

A federal statute requires any individual or entity owning more than 100 cars to ensure that at least 10 percent of those cars are electric-powered.

A city that owns over 500 cars has sued the federal official responsible for enforcing this statute in federal district court, seeking an injunction prohibiting enforcement of the statute on the ground that it is unconstitutional.

Should the court grant the injunction?

- A. No, because the federal government has sovereign immunity and cannot be sued without its explicit consent.
- B. No, because the statute is valid under the commerce clause and does not violate the Tenth Amendment.
- C. Yes, because as applied to state and local governments, the statute exceeds Congress's power under the commerce clause.
- D. Yes, because the statute violates the reserved rights of the states under the Tenth Amendment.

Explanation:

The **commerce clause** grants Congress broad power to **regulate interstate commerce**, including:

- **channels** of interstate commerce
- **instrumentalities** of interstate commerce
- **persons/things** moving in interstate commerce *and*
- **activities** that **substantially affect** interstate commerce.

But Congress must comply with other constitutional provisions when exercising its commerce power. This includes the **Tenth Amendment**, which **prohibits** Congress from **commandeering state or local governments** by requiring them to (1) enforce a federal law or (2) enact a state or local law.

Here, Congress enacted a statute requiring individuals and entities owning over 100 cars (like the city) to ensure that at least 10 percent of those cars are electric-powered. This is a valid exercise of Congress's commerce power since cars are instrumentalities of interstate commerce **(Choice C)**. And since the statute does not require the city to enforce it against others or enact related laws, the statute does not violate the Tenth Amendment. Therefore, the court should *deny* the injunction **(Choice D)**.

(Choice A) The federal government enjoys sovereign immunity from suits seeking monetary damages. But this immunity does not extend to suits seeking nonmonetary relief—eg, an injunction (as seen here).

Educational objective:

Congress has broad power to regulate interstate commerce. But the Tenth Amendment limits this power by prohibiting Congress from requiring state or local governments to (1) enforce a federal law or (2) enact a state or local law.

References

- *Reno v. Condon*, 528 U.S. 141, 149–51 (2000) (holding that a federal statute regulating states' commercial activity does not violate the Tenth Amendment since it does not require states to enact or enforce any laws).

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Tenth Amendment anti-commandeering principle (state immunity from federal law)

Congress cannot require that states:



OR

enact state laws

S. B. no. 140

AN ACT

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enforce federal laws



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