

Extending the principle applied in *New York*, the Court in *Printz v. United States*⁷⁵ held that Congress may not “circumvent” the prohibition on commandeering a state’s regulatory processes “by conscripting the State’s officers directly.”⁷⁶ *Printz* struck down interim provisions of the Brady Handgun Violence Protection Act that required state and local law enforcement officers to conduct background checks on prospective handgun purchasers. “The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States’ officers . . . to administer or enforce a federal regulatory program. It matters not whether policymaking is involved, and no case-by-case weighing of the burdens or benefits is necessary; such commands are fundamentally incompatible with our constitutional system of dual sovereignty.”⁷⁷

In *Reno v. Condon*,⁷⁸ the Court distinguished *New York* and *Printz* in upholding the Driver’s Privacy Protection Act of 1994 (DPPA), a federal law that restricts the disclosure and resale of personal information contained in the records of state motor vehicles departments. The Court returned to a principle articulated in *South Carolina v. Baker* that distinguishes between laws that improperly seek to control the manner in which states regulate private parties, and those that merely regulate state activities directly.⁷⁹ Here, the Court found that the DPPA “does not require the States in their sovereign capacities to regulate their own citizens,” but rather “regulates the States as the owners of databases.”⁸⁰ The Court saw no need to decide whether a federal law may regulate the states exclusively, because the DPPA is a law of general applicability that regulates private resellers of information as well as states.⁸¹

⁷⁵ 521 U.S. 898 (1997).

⁷⁶ 521 U.S. at 935.

⁷⁷ 521 U.S. at 935.

⁷⁸ 528 U.S. 141 (2000).

⁷⁹ 485 U.S. 505, 514–15 (1988).

⁸⁰ 528 U.S. at 151.

⁸¹ 528 U.S. at 151.