

What Does that Law Have to Do with Interstate Commerce?

Among the powers granted to Congress in Article I, Section 8 of the U.S. Constitution is the power to regulate interstate commerce. Over time, legislators, lawyers, politicians, and business people have argued over just what the commerce power means. For instance, it may be clear that the commerce power would give Congress the ability to make laws regarding transportation networks, such as train lines and highways, that cross state lines. However, would the commerce power give Congress the ability to establish regulations on the production of goods and services that will eventually cross state lines? These and other questions regarding the commerce power have been answered by numerous cases heard by the Supreme Court of the United States (see activity titled "How Interpretation of the Commerce Power Has Changed Over Time"). However, the question of what the Commerce Clause entitles Congress to do and legislate on is still a very open question.

Since the mid-1930s, Congress and the Supreme Court of the United States have tended to view the commerce power rather expansively. In other words, the commerce power is used to justify a wide range of powers and legislation, some of which have only a marginal link to interstate commerce. For an idea of how Congress views the link between its lawmaking and commerce, you can go to the Thomas Legislative Information section of the Library of Congress web site (<http://thomas.loc.gov/home/thomas.php>). If you search for legislation by typing in the word "commerce" you can find what bills have somehow been linked to commerce. Some of them might surprise you!

Directions

Below is a brief list of bills that the 107th Congress was considering in the first half of 2001 that have some connection to commerce. After reading the description of each bill, discuss or make a note of the connection that legislation may have to interstate commerce. Then rate that connection on a scale of one to five, one being a weak connection to interstate commerce and five being a strong connection to interstate commerce. Compare your ratings to those of other students.

Proposed Law	Link to Commerce?	How Strong is the Link?
	Yes or No	1-5
Children's Protection from Violent Programming Act (Introduced in the Senate) S. 341 Requires "that violent video programming is limited" to hours in the day when children are not likely to watch, unless the program is specifically rated so that parents can block it on the television using electronic measures.		
Small Business Assistance Act of 2001 (Introduced in the Senate) S. 286 A bill directing "the Secretary of Commerce to establish a program to make no-interest loans to eligible small" businesses to make up for the economic harm that has resulted "from increases in the prices of electricity and natural gas."		
Anti-Gunrunning Act of 2001 (Introduced in the House) H. R. 225 A bill making it illegal "for any licensed importer, licensed manufacturer, or licensed dealer to . . . sell, deliver or transfer 2 or more handguns to any single person. . . ." In addition, it would be illegal "for any person (other than a licensed importer, licensed manufacturer, or licensed dealer) to receive more than one handgun within any 30-day period."		
To end the use of steel-jawed leg-hold traps on animals in the United States (Introduced in the House) H. R. 1187 Makes it illegal "to import, export, or transport in interstate commerce an article of fur, if any part or portion of such article is derived from an animal that was trapped in a conventional steel-jawed leghold trap." The law also makes it illegal to "import, export, deliver, carry, or transport . . . in interstate commerce any conventional steel-jawed leghold trap."		
Seabed Protection Act (Introduced in the House) H. R. 108 The bill bans bottom trawling or the use of other mobile fishing gear on the seabed in certain areas until a study is completed determining the effects of bottom trawling and any necessary actions are taken to preserve marine diversity.		
H. R. 284 (Introduced in the House) The law states that an employer whose business is in or affects interstate or foreign commerce and whose negligent conduct results in a person committing a crime of violence motivated by gender against another person on premises under the control of the employer shall be liable for damages.		
Made in America Information Act (Introduced in the House) H.R. 725 Establishes a toll free number under the Federal Trade Commission to assist consumers in determining if products are made in America.		
Infant Crib Safety Act (Introduced in the Senate) S. 538 Makes it unlawful "to manufacture, sell, or contract" to sell, resell, lease, sublet, or otherwise place in the stream of commerce any full-size crib or nonfull-size crib that is unsafe for any infant using it. The bill also makes it illegal "for any hotel, motel, or similar transient lodging facility to offer any . . . full-size crib or nonfull-size crib that is unsafe for any infant using it."		