

A federal statute authorizes a federal agency to issue rules requiring that state legislatures adopt laws of limited duration to reduce water pollution from gasoline-powered boat motors. The purpose of these rules is to assist the agency in attaining the clean water standards required by the statute.

After the agency issued such rules, several states filed an action challenging the rules on the sole ground that they are unconstitutional.

Should the court uphold the constitutionality of the agency's rules?

- A. No, because the federal government may not compel a state legislature to enact into state law a federally mandated regulatory program.
- B. No, because the Tenth Amendment grants states immunity from all direct federal regulation.
- C. Yes, because the rules serve an important purpose, and the requirements they impose on the states are only temporary and do not excessively interfere with the functioning of the state governments.
- D. Yes, because the supremacy clause of Article VI requires states to enforce federal law.

Explanation:

Federalism

(power distribution between federal & state governments)

Constitutional provision	Effect
Article VI supremacy clause	<ul style="list-style-type: none">• Prioritizes U.S. Constitution, treaties & federal laws over state constitutions & laws• Prohibits states from regulating/taxing federal government or its agencies/instrumentalities
Tenth Amendment	<ul style="list-style-type: none">• Reserves all powers not assigned to federal government by U.S. Constitution to states/people• Prohibits federal government from requiring states to enact laws or enforce federal laws• Immunizes states from federal taxes that discriminate against states or unduly interfere with essential state functions

The principles of federalism—ie, the power distribution between the federal and state governments—are embodied in the supremacy clause and the Tenth Amendment. The supremacy clause places federal law (including agency rules) above state law. But the **Tenth Amendment prohibits** the federal government and its agencies from **requiring states to enact laws** or to enforce federal laws. Therefore, the federal agency rules are unconstitutional because they require a state legislature to enact a federal regulatory program into state law.

(Choice B) The Tenth Amendment only grants states immunity from federal regulation that compels them to enact state laws or enforce federal ones. But states still must comply with other types of direct federal regulation (eg, EPA pollution standards).

(Choice C) The federal government cannot require states to enact state laws or enforce federal laws—even if it would serve an important purpose or impose a minimal burden on the states.

(Choice D) Under the supremacy clause, federal law **preempts** conflicting state law. But this clause does not require states to enforce federal law. And the Tenth Amendment prohibits the federal government from imposing such a requirement.

Educational objective:

The Tenth Amendment prohibits the federal government from requiring states to (1) enact state laws or (2) enforce federal laws.

References

- New York v. United States, 505 U.S. 144, 161 (1992) (holding that Congress cannot commandeer the legislative process of the states by directly compelling them to enact and enforce a federal regulatory program).

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