153. Act of October 24, 1992, Title XIX, 106 Stat. 3037 (Pub. L. 102–486, 26 U.S.C. §§ 9701–9722)

The Coal Industry Retiree Health Benefit Act of 1992 is unconstitutional as applied to the petitioner Eastern Enterprises. Pursuant to the Act, the Social Security Commissioner imposed liability on Eastern for funding health care benefits of retirees from the coal industry who had worked for Eastern prior to 1966. Eastern had transferred its coal-related business to a subsidiary in 1965. Four Justices viewed the imposition of liability on Eastern as a violation of the Takings Clause, and one Justice viewed it as a violation of substantive due process.

Eastern Enterprises v. Apfel, 524 U.S. 498 (1998).
Justices concurring: O'Connor, Scalia, Thomas, Rehnquist, C.J.
Justices concurring specially: Kennedy
Justices dissenting: Stevens, Souter, Ginsburg, Breyer

154. Act of October 27, 1992 (Pub. L. 102–542, 15 U.S.C. § 1122)

The Trademark Remedy Clarification Act, which provided that states shall not be immune from suit under the Trademark Act of 1946 (Lanham Act) "under the eleventh amendment . . . or under any other doctrine of sovereign immunity," did not validly abrogate state sovereign immunity. Congress lacks power to do so in exercise of Article I powers, and the TRCA cannot be justified as an exercise of power under section 5 of the Fourteenth Amendment. The right to be free from a business competitor's false advertising is not a "property right" protected by the Due Process Clause.

College Savings Bank v. Florida Prepaid Postsecondary Educ. Expense Bd., 527 U.S. 666 (1999).
Justices concurring: Scalia, O'Connor, Kennedy, Thomas, Rehnquist, C.J.
Justices dissenting: Stevens, Souter, Ginsburg, Breyer

155. Act of October 28, 1992 (Pub. L. 102–560, 106 Stat. 4230, 35 U.S.C. § 296)

The Patent and Plant Variety Remedy Clarification Act, which amended the patent laws to expressly abrogate states' sovereign immunity from patent infringement suits is invalid. Congress lacks power to abrogate state immunity in exercise of Article I powers, and the Patent Remedy Clarification Act cannot be justified as an exercise of power under section 5 of the Fourteenth Amendment. Section 5 power is remedial, yet the legislative record reveals no identified pattern of patent infringement by states and the Act's provisions are "out of proportion to a supposed remedial or preventive object."

Florida Prepaid Postsecondary Educ. Expense Bd. v. College Savings Bank, 527 U.S. 627 (1999).
Justices concurring: Rehnquist, C.J., O'Connor, Scalia, Kennedy, Thomas