



Congressional Court Watcher: Recent Appellate Decisions of Interest to Lawmakers (June 13–June 19, 2022), Part 1

June 21, 2022

The federal courts issue hundreds of decisions every week in cases involving diverse legal disputes. This Sidebar series selects decisions from the past week that may be of particular interest to federal lawmakers, focusing on orders and decisions of the [Supreme Court](#) and precedential decisions of the courts of appeals for the [thirteen federal circuits](#). Selected cases typically involve the interpretation or validity of federal statutes and regulations, or constitutional issues relevant to Congress’s lawmaking and oversight functions.

Some of the cases identified in this Sidebar, or the legal questions they address, are examined in other CRS general distribution products. Members of Congress and congressional staff may [click here](#) to subscribe to the *CRS Legal Update* and receive regular notifications of new products and upcoming seminars by CRS attorneys.

This week’s *Congressional Court Watcher* is divided into two parts because of the number of notable decisions issued over the past week. This Legal Sidebar discusses Supreme Court activity during the week of June 13 to June 19, 2022, while a [companion Legal Sidebar](#) addresses decisions of the U.S. courts of appeals from that period.

Decisions of the Supreme Court

Last week, the Supreme Court issued decisions in 10 cases for which it heard oral arguments:

- **Arbitration:** The Court held that the [Federal Arbitration Act](#)—which permits parties to contract for arbitration of disputes and, in so doing, forfeit their rights to bring suit over matters covered by the agreement—partially preempts a California law that allows employees to raise certain representative claims, on behalf of both themselves and other workers, against their employer. The Court ruled that the California statute was preempted to the extent it did not allow splitting of claims raised in the worker’s individual capacity and potentially subject to arbitration, and those nonindividual claims

Congressional Research Service

<https://crsreports.congress.gov>

LSB10765

raised on behalf of others, which may be brought in court (*Viking River Cruises, Inc. v. Moriana*).

- **Civil Procedure:** The Court decided in an 8-1 ruling that the reference to “mistake” in [Federal Rule of Civil Procedure 60\(b\)\(1\)](#) includes an error of law. Because Rule 60(b)(1) provides for relief from a final judgment on the basis of legal error, the Court held, a motion raising such a claim must be filed within the one-year time period specified in that rule. In this case, that meant that the petitioner, who sought to reopen proceedings to vacate his criminal sentence, had not made a timely motion (*Kemp v. United States*).
- **Civil Procedure:** A federal statute, [28 U.S.C. § 1782](#), allows federal district courts to order discovery for use in proceedings before a “foreign or international tribunal.” The Court unanimously held that this statute applies only to proceeding before “governmental or intergovernmental bodies,” and that neither of the foreign arbitration panels in the cases before it met that standard (*ZF Automotive US, Inc. v. Luxshare, Ltd.*).
- **Health:** In a unanimous opinion, the Supreme Court struck down [Department of Health and Human Services \(HHS\) rules](#) for 2018 and 2019 reimbursement rates for hospitals providing certain outpatient prescription drugs to Medicare patients. HHS had reduced the reimbursement rates for hospitals participating in the “340B” program, but not non-340B hospitals, on account of hospitals participating in the 340B program receiving drug price discounts from drug manufacturers. The Court held that the governing statute did not preclude judicial review of the reimbursement rates, and that HHS could not vary the reimbursement rates only for 340B hospitals without first surveying hospitals’ acquisition costs of covered outpatient drugs (*American Hospital Ass’n v. Becerra*).
- **Immigration:** In a 6-3 decision in consolidated cases, the Court held that [8 U.S.C. § 1252\(f\)](#) bars lower courts from entering class-wide injunctions ordering federal officials to take or refrain from taking action when carrying out certain Immigration and Nationality Act provisions governing the detention and removal of aliens. Injunctive relief, according to the Court, may only be granted to a particular alien against whom removal proceedings have been initiated (*Garland v. Aleman Gonzalez; Garland v. Flores Tejada*).
- **Immigration:** In a decision joined in full by eight Justices, the Court held that [8 U.S.C. § 1231\(a\)\(6\)](#), which governs the detention of aliens awaiting removal, does not compel the government to offer bond hearings to those held for six months or more after their final removal order, in which the government bears the burden of proving continued detention is justified due to the alien’s flight risk or danger to the community. In reversing the lower court’s decision that bond hearings were statutorily required, the Court did not decide whether bond hearings might be constitutionally necessary in cases of prolonged detention, leaving it to the lower court to consider the issue on remand in the first instance (*Johnson v. Arteaga-Martinez*).
- **Indian Law:** In a 6-3 decision, the Court upheld the prosecution of a defendant under the [Major Crimes Act](#) for the same conduct for which he was previously tried in a Court of Indian Offenses. The Supreme Court held that the Court of Indian Offenses had applied tribal law, while the defendant’s subsequent prosecution was based on federal law. Because the two offenses were proscribed by separate sovereigns, the second prosecution did not violate the Double Jeopardy Clause of the Constitution (*Denezpi v. United States*).
- **Indian Law:** In a 5-4 decision, the Court held that a tribe barred by [federal law](#) from conducting gaming activities “prohibited by” Texas law is only barred from conducting gaming activities that are banned outright, rather than merely regulated by Texas (*Ysleta del Sur Pueblo v. Texas*).

-
- **International Law:** The Hague Convention on the Civil Aspects of International Child Abduction, as implemented by [22 U.S.C. § 9001](#), requires U.S. courts to provide for the prompt return of a child wrongfully removed from his or her home country unless an exception applies, including when there is “grave risk” that repatriation “would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation.” The Court unanimously held that a court’s finding that a grave risk exists does not categorically require the court to then consider whether ameliorative measures would still enable the child’s return (*Golan v. Saada*).
- **Veterans:** By [statute](#), a veteran can challenge the Department of Veterans Affairs’ denial of a benefits claim when the decision was based on “clear and unmistakable error.” In a 6-3 decision, the Court held that this standard does not allow a veteran to challenge a benefit denial premised on an agency legal interpretation that was later deemed invalid under the plain text of the governing statute (*George v. McDonough*).

The Court also dismissed an earlier grant of certiorari:

- **Immigration:** The Supreme Court dismissed as improvidently granted certiorari in a case from the Ninth Circuit involving several states’ attempt to intervene to defend a Trump-era immigration rule that the Biden Administration no longer seeks to defend. The Court had granted review only of the question as to whether the states may intervene to defend a federal rule that the United States ceases to defend, not to consider the validity of the underlying immigration rule (*Arizona v. City and County of San Francisco*).

Author Information

Michael John Garcia
Deputy Assistant Director/ALD

David Gunter
Section Research Manager

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS’s institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.