tion clause was inapplicable, because the saving clause implied that some number of state common law actions would be saved. However, despite the saving clause, the Court ruled that a common law tort action seeking damages for failure to equip a car with a front seat airbag, in addition to a seat belt, was preempted. According to the Court, allowing the suit would frustrate the purpose of a Federal Motor Vehicle Safety Standard that specifically had intended to give manufacturers a choice among a variety of "passive restraint" systems for the applicable model year.[43] The Court's holding makes clear, contrary to the suggestion in *Cipollone*, that existence of express preemption language does not foreclose the alternative operation of conflict (in this case "frustration of purpose") preemption.[44]

Field Preemption. Where the scheme of federal regulation is "so pervasive as to make reasonable the inference that Congress left no room for the States to supplement it," states are ousted from the field.[45] Still a paradigmatic example of field preemption is *Hines v. Davidowitz*,[46] in which the Court held that a new federal law requiring the registration of all aliens in the country precluded enforcement of a pre-existing state law mandating registration of aliens within the state.[47] Adverting to the supremacy of national power in

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[43] The Court focused on the word "exempt" to give the saving clause a narrow application—as "simply bar[ring] a special kind of defense, . . . that compliance with a federal safety standard automatically exempts a defendant from state law, whether the Federal Government meant that standard to be an absolute requirement or only a minimum one." 529 U.S. at 869. *But cf.* Sprietsma v. Mercury Marine, 537 U.S. 51 (2002) (interpreting preemption language and saving clause in Federal Boat Safety Act as not precluding a state common law tort action).

[44] *Compare* Williamson v. Mazda Motor of America, Inc., 562 U.S. ___, No. 08–1314, slip op. (2011) (applying same statute as *Geir*, and later version of same regulation, no conflict preemption found of common law suit based on rear seat belt type, because giving manufacturers a choice on the type of rear seat belt to install was not a "significant objective" of the statute or regulation). For a decision applying express preemption language to a variety of state common law claims, see Bates v. Dow Agrosciences LLC, 544 U.S. 431 (2005) (interpreting FIFRA, the federal law governing pesticides).

[45] Rice v. Santa Fe Elevator Corp., 331 U.S. 218, 230 (1947) (holding that a federal system of regulating the operations of warehouses and the rates they charged completely occupied the field and ousted state regulation). The case also is the source of the oft-quoted maxim that when Congress legislates in a field traditionally occupied by the states, courts should "start with the assumption that the historic police powers of the States were not to be superseded by the Federal Act unless that was the clear and manifest purpose of Congress." Id.

[46] 312 U.S. 52 (1941).

[47] In Arizona v. United States, the Court struck down state penalties for violating federal alien registration requirements, emphasizing that "[w]here Congress occupies an entire field, . . . even complementary state regulation is impermissible." 567 U.S. ___, No. 11–182, slip op. at 10 (2012) The same case also struck down on preemption grounds state sanctions on unauthorized aliens who work or seek employment, id. at 12–15, and authority for state officers to make warrantless arrests