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## Cahill Files Amicus Brief in Defense of the Pregnant Workers Fairness Act

**Date:** 08/16/24

Cahill filed an amicus brief with the U.S. Court of Appeals for the Fifth Circuit in *Texas v. Garland* on behalf of four members of Congress: Representatives Jerrold Nadler, Ranking Member of the House Judiciary Committee, Rosa DeLauro, Ranking Member of the House Appropriations Committee, Jim McGovern, Ranking Member of the House Rules Committee, and Joe Morelle, Ranking Member of the House Administration Committee.

In the amicus brief, the members urge the Court of Appeals to reverse a ruling by the Northern District of Texas that blocks the enforcement of the Pregnant Workers Fairness Act (PWFA) against the State of Texas. Our clients' position has broad bipartisan support, with briefs having been filed by Republican and Democrat members alike.

In 2022, Congress passed the PWFA, as part of the Consolidated Appropriations Act, 2023. The PWFA was passed by a majority of the House of Representatives in accordance with then-existing House Rules, which permitted remote voting by proxy during the coronavirus pandemic. The District Court found that the passage of the PWFA violated the Quorum Clause of the Constitution because a majority of the House was not physically present for the vote.

In their amicus brief, the members argued that the District Court's decision threatens Congress's constitutionally-afforded authority to set its own rules of operation, and is inconsistent with the clear text of the Quorum Clause, which has no "physical presence" requirement. The members further argued that "allowing the court to now second-guess, or after-the-fact void, the House's exercise of its rulemaking authority threatens to disenfranchise all congressional members, and in turn their constituents, who voted in accordance with then-existing House Rules in voting in favor of the Consolidated Appropriations Act, 2023 (the Act). It would also curtail, if not eliminate entirely, Congress's ability to set its own adaptive rules in times of national crisis or other emergency situations, which would hamper Congress's ability to do business at all."

To read the amicus brief, [click here](#).

To read the press release by the members announcing the filing, [click here](#).

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