

A federal statute provides states with funds for child welfare programs, subject to the condition that such programs be administered in accordance with federal standards.

The United States sued a state in federal court for injunctive relief, arguing that the state's child welfare programs, which were funded in part by federal funds disbursed under this statute, failed to comply with federal standards. The state has moved to dismiss the action.

Is the court likely to dismiss the action?

- A. No, because Congress can place any condition on the receipt of federal funds.
- B. No, because the Eleventh Amendment does not bar actions brought by the United States.
- C. Yes, because the Eleventh Amendment bars actions against a state in federal court.
- D. Yes, because the protection of child welfare is reserved to the states.

## Explanation:

### Eleventh Amendment

(state immunity from suit in federal court)

<b>Immunity</b>	<ul style="list-style-type: none"><li>• Suit brought by private party or foreign government</li><li>• Suit against state official violating state law</li><li>• Exceptions:<ul style="list-style-type: none"><li>– State consents to suit</li><li>– Immunity removed by 13th, 14th, or 15th Amendment</li><li>– State official sued for injunctive or declaratory relief</li><li>– Damages to be paid by state officer personally (not state treasury)</li><li>– State official sued for prospective (not retroactive) damages to be paid by state treasury</li></ul></li></ul>
<b>No immunity</b>	<ul style="list-style-type: none"><li>• Suit brought by United States or other state</li><li>• Suit against local government (eg, counties, municipalities)</li><li>• Bankruptcy proceedings</li></ul>

The **Eleventh Amendment** prohibits private parties and foreign governments from suing a state in federal court without the state's consent.\* However, this amendment **does not bar actions** brought by the **United States or another state**. And since the United States sued the state here for injunctive relief, the Eleventh Amendment does not apply. As a result, the federal court likely will not dismiss this action (**Choice C**).

\*Additionally, the doctrine of sovereign immunity bars private federal-law actions against a state sued in the courts of that state or any other state without the state's consent.

**(Choice A)** Congress may place *certain* conditions on the receipt of federal funds. Such conditions are valid if they (1) are unambiguous, (2) relate to the funded program's purpose, and (3) are not unduly coercive. Therefore, the federal court will likely retain this suit and determine if this funding condition satisfies these requirements.

**(Choice D)** Under the Tenth Amendment, all powers not expressly granted to the federal government by the Constitution are reserved to the states—eg, the power over child welfare. But the federal government can use its taxing and spending power to encourage states to adopt certain policies by placing conditions on the receipt of federal funds—eg, requiring state-recipients to comply with federal standards (as seen here).

**Educational objective:**

The Eleventh Amendment bars private parties and foreign governments from suing a state in federal court without the state's consent. But it does *not* bar suits brought by the United States or another state.

### **References**

- *Principality of Monaco v. Mississippi*, 292 U.S. 313, 329 (1934) (stating that the Eleventh Amendment does not bar a suit by the United States against a state in federal court).
- 32A Am. Jur. 2d Federal Courts § 911 (2019) (explaining that the United States may sue a state in federal court without the state's consent).

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