

Georgia, Ms. HIRONO, Mrs. CHRISTENSEN, Mr. SERRANO, Mr. KILDEE, Ms. LEE of California, Mr. GEORGE MILLER of California, Mrs. CAPPS, Ms. ROYBAL-ALLARD, Mr. GRIJALVA, Mr. BOREN, Mr. AL GREEN of Texas, and Mr. PIERLUISI):

H.R. 1207. A bill to authorize the Secretary of the Interior to establish and operate a visitor facility to fulfill the purposes of the Marianas Trench Marine National Monument, and for other purposes; to the Committee on Natural Resources.

By Mr. VAN HOLLEN (for himself and Mr. SESSIONS):

H.R. 1208. A bill to amend the Individuals with Disabilities Education Act to permit a prevailing party in an action or proceeding brought to enforce the Act to be awarded expert witness fees and certain other expenses; to the Committee on Education and the Workforce.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. COHEN, and Mr. PIERLUISI):

H.R. 1209. A bill to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937; to the Committee on Financial Services.

By Mr. YOUNG of Alaska:

H.R. 1210. A bill to provide limitations on maritime liens on fishing permits, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ENGEL (for himself, Mr. GENE GREEN of Texas, Ms. BALDWIN, Mr. HINCHEY, Ms. LEE of California, Ms. JACKSON LEE of Texas, Mrs. MALONEY, Mr. MEEKS, Mr. RANGEL, Ms. SCHAKOWSKY, and Mr. TOWNS):

H. Res. 176. A resolution commending the progress made by anti-tuberculosis programs; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIMM:

H. Res. 177. A resolution expressing support for internal rebuilding, resettlement, and reconciliation within Sri Lanka that are necessary to ensure a lasting peace; to the Committee on Foreign Affairs.

By Mr. HECK:

H. Res. 178. A resolution amending the Rules of the House of Representatives to require a committee report on a bill or joint resolution to include a statement of whether the legislation creates any duplicative programs; to the Committee on Rules.

By Mrs. MALONEY (for herself, Mr. BILIRAKIS, Mr. PALLONE, Mr. GRIMM, Ms. TSONGAS, and Mr. SARBANES):

H. Res. 179. A resolution recognizing and appreciating the historical significance and the heroic human endeavor and sacrifice of the people of Crete during World War II and commending the PanCretan Association of America; to the Committee on Foreign Affairs.

By Mrs. MALONEY (for herself, Mr. BILIRAKIS, Mr. PALLONE, Mr. GRIMM, Ms. TSONGAS, and Ms. BERKLEY):

H. Res. 180. A resolution urging Turkey to respect the rights and religious freedoms of the Ecumenical Patriarchate; to the Committee on Foreign Affairs.

By Ms. MOORE (for herself, Mrs. MYRICK, Ms. WASSERMAN SCHULTZ, Mr. GRIJALVA, Mr. KUCINICH, Mr. RUSH, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Ms. JACKSON LEE of Texas, Ms. HIRONO, Ms. NORTON, Mr. CLEAVER, Ms. BASS of California, and Mr. BACA):

H. Res. 181. A resolution honoring the memory of Christina-Taylor Green by en-

couraging schools to teach civic education and civil discourse in public schools; to the Committee on Education and the Workforce.

By Mr. NADLER (for himself, Mr. PASCRELL, Mr. KING of New York, Mr. RANGEL, Mrs. MALONEY, Mr. ACKERMAN, Mr. ENGEL, Mr. ISRAEL, Mr. MEEKS, Mr. SERRANO, Mr. TONKO, Mr. OWENS, Ms. RICHARDSON, Mr. BERMAN, Mr. PAYNE, Mr. SIRES, Ms. WOOLSEY, Ms. SCHAKOWSKY, Mr. GEORGE MILLER of California, Mr. OLVER, Ms. WILSON of Florida, and Mr. LEWIS of Georgia):

H. Res. 182. A resolution recognizing the historical significance of the Triangle Fire in the struggle to improve worker safety standards and protections on the 100th anniversary of the fire; to the Committee on Education and the Workforce.

By Mr. SABLON (for himself, Mr. PIERLUISI, Mr. WU, Mr. CONAWAY, Mr. GUTIERREZ, Ms. HIRONO, Ms. MOORE, Mr. MILLER of Florida, Mr. FALEOMAVAEGA, Mr. GEORGE MILLER of California, Mr. FILNER, and Mr. BOREN):

H. Res. 183. A resolution recognizing Company E, 100th Battalion, 442d Infantry Regiment of the United States Army and the sacrifice of the soldiers of Company E and their families in support of the United States; to the Committee on Armed Services.

By Ms. LINDA T. SANCHEZ of California (for herself, Mr. BILIRAKIS, Ms. BORDALLO, Ms. CLARKE of New York, Mr. FALEOMAVAEGA, Mr. LOEBACK, Ms. MOORE, Mr. PIERLUISI, Ms. SUTTON, Mr. COURTNEY, and Ms. BALDWIN):

H. Res. 184. A resolution expressing support for designation of a "Welcome Home Vietnam Veterans Day"; to the Committee on Veterans' Affairs.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CUMMINGS:

H.R. 1144.

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

Article I, Section 8, Clause 18 of the Constitution of the United States grants the Congress the power to enact this law.

By Mr. REICHERT:

H.R. 1145.

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

Clause 3, of section 8, of article I of the Constitution, which states that "The United States Congress shall have power "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

By Mr. PAUL:

H.R. 1146.

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

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

By Mr. NUNES:

H.R. 1147.

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

Clause 1 of section 8 of article I of the Constitution of the United States.

By Mr. WALZ of Minnesota:

H.R. 1148.

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

This bill is enacted pursuant to Sections 5 and 8 of Article I of the United States Constitution.

By Mr. BILBRAY:

H.R. 1149.

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

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 Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. GOSAR:

H.R. 1150.

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." Further, pursuant to the Supreme Court ruling in *United States v. South-Eastern Underwriters Association*, 322 U.S. 533, 552-53 (U.S. 1944), insurance is constitutionally subject to Congressional regulation. As set forth by the Court:

Our basic responsibility in interpreting the Commerce Clause is to make certain that the power to govern intercourse among the states remains where the Constitution placed it. That power, as held by this Court from the beginning, is vested in the Congress, available to be exercised for the national welfare as Congress shall deem necessary. No commercial enterprise of any kind which conducts its activities across state lines has been held to be wholly beyond the regulatory power of Congress under the Commerce Clause. We cannot make an exception of the business of insurance.

Speaking directly on the power of Congress to regulate insurance, or to exempt the insurance industry from monopolistic practices under the Sherman Act, the Court explained:

Whether competition is a good thing for the insurance business is not for us to consider. Having power to enact the Sherman Act, Congress did so; if exceptions are to be written into the Act, they must come from the Congress, not this Court.

*United States v. South-Eastern Underwriters Association*, 322 U.S. 533, 561 (U.S. 1944). This bill eliminates the exemption created by Congress, under powers expressly enumerated in the Constitution. As for the proscription on class action suits based on antitrust legal theories against insurers, the Constitution does not guarantee the right to a class action lawsuit. Rather, individuals are simply guaranteed an individual jury trial under the Seventh Amendment. There is no collective right to a civil legal remedy. This act preserves private rights of action brought by aggrieved individuals and therefore comports with the Seventh Amendment and maintains enforcement of the public goals by the appropriate public entities, the states or the federal government.

That the Interstate Commerce Clause has been construed to grant Congress the power to regulate unfair or anticompetitive business practices that harm interstate commerce, was recently commented upon by the U.S. Supreme Court in *Gonzales v. Raich*, 545 U.S. 1 (2005):

The Commerce Clause emerged as the Framers' response to the central problem giving rise to the Constitution itself: the absence of any federal commerce power under the Articles of Confederation. For the first century of our history, the primary use of the Clause was to preclude the kind of discriminatory state legislation that had once been permissible. Then, in response to rapid industrial

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.