

Federal Legislation Report, May 2016

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SUPREME COURT

Immigration: *US v. Texas*

Monday, April 18, the Court started to hear arguments on the [*United States v. Texas*](#), involving the validity of the President's Executive Actions to defer deportation of up to five million undocumented immigrants (viz. DAPA and DACA).

The U.S. Court of Appeals for the Fifth Circuit held in November that **the President exceeded his authority by establishing the expanded deferred action** for childhood arrivals program and deferred action for parents of Americans and lawful permanent residents program.

The Court's decision on this matter will not be known until June; the *San Diego U-T* is noting a 4-4 Court split on this, meaning the ban on the deportations by a lower court would stand.

Indeed, most "legislative" news this month is from the Supreme Court, as several important decisions have been handed down. ("Legislative" in the sense that the decisions will affect our lives as much or perhaps more than actions of Congress.) Also, the Garland nomination continues to be controversial, leaving the Court with an even eight Justices.

Union Dues - The Court was tied 4-4 in the **Friedrichs v. California Teachers Association** which leaves in place the "fair share fee" that must be paid to unions to cover the cost of collective bargaining. *SD Union-Tribune*. This case is likely to be reheard next term. *SCOTUSBlog.com*

Redistricting - April 6 the Court ruled ([*Evenwel v. Abbott*](#)) that states and local governments may use **total population** rather than total number of **registered voters** to draw legislative districts.

Voter ID and Executive Action (Texas) - Soon, the State of Texas is due to file its response to a request to block enforcement of its law requiring **voter ID** (*Veasey v. Abbott*).

More "Legislation" by Other Means . . . silencing climate change dissenters through the courts

NY Attorney General Eric Schneiderman is heading up the organization AGs United for Clean Power, a group of 16 State Attorney Generals (including CA AG Kamala Harris), in efforts to sue for fraud corporations and foundations with "dissenting" (from AGUCP) climate change views. Per Schneiderman: "The bottom line is simple: Climate change is real." He went on to say that if companies are committing fraud by "lying" about the dangers of climate change, they [the AGs] will "pursue them to the fullest extent of the law."

<https://fellowshipoftheminds.com/tag/aqs-united-for-clean-power/>. Harris in California has already taken action re Exxon Mobil Corporation.

CONGRESS

Controversy: 9/11 Families v. Saudi Arabia

In light of the President's trip to Saudi Arabia and the current flap over 28 classified pages of the Congressional report on 9/11, there is renewed interest in legislation that would allow the 9/11 families to sue the Saudi Arabian government, i.e., foreign governments that sponsor terrorism. (The 28 pages are an entire section within [the official report](#) of the *Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001* (not the 9/11 Commission Report). Conducted by the **House and Senate Intelligence Committees**, its 838-page report was published in December 2002. The redacted section, titled "Part 4: Finding, Discussion and Narrative Regarding Certain Sensitive National Security Matters," begins on page 395 of the report.)

The legislation in question is [S. 2040 Justice Against Sponsors of Terrorism](#) (Schumer, D-NY and Cornyn, R-TX) which provides:

. . .civil litigants with the broadest possible basis, consistent with the Constitution of the United States, to seek relief against persons, entities, and foreign countries, wherever acting and wherever they may be found, that have provided material support, directly or indirectly, to foreign organizations or persons that engage in terrorist activities against the United States. *Introduced September 2015; added to Senate Legislative Calendar 2/3/16.*

Saudi Arabia has threatened retaliatory action if the law is passed. Critics of the bill and the White House have cited retaliatory measures that foreign governments might take against US citizens and military personnel.

In the HOUSE

Congress has been preoccupied recently with Zika virus and opioid regulation legislation. However, the House last week passed **HR 4403 Enhancing Overseas Travel Vetting** (database for vetting travelers against a watch list), **HR 4482 Southwest Border Security Threat Assessment Act**, calling for a threat analysis of the southern border, and several bills dealing with abuses at the IRS.

IRS Bills Pass - The House has easily passed two noncontroversial bills by voice vote. The first piece of legislation would **ban the IRS from using funds to target citizens for exercising their First Amendment rights** (one Democrat lawmaker suggested "moving on" as this is already in the Constitution); the second bill urges the IRS to make printed copies of the tax-filing instructions book available to taxpayers for free. The Puerto Rico financial oversight bill is stalled

In the SENATE

Lastly, these key bills re **US visa policy** are still in committee: **S. 2266 The H-1B and L-1 Visa Reform Act; S. 2394 American Jobs First Act; S. 2365 Protecting American Jobs Act.**

RADAR

Is it possible to spot themes that will soon pop up on our legislative radars? Possibly. Keep an eye out for proposals to lower the voting age (starting first of course with only local elections) to 16.