

Congress enacted a statute providing grants of federal funds for the restoration and preservation of courthouses that were built before 1900 and are still in use. The statute contains an inseverable condition requiring that any courthouse restored with the aid of such a grant must be equipped with ramps and other facilities necessary to accommodate physically handicapped people.

A state law requires public buildings in the state to have ramps and other facilities for handicapped people. It exempts from those requirements any building that is more than 70 years old if the State Board of Architects finds that the installation of such facilities would destroy the architectural integrity of the building.

A county courthouse in the state was built in 1895 and is still in use. It does not contain ramps or other special facilities for handicapped people. The State Board of Architects has determined that the installation of those facilities would destroy the architectural integrity of the building. Nevertheless, the county applies for a federal grant to restore and preserve that county's courthouse.

If the county restores the courthouse with the aid of a federal restoration and preservation grant, is the county bound to install ramps and other facilities for handicapped people in that building?

- A. No, because any acceptance of this condition by the county would, as a matter of law, be considered to be under duress.
- B. No, because the Constitution does not authorize the federal government to direct the actions of the states or any of their political subdivisions with respect to matters affecting their own governmental buildings.
- C. Yes, because Congress may impose reasonable conditions related to the public welfare on grants of federal funds to public bodies when the public bodies are free to accept or reject the grants.
- D. Yes, because the rights of handicapped and disabled people are fundamental rights that take precedence, as a constitutional matter, over considerations of architectural integrity.

## Explanation:

### Conditional federal funding

(Article I, section 8 spending clause)

Conditions must meet all the following criteria:

- clearly stated & unambiguous
- reasonably related to federal interest in funded program
- do not require states to engage in unconstitutional activity
- do not unduly coerce states into accepting

The **taxing and spending clause** gives **Congress broad discretion** to tax and spend for the **general welfare** (ie, for any public purpose). Congress may use its spending power to incentivize state or local governments to act in certain ways by placing **conditions** on their **receipt of federal funds**. But these conditions are only **valid if** they:

- are **clearly stated and unambiguous** so that potential recipients may make an informed decision
- are **reasonably related** to the purpose for which the funds will be expended
- do **not** require recipients to engage in **unconstitutional activity** *and*
- are **not unduly coercive**—ie, are not so extreme that they amount to a "gun to the head."

Here, Congress imposed a condition on the receipt of federal grants for the restoration and preservation of historic courthouses (public welfare). That condition is valid—and the county will be bound to that condition if it restores its courthouse with the aid of such a grant—because:

- it unambiguously requires any courthouse restored with the aid of such a grant to be equipped with facilities for handicapped people
- installing handicap facilities in courthouses is reasonably related to restoring and preserving those buildings
- recipients are not required to do anything unconstitutional *and*
- being required to install handicap facilities is a relatively minor condition for receiving funds to restore and preserve an entire courthouse (ie, no undue coercion) **(Choice A)**.

**(Choice B)** Under the Tenth Amendment, the federal government cannot *direct* states or their political subdivisions (eg, counties) to enact legislation or enforce federal law. But Congress may *incentivize* them to act through conditional federal funding (as seen here).

**(Choice D)** Handicapped and disabled people enjoy the same [fundamental rights](#) as everyone else—but no such rights are implicated here.

**Educational objective:**

Conditional federal funding is valid if the conditions (1) are clear and unambiguous, (2) are reasonably related to the purpose for which the funds are expended, (3) do not require recipients to engage in unconstitutional activity, and (4) are not unduly coercive.

**References**

- South Dakota v. Dole, 483 U.S. 203, 207–12 (1987) (holding that conditions on states' receipt of federal funds must be unambiguous, related to the purpose of the funding, and noncoercive).

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