



April 20, 2016

Hon. Scott Harris  
Clerk of the Court  
United States Supreme Court  
One First St., NE  
Washington, DC 20543

ILYA SHAPIRO  
*Senior Fellow in Constitutional Studies*

Re: Brief *Amici Curiae* for the Cato Institute et al., *United States v. Texas*, No. 15-674

Dear Mr. Harris,

It has come to my attention that Cato's brief in the above-referenced case has an erroneous citation that is worth correcting, out of my duty of candor to the Court, because it relates to an important point that is otherwise unsupported.

In our brief on page 28, we have the following sentence:

After the president announced the program, the House of Representatives resolved that the executive action was "without any constitutional or statutory basis." Preventing Executive Overreach on Immigration Act of 2015, H.R. 38, 114th Cong. (2016), available at <https://goo.gl/naJviy>.

That citation is incorrect. The resolution that passed the House was the Preventing Executive Overreach on Immigration Act of 2014 (<https://www.congress.gov/bill/113th-congress/house-bill/5759/actions>), not the 2015 version. Accordingly, the citation should read: Preventing Executive Overreach on Immigration Act of 2014, H.R. 5759, 113rd Cong. (2016), available at <https://goo.gl/oDYHp1>.

While the error may seem trivial, the citation that currently appears references a bill that never made it out of committee and so cannot stand for the proposition that Congress repudiated DAPA. This all of course relates to the Take Care Clause issue that the Court added to the cert. grant—specifically *Youngstown's* third tier of presidential authority, when executive power is at its nadir because it goes against congressional policy.

Please accept my apologies for the error and any resulting confusion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ilya Shapiro".

Ilya Shapiro  
Counsel of Record