

development and an increasingly interdependent national economy, Congress “ushered in a new era of federal regulation under the commerce power,” beginning with the enactment of the Interstate Commerce Act in 1887 and the Sherman Antitrust Act in 1890.

*Gonzales v. Raich*, 545 U.S. 1 (2005). Finally, this Bill respects the Tenth Amendment and preserves the rights of each state to establish and enforce their own anti-trust or unfair competition statutes, and it narrowly construes the Interstate Commerce Clause to actions that involve actual commerce, a product that is purchased and sold, administered and utilized across state lines, and has a clear effect on national commerce. In this manner, this Act would satisfy even Justice Thomas’ concurring view of the Interstate Commerce Clause, set forth in *United States v. Lopez*, 514 U.S. 549, 586-87 (1995), that the Commerce Clause empowers Congress only to regulate the buying and selling of goods and services trafficked across state lines. Modern class action lawsuits typically seek out class members from multiple jurisdictions, advertise nationwide, and predominate interstate issues to such a degree courts of multi-district jurisdiction are sometimes appointed. In this regard, class action lawsuits also engage in commerce across state lines and have been subjected to Congressional regulation, including the Class Action Fairness Act of 2005.

The Interstate Commerce Clause does not, as some have suggested, contain federal powers that are “unlimited” and indeed, the original application of this clause was quite narrow, as most aptly described in *Federalist No. 42*. In that tract, James Madison explains that the purpose undergirding the regulation of commerce among the States was to prevent each state from imposing taxes, duties or tariffs on goods from another state that would in effect limit trade among the states and create animus that “would nourish unceasing animosities, and not improbably terminate in serious interruptions of the public tranquility.” We follow here today, however, an accepted and long standing interpretation of the Commerce Clause that is not broad in that it regulates actual commerce involved between or transacted across state lines.

By Mr. FRANK of Massachusetts:

H.R. 1151.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 (the Commerce Clause).

By Mr. RANGEL:

H.R. 1152.

Congress has the power to enact this legislation pursuant to the following:

Congress is given the power under the Constitution “To raise and support Armies,” “To provide and maintain a Navy,” and “To make Rules for the Government and Regulation of the land and naval Forces.” Art. I, § 8, cls. 12-14. See also: *Rostker v. Goldberg*, 453 U.S. 57 (1981).

By Mr. SMITH of Texas:

H.R. 1153.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clauses 1 and 3 and the Fifth Amendment of the United States Constitution.

By Mr. CARTER:

H.R. 1154.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under the Fourteenth Amendment, Section 1 of the United States Constitution.

By Mr. PETERS:

H.R. 1155.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 5, Clause 2.

Article I, Section 9, Clause 7.

Article I, Section 8, Clause 1.

By Mr. DENT:

H.R. 1156.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. REHBERG:

H.R. 1157.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the Constitution: “The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.”

The specific Constitutional Authority cited here is not intended and should not be construed to be exclusive of any other general or specific Constitutional Authority that is otherwise applicable.

By Mr. REHBERG:

H.R. 1158.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the Constitution: “The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.”

The specific Constitutional Authority cited here is not intended and should not be construed to be exclusive of any other general or specific Constitutional Authority that is otherwise applicable.

By Mr. HASTINGS of Washington:

H.R. 1159.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3. To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. KISSELL:

H.R. 1160.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2. The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. CHAFFETZ:

H.R. 1161.

Congress has the power to enact this legislation pursuant to the following:

This law is enacted pursuant to Article I, Section 8, Clauses 1 and 3, and the 10th and 21st Amendments to the U.S. Constitution.

By Mr. DICKS:

H.R. 1162.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Ms. SCHAKOWSKY:

H.R. 1163.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3. The Congress shall have Power—To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Article I, Section 8, Clause 1. The Congress shall have Power to lay and collect Taxes,

Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. KING of New York:

H.R. 1164.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4. The Congress shall have Power to establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States.

By Ms. JACKSON LEE of Texas:

H.R. 1165.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause of the Constitution.

By Mr. ISSA:

H.R. 1166.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the U.S. Constitution.

By Mr. JORDAN:

H.R. 1167.

Congress has the power to enact this legislation pursuant to the following:

The bill makes specific changes to existing law in a manner that returns power to the States and to the people, in accordance with Amendment X of the United States Constitution.

By Mr. RIGELL:

H.R. 1168.

Congress has the power to enact this legislation pursuant to the following:

Amendment I, Section 6, Clause 1 of the United States Constitution. “All Senators and Representatives shall receive a Compensation for their Services to be ascertained by Law, and paid out of the Treasury of the United States.”

By Mr. ANDREWS:

H.R. 1169.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers, and any other constitutional authority appropriate and relevant to the provisions of this bill.

By Mr. BACA:

H.R. 1170.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, Clauses 12, 13, 14, 16, and 18.

By Mr. FARR:

H.R. 1171.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article I of the Constitution.

By Ms. BERKLEY:

H.R. 1172.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. BOUSTANY:

H.R. 1173.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 7.

By Mr. CAMPBELL:

H.R. 1174.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the Constitution of the United States.