-power-of-the-courts-is-headed-to-the-senate_n_683da629e4b08b77a460d021)
5. <https://www.congress.gov/bill/119th-congress/house-bill/1>
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7. <https://www.politifact.com/factchecks/2025/may/29/mike-johnson/SNAP-reconciliation-bill-tax-cuts-fool/>
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