Justices dissenting: Stevens, Souter, Ginsburg, Breyer

156. Act of February 5, 1993 (Pub. L. 103–3, 107 Stat. 9, 29 U.S.C. § 2612)

Congress may not require a state employer to grant a state employee unpaid self-care leave under the Family and Medical Leave Act. Congress cannot abrogate state immunity under section 5 of the Fourteenth Amendment to enforce self-care leave requirements because those requirements are intended primarily to ameliorate discrimination based on personal illness and are not a congruent and proportional remedy for gender discrimination.

Coleman v. Court of Appeals of Maryland, 566 U.S. ___, No. 10–1016, slip op. (2012).
Justices concurring: Kennedy, Roberts, C.J., Thomas, Alito
Justices concurring specially: Scalia
Justices dissenting: Ginsburg, Breyer, Sotomayor, Kagan

157. Act of November 16, 1993 (Pub. L. 103–141, 107 Stat. 1488, 42 U.S.C. §§ 2000bb to 2000bb–4)

The Religious Freedom Restoration Act, which directed use of the compelling interest test to determine the validity of laws of general applicability that substantially burden the free exercise of religion, exceeds congressional power under section 5 of the Fourteenth Amendment. Congress's power under Section 5 to "enforce" the Fourteenth Amendment by "appropriate legislation" does not extend to defining the substance of the Amendment's restrictions. This RFRA appears to do. RFRA "is so far out of proportion to a supposed remedial or preventive object that it cannot be understood as responsive to, or designed to prevent, unconstitutional behavior."

City of Boerne v. Flores, 521 U.S. 507 (1997).
Justices concurring: Kennedy, Stevens, Thomas, Ginsburg, Rehnquist, C.J.
Justices dissenting: O'Connor, Breyer, Souter

158. Act of November 30, 1993 (Pub. L. 103–159, 107 Stat. 1536)

Interim provisions of the Brady Handgun Violence Prevention Act that require state and local law enforcement officers to conduct background checks on prospective handgun purchasers are inconsistent with the Constitution's allocation of power between Federal and state governments. In *New York v. United States*, 505 U.S. 144 (1992), the Court held that Congress may not compel states to enact or enforce a federal regulatory program, and "Congress cannot circumvent that prohibition by conscripting the State's officers directly."

Printz v. United States, 521 U.S. 898 (1997).
Justices concurring: Scalia, O'Connor, Kennedy, Thomas, Rehnquist, C.J.
Justices dissenting: Stevens, Souter, Ginsburg, Breyer