

State Attorney General Enforcement of Federal Statutes: A Collection of Federal Statutes and Regulations

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- Title 6: Domestic Security
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- Title 8: Aliens and Nationality
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- Title 51: National and Commercial Space Programs*
- Title 52: Voting and Elections
- Title 53: Reserved
- Title 54: National Park Service and Related Programs*

* This title has been enacted as positive law. However, an Appendix to this title has not been enacted as part of the title.

FEDERAL REGISTER: RULES AND REGULATIONS

- Title 1: General Provisions
- Title 2: Grants and Agreements
- Title 3: The President
- Title 4: Accounts
- Title 5: Administrative Personnel
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- Title 7: Agriculture
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- Title 9: Animals and Animal Products
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- Title 11: Federal Elections
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- Title 13: Business Credit and Assistance
- Title 14: Aeronautics and Space (also known as the Federal Aviation Regulations)
- Title 15: Commerce and Foreign Trade
- Title 16: Commercial Practices
- Title 17: Commodity and Securities Exchanges
- Title 18: Conservation and Power and Water Resources
- Title 19: Custom Duties
- Title 20: Employees' Benefits
- Title 21: Food and Drugs
- Title 22: Foreign Relations
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- Title 24: Housing and Urban Development
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- Title 26: Internal Revenue (also known as the Treasury Regulations)
- Title 27: Alcohol, Tobacco Products and Firearms
- Title 28: Judicial Administration
- Title 29: Labor
- Title 30: Mineral Resources
- Title 31: Money and Finance
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- Title 37: Patents, Trademarks, and Copyrights
- Title 38: Pensions, Bonuses, and Veterans' Relief
- Title 39: Postal Service
- Title 40: Protection of Environment
- Title 41: Public Contracts and Property Management

- Title 42: Public Health
- Title 43: Public Lands: Interior
- Title 44: Emergency Management and Assistance
- Title 45: Public Welfare
- Title 46: Shipping
- Title 47: Telecommunication
- Title 48: Federal Acquisition Regulations System
- Title 49: Transportation
- Title 50: Wildlife and Fisheries

TITLE 7: AGRICULTURE

7 U.S.C. § 13(A)-2: JURISDICTION OF STATES¹

- (1) Whenever it shall appear to the attorney general of any State, the administrator of the securities laws of any State, or such other official as a State may designate, that the interests of the residents of that State have been, are being, or may be threatened or adversely affected because any person (other than a contract market, derivatives transaction execution facility, clearinghouse, floor broker, or floor trader) has engaged in, is engaging or is about to engage in, any act or practice constituting a violation of any provision of this chapter or any rule, regulation, or order of the Commission thereunder, the State may bring a suit in equity or an action at law on behalf of its residents to enjoin such act or practice, to enforce compliance with this chapter, or any rule, regulation, or order of the Commission thereunder, to obtain damages on behalf of their residents, or to obtain such further and other relief as the court may deem appropriate.
- (2) The district courts of the United States, the United States courts of any territory, and the District Court of the United States for the District of Columbia, shall have jurisdiction of all suits in equity and actions at law brought under this section to enforce any liability or duty created by this chapter or any rule, regulation, or order of the Commission thereunder, or to obtain damages or other relief with respect thereto. Upon proper application, such courts shall also have jurisdiction to issue writs of mandamus, or orders affording like relief, commanding the defendant to comply with the provisions of this chapter or any rule, regulation, or order of the Commission thereunder, including the requirement that the defendant take such action as is necessary to remove the danger of violation of this chapter or of any such rule, regulation, or order. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.
- (3) Immediately upon instituting any such suit or action, the State shall serve written notice thereof upon the Commission and provide the Commission with a copy of its complaint, and the Commission shall have the right to (A) intervene in the suit or action and, upon doing so, shall be heard on all matters arising therein, and (B) file petitions for appeal.
- (4) Any suit or action brought under this section in a district court of the United States may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or wherein the act or practice occurred, is occurring, or is about to occur, and process in such cases may be served in any district in which the defendant is an inhabitant or wherever the defendant may be found.

¹ Chapter 1: Commodity Exchanges

- (5) For purposes of bringing any suit or action under this section, nothing in this chapter shall prevent the attorney general, the administrator of the State securities laws, or other duly authorized State officials from exercising the powers conferred on them by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.
- (6) For purposes of this section, "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.
- (7) Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal antifraud statute of such State.
- (8)
 - (A) Nothing in this chapter shall prohibit an authorized State official from proceeding in a State court against any person registered under this chapter (other than a floor broker, floor trader, or registered futures association) for an alleged violation of any antifraud provision of this chapter or any antifraud rule, regulation, or order issued pursuant to the chapter.
 - (B) The State shall give the Commission prior written notice of its intent to proceed before instituting a proceeding in State court as described in this subsection and shall furnish the Commission with a copy of its complaint immediately upon instituting any such proceeding. The Commission shall have the right to (i) intervene in the proceeding and, upon doing so, shall be heard on all matters arising therein, and (ii) file a petition for appeal. The Commission or the defendant may remove such proceeding to the district court of the United States for the proper district by following the procedure for removal otherwise provided by law, except that the petition for removal shall be filed within sixty days after service of the summons and complaint upon the defendant. The Commission shall have the right to appear as amicus curiae in any such proceeding.

7 U.S.C. § 26: COMMODITY WHISTLEBLOWER INCENTIVES AND PROTECTIONS²

- (h) Protection of whistleblowers
 - (2) Confidentiality
 - (C) Availability to government agencies
 - (I) In general: Without the loss of its status as confidential in the hands of the Commission, all information referred to in subparagraph (A) may, in the discretion of the Commission, when determined by the Commission to be necessary or appropriate to accomplish the purposes of this chapter and protect customers and

² Chapter 1: Commodity Exchanges

in accordance with clause (ii), be made available to –

- (IV) a State attorney general in connection with any criminal investigation

7 U.S.C. § 1639P: STATE AND TRIBAL PLANS³

- (a) Submission
 - (1) In general: A State or Indian tribe desiring to have primary regulatory authority over the production of hemp in the State or territory of the Indian tribe shall submit to the Secretary, through the State department of agriculture (in consultation with the Governor and chief law enforcement officer of the State) or the Tribal government, as applicable, a plan under which the State or Indian tribe monitors and regulates that production as described in paragraph (2).

³ Chapter 38: Distribution and Marketing of Agricultural products; Subchapter VII: Hemp Production

TITLE 8: ALIENS AND NATIONALITY

8 U.S.C. § 1624: AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS OF STATES TO LIMIT ASSISTANCE TO ALIENS AND TO DISTINGUISH AMONG CLASSES OF ALIENS OR CLASSES OF ALIENS FOR PROGRAMS OF GENERAL CASH PUBLIC ASSISTANCE⁴

- In general: Subject to subsection (b) and notwithstanding any other provision of law, a State or political subdivision of a State is authorized to prohibit or otherwise limit or restrict the eligibility of aliens or classes of aliens for programs of general cash public assistance furnished under the law of the State or a political subdivision of a State.
 - (b) Limitation: The authority provided for under subsection (a) may be exercised only to the extent that any prohibitions, limitations, or restrictions imposed by a State or political subdivision of a State are not more restrictive than the prohibitions, limitations, or restrictions imposed under comparable Federal programs. For purposes of this section, attribution to an alien of a sponsor's income and resources (as described in section 1631 of this title) for purposes of determining eligibility for, and the amount of, benefits shall be considered less restrictive than a prohibition of eligibility for such benefits.

⁴ Chapter 14: Restricting Welfare and Public Benefits for Aliens; Subchapter II: Eligibility for State and Local Public Benefits Programs

TITLE 11: BANKRUPTCY; AND APPENDIX*

11 U.S.C. § 526: RESTRICTIONS ON DEBT RELIEF AGENCIES⁵

- (b) Any waiver by any assisted person of any protection or right provided under this section shall not be enforceable against the debtor by any Federal or State court or any other person, but may be enforced against a debt relief agency.
- (c)(3) In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this section, the State –
 - (A) may bring an action to enjoin such violation;
 - (B) may bring an action on behalf of its residents to recover the actual damages of assisted persons arising from such violation, including any liability under paragraph (2); and
 - (C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorneys' fees as determined by the court.

11 U.S.C. APP. RULE 2018: INTERVENTION; RIGHT TO BE HEARD⁶

- (a) Permissive Intervention. In a case under the Code, after hearing on such notice as the court directs and for cause shown, the court may permit any interested entity to intervene generally or with respect to any specified matter.
- (b) Intervention by Attorney General of a State. In a chapter 7, 11, 12, or 13 case, the Attorney General of a State may appear and be heard on behalf of consumer creditors if the court determines the appearance is in the public interest, but the Attorney General may not appeal from any judgment, order, or decree in the case.

⁵ Chapter 5: Creditors, the Debtor, and the Estate; Subchapter II: Debtor's Duties and Benefits

⁶ Appendix; Federal Rules of Bankruptcy Procedure; Part II: Officers and Administration; Notices; Meetings; Examinations; Elections; Attorneys and Accountants

TITLE 12: BANKS AND BANKING

12 U.S.C. § 25B: STATE LAW PREEMPTION STANDARDS FOR NATIONAL BANKS AND SUBSIDIARIES CLARIFIED⁷

- (i) Visitorial powers
 - (1) In general: In accordance with the decision of the Supreme Court of the United States in *Cuomo v. Clearing House Assn., L. L. C.* (129 S. Ct. 2710 (2009)), no provision of title 62 of the Revised Statutes which relates to visitorial powers or otherwise limits or restricts the visitorial authority to which any national bank is subject shall be construed as limiting or restricting the authority of any attorney general (or other chief law enforcement officer) of any State to bring an action against a national bank in a court of appropriate jurisdiction to enforce an applicable law and to seek relief as authorized by such law.

12 U.S.C. § 35: ORGANIZATION OF STATE BANKS AS NATIONAL BANKING ASSOCIATIONS⁸

- The Comptroller of the Currency may, in his discretion and subject to such conditions as he may prescribe, permit such converting bank to retain and carry at a value determined by the Comptroller such of the assets of such converting bank as do not conform to the legal requirements relative to assets acquired and held by national banking associations. The Comptroller of the Currency may not approve the conversion of a State bank or State savings association to a national banking association or Federal savings association during any period in which the State bank or State savings association is subject to a cease and desist order (or other formal enforcement order) issued by, or a memorandum of understanding entered into with, a State bank supervisor or the appropriate Federal banking agency with respect to a significant supervisory matter or a final enforcement action by a State Attorney General.

12 U.S.C. § 2607: PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES⁹

- (d) Penalties for violations; joint several liability; treble damages; actions for injunction by Bureau and Secretary and by State officials; costs and attorney fees; construction of State laws.
 - (4) The Bureau, the Secretary, or the attorney general or the insurance commissioner of any state may bring an action to enjoin violations of this section.

⁷ Chapter 2: National Banks; Subchapter I: Organizations and General Provisions

⁸ Chapter 2: National Banks; Subchapter I: Organizations and General Provisions

⁹ Chapter 27: Real Estate Settlement Procedures

Except, to the extent that a person is subject to the jurisdiction of the Bureau, the Secretary, or the attorney general or the insurance commissioner of any State, the Bureau shall have primary authority to enforce or administer this section, subject to subtitle B of the Consumer Financial Protection Act of 2010 [12 U.S.C. 5511 et seq.].

12 U.S.C. § 2614: JURISDICTION OF COURTS; LIMITATIONS¹⁰

- Any action pursuant to the provisions of section 2605, 2607, or 2608 of this title may be brought in the United States district court or in any other court of competent jurisdiction, for the district in which the property involved is located, or where the violation is alleged to have occurred, within 3 years in the case of a violation of section 2605 of this title and 1 year in the case of a violation of section 2607 or 2608 of this title from the date of the occurrence of the violation, except that actions brought by the Bureau, the Secretary, the Attorney General of any State, or the insurance commissioner of any State may be brought within 3 years from the date of the occurrence of the violation.

12 U.S.C. § 3354: AUTOMATED VALUATION MODELS USED TO ESTIMATE COLLATERAL VALUE FOR MORTGAGE LENDING PURPOSES¹¹

- (c): Enforcement: Compliance with regulations issued under this subsection shall be enforced by:
 - (2) with respect to other participants in the market for appraisals of 1-to-4unit single family residential real estate, the Federal Trade Commission, the Bureau of Consumer Financial Protection, and a State attorney general.

12 U.S.C. § 5496: APPEARANCES BEFORE AND REPORTS TO CONGRESS¹²

- (a) Appearances before Congress: The Director of the Bureau shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services and the Committee on Energy and Commerce of the House of Representatives at semi-annual hearings regarding the reports required under subsection (b).
- (c) Contents
 - (7) an assessment of significant actions by State attorneys general or State regulators relating to Federal consumer financial law;

¹⁰ Chapter 27: Real Estate Settlement Procedures

¹¹ Chapter 34A: Appraisal Subcommittee of Federal Financial Institutions Examination Council

¹² Chapter 53: Wall Street Reform and Consumer Protection; Subchapter V: Bureau of Consumer Financial Protection; Part A: Bureau of Consumer Financial Protection

- (a) Exclusion for merchants, retailers, and other sellers of nonfinancial goods or services
 - (2) Offering or provision of certain consumer financial products or services in connection with the sale or brokerage of nonfinancial good or service
 - (E) Exception from State Enforcement: To the extent that the Bureau may not exercise authority under this subsection with respect to a merchant, retailer, or seller of nonfinancial goods or services, no action by a State attorney general or State regulator with respect to a claim made under this title may be brought under subsection 5552(a) of this title, with respect to an activity described in any of clauses (i) through (iii) of subparagraph (A) by such merchant, retailer, or seller of nonfinancial goods or services.

- (b)
 - (1) Except as provided in paragraph (6), in any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person subject to a rule prescribed under subsection (a) in practices that violate such rule, the State, as *parens patriae*, may bring a civil action on behalf of its residents in an appropriate district court of the United States or other court of competent jurisdiction –
 - (A) to enjoin that practice;
 - (B) to enforce compliance with the rule;
 - (C) to obtain damages, restitution, or other compensation on behalf of the residents of the State; or
 - (D) to obtain penalties and relief provided under the Consumer Financial Protection Act of 2010, the Federal Trade Commission Act [15 U.S.C. 41 et seq.], and such other relief as the court deems appropriate.
 - (2) The State shall serve written notice to the Bureau of Consumer Financial Protection or the Commission, as appropriate 1 of any civil action under paragraph (1) at least 60 days prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide notice immediately upon instituting such civil action.
 - (3) Upon receiving the notice required by paragraph (2), and subject to subtitle B

¹³ Chapter 53: Wall Street Reform and Consumer Protection; Subchapter V: Bureau of Consumer Financial Protection; Part A: Bureau of Consumer Financial Protection

¹⁴ Chapter 53: Wall Street Reform and Consumer Protection; Subchapter V: Bureau of Consumer Financial Protection; Part A: Bureau of Consumer Financial Protection; Part C: Specific Bureau Authorities

of the Consumer Financial Protection Act of 2010 [12 U.S.C. 5511 et seq.], the Bureau of Consumer Financial Protection or the Commission, as appropriate 1 may intervene in such civil action and upon intervening –

- (A) be heard on all matters arising in such civil action;
 - (B) remove the action to the appropriate United States district court; and
 - (C) file petitions for appeal of a decision in such civil action.
- (4) Nothing in this subsection shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence. Nothing in this section shall prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of that State.
 - (5) In a civil action brought under paragraph (1) –
 - (A) the venue shall be a judicial district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28; and
 - (B) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted.
 - (6) Whenever a civil action or an administrative action has been instituted by or on behalf of the Bureau of Consumer Financial Protection or the Commission for violation of any provision of law or rule described in paragraph (1), no State may, during the pendency of such action instituted by or on behalf of the Bureau of Consumer Financial Protection or the Commission, institute a civil action under that paragraph against any defendant named in the complaint in such action for violation of any law or rule as alleged in such complaint.
 - (7) If the attorney general of a State prevails in any civil action under paragraph (1), the State can recover reasonable costs and attorney fees from the lender or related party.

12 U.S.C. § 5552: PRESERVATION OF ENFORCEMENT POWERS OF STATES¹⁵

- (a) In General
 - (1) Actions by State: Except as provided in paragraph (2), the attorney general (or the equivalent thereof) of any State may bring a civil action in the name of such State in any district court of the United States in that State or in State court that is located in that State and that has jurisdiction over the defendant, to enforce provisions of this title 1 or regulations issued under this title,¹ and to secure

¹⁵ Chapter 53: Wall Street Reform and Consumer Protection; Subchapter V: Bureau of Consumer Financial Protection; Part A: Bureau of Consumer Financial Protection; Part D: Preservation of State Law – Dodd Frank Act

remedies under provisions of this title 1 or remedies otherwise provided under other law. A State regulator may bring a civil action or other appropriate proceeding to enforce the provisions of this title 1 or regulations issued under this title 1 with respect to any entity that is State-chartered, incorporated, licensed, or otherwise authorized to do business under State law (except as provided in paragraph (2)), and to secure remedies under provisions of this title 1 or remedies otherwise provided under other provisions of law with respect to such an entity.

- (2) Actions by State Against National Bank or Federal Savings Association to Enforce Rules
 - (A) In General: Except as permitted under subparagraph (B), the attorney general (or equivalent thereof) of any State may not bring a civil action in the name of such State against a national bank or Federal savings association to enforce a provision of this title.
 - (B) Enforcement of Rules Permitted: The attorney general (or the equivalent thereof) of any State may bring a civil action in the name of such State against a national bank or Federal savings association in any district court of the United States in the State or in State court that is located in that State and that has jurisdiction over the defendant to enforce a regulation prescribed by the Bureau under a provision of this title and to secure remedies under provisions of this title or remedies otherwise provided under other law.
 - (C) Rules of Construction: No provision of this title shall be construed as modifying, limiting, or superseding the operation of any provision of an enumerated consumer law that relates to the authority of a State attorney general or State regulator to enforce such Federal law.
- (3) Rule of Construction: No provision of this title shall be construed as modifying, limiting, or superseding the operation of any provision of an enumerated consumer law that relates to the authority of a State attorney general or State regulator to enforce such Federal law.
- (b) Consultation Required:
 - (1) Notice
 - (A) In General: Before initiating any action in a court or other administrative or regulatory proceeding against any covered person as authorized by subsection (a) to enforce any provision of this title, including any regulation prescribed by the Bureau under this title, a State attorney general or State regulator shall timely provide a copy of the complete complaint to be filed and written notice describing such action or proceeding to the Bureau and the prudential regulator, if any, or the designee thereof.
 - (B) Emergency Action: If prior notice is not practicable, the State attorney general or State regulator shall provide a copy of the complete complaint and the notice to the Bureau and the prudential regulator, if any, immediately upon instituting the action or proceeding.

- (b) Recovery of Costs: In any action brought by the Bureau, a State attorney general, or any State regulator to enforce any Federal consumer financial law, the Bureau, the State attorney general, or the State regulator may recover its costs in connection with prosecuting such action if the Bureau, the State attorney general, or the State regulator is the prevailing party in the action.

TITLE 15: COMMERCE AND TRADE

15 U.S.C. § 15C: ACTIONS BY STATE ATTORNEYS GENERAL¹⁷

- (a) *Parens Patriae*; Monetary Relief, Damages; Prejudgment Interest
 - (1) Any attorney general of a State may bring a civil action in the name of such State, as *parens patriae* on behalf of natural persons residing in such State, in any district court of the United States having jurisdiction of the defendant, to secure monetary relief as provided in this section for injury sustained by such natural persons to their property by reason of any violation of sections 1 to 7 of this title. The court shall exclude from the amount of monetary relief awarded in such action any amount of monetary relief (A) which duplicates amounts which have been awarded for the same injury, or (B) which is properly allocable to (i) natural persons who have excluded their claims pursuant to subsection (b)(2) of this section, and (ii) any business entity.
 - (2) The court shall award the State as monetary relief threefold the total damage sustained as described in paragraph (1) of this subsection, and the cost of suit, including a reasonable attorney's fee. The court may award under this paragraph, pursuant to a motion by such State promptly made, simple interest on the total damage for the period beginning on the date of service of such State's pleading setting forth a claim under the antitrust laws and ending on the date of judgment, or for any shorter period therein, if the court finds that the award of such interest for such period is just in the circumstances. In determining whether an award of interest under this paragraph for any period is just in the circumstances, the court shall consider only-
 - (A) whether such State or the opposing party, or either party's representative, made motions or asserted claims or defenses so lacking in merit as to show that such party or representative acted intentionally for delay or otherwise acted in bad faith;
 - (B) whether, in the course of the action involved, such State or the opposing party, or either party's representative, violated any applicable rule, statute, or court order providing for sanctions for dilatory behavior or otherwise providing for expeditious proceedings; and

¹⁷ Antitrust: Chapter 1: Monopolies and Combination in Restrain of Trade

- (C) whether such State or the opposing party, or either party's representative, engaged in conduct primarily for the purpose of delaying the litigation or increasing the cost thereof.
- (b) Notice; Exclusion Election; Final Judgment
 - (1) In any action brought under subsection (a)(1) of this section, the State attorney general shall, at such times, in such manner, and with such content as the court may direct, cause notice thereof to be given by publication. If the court finds that notice given solely by publication would deny due process of law to any person or persons, the court may direct further notice to such person or persons according to the circumstances of the case.
 - (2) Any person on whose behalf an action is brought under subsection (a)(1) may elect to exclude from adjudication the portion of the State claim for monetary relief attributable to him by filing notice of such election with the court within such time as specified in the notice given pursuant to paragraph (1) of this subsection.
 - (3) The final judgment in an action under subsection (a)(1) shall be res judicata as to any claim under section 15 of this title by any person on behalf of whom such action was brought and who fails to give such notice within the period specified in the notice given pursuant to paragraph (1) of this subsection.
- (c) Dismissal or Compromise of Action: An action under subsection (a)(1) shall not be dismissed or compromised without the approval of the court, and notice of any proposed dismissal or compromise shall be given in such manner as the court directs.
- (d) Attorneys' Fees: In any action under subsection (a) –
 - (1) the amount of the plaintiffs' attorney's fee, if any, shall be determined by the court; and
 - (2) the court may, in its discretion, award a reasonable attorney's fee to a prevailing defendant upon a finding that the State attorney general has acted in bad faith, vexatiously, wantonly, or for oppressive reasons.

15 U.S.C. § 15F: ACTIONS BY ATTORNEY GENERAL¹⁸

- (a) Notifications to State Attorney: Whenever the Attorney General of the United States has brought an action under the antitrust laws, and he has reason to believe that any State attorney general would be entitled to bring an action under this Act based substantially on the same alleged violation of the antitrust laws, he shall promptly give written notification thereof to such State attorney general.
- (b) Availability of Files and Other Materials: To assist a State attorney general in evaluating the notice or in bringing any action under this Act, the Attorney General of the United States shall, upon request by such State attorney general, make available to him, to the extent permitted by law, any investigative files or other materials which are or may

¹⁸ Antitrust: Chapter 1: Monopolies and Combination in Restrain of Trade

be relevant or material to the actual or potential cause of action under this Act.

15 U.S.C. § 15G: DEFINITIONS¹⁹

- For the purposes of sections 15c, 15d, 15e, and 15f of this title:
 - (1) The term "State attorney general" means the chief legal officer of a State, or any other person authorized by State law to bring actions under section 15c of this title, and includes the Corporation Counsel of the District of Columbia, except that such term does not include any person employed or retained on-
 - (A) a contingency fee based on a percentage of the monetary relief awarded under this section; or
 - (B) any other contingency fee basis, unless the amount of the award of a reasonable attorney's fee to a prevailing plaintiff is determined by the court under section 15c(d)(1) of this title.
 - (2) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.
 - (3) The term "natural persons" does not include proprietorships or partnerships.

15 U.S.C. § 45B: CONSUMER REVIEW PROTECTION²⁰

- (e) Enforcement by States
 - (1) Authorization: Subject to paragraph (2), in any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person subject to subsection (c) in a practice that violates such subsection, the attorney general of the State may, as *parens patriae*, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States to obtain appropriate relief.
 - (2) Rights of Federal Trade Commission
 - (A) Notice to Federal Trade Commission
 - (i) In general: Except as provided in clause (iii), the attorney general of a State shall notify the Commission in writing that the attorney general intends to bring a civil action under paragraph (1) before initiating the civil action against a person described in subsection (d)(1).
 - (ii) Contents: The notification required by clause (i) with respect to a

¹⁹ Antitrust: Chapter 1: Monopolies and Combination in Restrain of Trade

²⁰ Chapter 2: Federal Trade Commission, Promotion of Export Trade and Prevention of Unfair Methods of Competition; Subchapter I: Federal Trade Commission – Consumer Review Protection in Contracts; Invalidation of contracts that impede consumer reviews

civil action shall include a copy of the complaint to be filed to initiate the civil action.

- (iii) Exception: If it is not feasible for the attorney general of a State to provide the notification required by clause (i) before initiating a civil action under paragraph (1), the attorney general shall notify the Commission immediately upon instituting the civil action.
- (B) Intervention by Federal Trade Commission: The Commission may –
 - (i) intervene in any civil action brought by the attorney general of a State under paragraph (1) against a person described in subsection (d)(1); and
 - (ii) upon intervening –
 - (I) be heard on all matters arising in the civil action; and
 - (II) file petitions for appeal of a decision in the civil action.
- (3) Investigatory powers: Nothing in this subsection may be construed to prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.
- (4) Preemptive action by Federal Trade Commission: If the Federal Trade Commission institutes a civil action or an administrative action with respect to a violation of subsection (c), the attorney general of a State may not, during the pendency of such action, bring a civil action under paragraph (1) against any defendant named in the complaint of the Commission for the violation with respect to which the Commission instituted such action.
- (5) Venue; service of process:
 - (A) Venue: Any action brought under paragraph (1) may be brought in–
 - (i) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28; or
 - (ii) another court of competent jurisdiction.
 - (B) Service of process: In an action brought under paragraph (1), process may be served in any district in which the defendant –
 - (i) is an inhabitant; or
 - (ii) may be found.
- (6) Actions by other State officials
 - (A) In general: In addition to civil actions brought by attorneys general under paragraph (1), any other consumer protection officer of a State who is authorized by the State to do so may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.
 - (B) Savings provision: Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law

of the State.

15 U.S.C. § 45C: UNFAIR AND DECEPTIVE ACTS AND PRACTICES RELATING TO
CIRCUMVENTION OF TICKET ACCESS CONTROL MEASURES²¹

- (a) Conduct prohibited
 - (1) In general: Except as provided in paragraph (2), it shall be unlawful for any person –
 - (A) to circumvent a security measure, access control system, or other technological control or measure on an Internet website or online service that is used by the ticket issuer to enforce posted event ticket purchasing limits or to maintain the integrity of posted online ticket purchasing order rules; or
 - (B) to sell or offer to sell any event ticket in interstate commerce obtained in violation of subparagraph (A) if the person selling or offering to sell the ticket either –
 - (i) participated directly in or had the ability to control the conduct in violation of subparagraph (A); or
 - (ii) knew or should have known that the event ticket was acquired in violation of subparagraph (A).
- (c) Enforcement by States
 - In general: In any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person subject to subsection (a) in a practice that violates such subsection, the attorney general of the State may, as parens patriae, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States –
 - (A) to enjoin further violation of such subsection by such person;
 - (B) to compel compliance with such subsection; and
 - (C) to obtain damages, restitution, or other compensation on behalf of such residents.
 - (2) Rights of Federal Trade Commission
 - (A) Notice to Federal Trade Commission
 - (i) In general: Except as provided in clause (iii), the attorney general of a State shall notify the Commission in writing that the attorney general intends to bring a civil action under paragraph (1) not later than 10 days before initiating the civil action.
 - (ii) Contents: The notification requires by clause (i) with respect to a

²¹ Chapter 2: Federal Trade Commission, Promotion of Export Trade and Prevention of Unfair Methods of Competition; Subchapter I: Federal Trade Commission – Unfair and Deceptive Acts and Practices Relating to Circumvention of Ticket Access Control Measures

civil action shall include a copy of the complaint to be filed to initiate the civil action.

- (iii) Exception: If it is not feasible for the attorney general of a State to provide the notification required by clause (i) before initiating a civil action under paragraph (1), the attorney general shall notify the Commission immediately upon instituting the civil action.
- (B) Intervention by Federal Trade Commission
 - The commission may – (i) intervene in any civil action brought by the attorney general of a State under paragraph (1); and
 - (ii) upon intervening –
 - (I) be heard on all matters arising in the civil action; and
 - (II) file petitions for appeal of a decision in the civil action.
- (3) Investigatory Powers: Nothing in this subsection may be construed to prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations to administer oaths or affirmation, or to compel the attendance of witnesses or the production of documentary or other evidence.
- (4) Preemptive Action by Federal Trade Commission: If the commission institutes a civil action or an administrative action with respect to a violation of subsection (a), the attorney general of a State may not, during the pendency of such action, bring a civil action under paragraph (1) against any defendant named in the complaint of the Commission for the violation with respect to which the Commission instated such action.
- (6) Actions by other State officials
 - (A) In general: In addition to civil actions brought by attorneys general under paragraph (1), any other consumer protection officer of a State who is authorized by the State to do so may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.
 - (B) Savings provision: Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

15 U.S.C. § 45F: COLLECTION, VERIFICATION, AND DISCLOSURE OF INFORMATION BY ONLINE MARKETPLACES TO INFORM CONSUMERS²²

- (d) Enforcement by State Attorneys General
 - (1) In general: If the attorney general of a State has reason to believe that any online

²² Chapter 2: Federal Trade Commission, Promotion of Export Trade and Prevention of Unfair Methods of Competition; Subchapter I: Federal Trade Commission

marketplace has violated or is violating this section or a regulation promulgated under this section that affect one or more residents of that State, the attorney general of the State may bring a civil action in any appropriate district court of the United States, to –

- (A) enjoin further such violation by the defendant;
 - (B) enforce compliance with this section or such regulation;
 - (C) obtain civil penalties in the amount provided for under subsection (c);
 - (D) obtain other remedies permitted under State law; and
 - (E) obtain damages, restitution, or other compensation on behalf of residents of the State
- (2) Notice: The attorney general of a State shall provide prior written notice of any action under paragraph (1) to the Commission and provide the Commission with a copy of the complaint in the action, except in any case in which such prior notice is not feasible, in which case the attorney general shall serve such notice immediately upon instituting such action.
 - (4) Limitation on State action while Federal action is pending: If the Commission has instituted a civil action for violation of this section or a regulation promulgated under this section, no State attorney general, or official or agency of a State, may bring a separate action under paragraph (1) during the pendency of that action against any defendant named in the complaint of the Commission for any violation of this section or a regulation promulgated under this section that is alleged in the complaint. A State attorney general, or official or agency of a State, may join a civil action for a violation of this section or regulation promulgated under this section filed by the Commission.
 - (6) Actions by other State officials
 - (A) in general: in addition to civil actions brought by attorneys general under paragraph (1), any other officer of a State who is authorized by the State to do so, except for any private person on behalf of the State attorney general, may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

15 U.S.C. § 78U-6: SECURITIES WHISTLEBLOWER INCENTIVES AND PROTECTIONS²³

- (h) Protection of Whistleblowers
 - (2) Confidentiality
 - (D) Availability to Government Agencies
 - (i) In General: Without the loss of its status as confidential in the hands of the Commission, all information referred to in subparagraph (A) may, in the discretion of the Commission, when

²³ Chapter 2B: Securities Exchanges

determined by the Commission to be necessary to accomplish the purposes of this chapter and to protect investors, be made available to –

- (IV) a State attorney general in connection with any criminal investigation;
- (V) any appropriate State regulatory authority;
- (ii) Confidentiality
 - (I) In general: Each of the entities described in subclauses (I) through (IV) of clause (i) shall maintain such information as confidential in accordance with the requirements established under subparagraph (A).

15 U.S.C. § 375: DEFINITIONS²⁴

- (1) Attorney general: The term “attorney general”, with respect to a State, means the attorney general or other chief law enforcement officer of the State.

15 U.S.C. § 376: REPORTS TO STATE TOBACCO TAX ADMINISTRATOR²⁵

- (a) Contents: Any person who sells, transfers, or ships for profit cigarettes or smokeless tobacco in interstate commerce, whereby such cigarettes or smokeless tobacco are shipped into a State, locality, or Indian country of an Indian tribe taxing the sale or use of cigarettes or smokeless tobacco, or who advertises or offers cigarettes or smokeless tobacco for such a sale, transfer, or shipment, shall –
 - (1) first file with the Attorney General of the United States and with the tobacco tax administrators of the State and place into which such shipment is made or in which such advertisement or offer is disseminated a statement setting forth his name and trade name (if any), and the address of his principal place of business and of any other place of business, as well as telephone numbers for each place of business, a principal electronic mail address, any website addresses, and the name, address, and telephone number of an agent in the State authorized to accept service on behalf of the person;
 - (2) not later than the 10th day of each calendar month, file with the tobacco tax administrator of the State into which such shipment is made, a memorandum or a copy of the invoice covering each and every shipment of cigarettes or smokeless tobacco made during the previous calendar month into such State; the memorandum or invoice in each case to include the name and address of the person to whom the shipment was made, the brand, the quantity thereof, and the

²⁴ Chapter 10A: Collection of State Cigarette Taxes

²⁵ Chapter 10A: Collection of State Cigarette Taxes

name, address, and phone number of the person delivering the shipment to the recipient on behalf of the delivery seller, with all invoice or memoranda information relating to specific customers to be organized by city or town and by zip code; and

- (3) with respect to each memorandum or invoice filed with a State under paragraph (2), also file copies of the memorandum or invoice with the tobacco tax administrators and chief law enforcement officers of the local governments and Indian tribes operating within the borders of the State that apply their own local or tribal taxes on cigarettes or smokeless tobacco.
- (c) Use of information: A tobacco tax administrator or chief law enforcement officer who receives a memorandum or invoice under paragraph (2) or (3) of subsection (a) shall use the memorandum or invoice solely for the purposes of the enforcement of this chapter and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and shall keep confidential any personal information in the memorandum or invoice except as required for such purposes.

15 U.S.C. § 376A: DELIVERY SALES²⁶

- (c) Records
 - (1) In general: Each delivery seller shall keep a record of any delivery sale, including all of the information described in section 376(a)(2) of this title, organized by the State, and within the State, by the city or town and by zip code, into which the delivery sale is so made.
 - (2) Record retention: Records of a delivery sale shall be kept as described in paragraph (1) until the end of the 4th full calendar year that begins after the date of the delivery sale.
 - (3) Access for officials: Records kept under paragraph (1) shall be made available to tobacco tax administrators of the States, to local governments and Indian tribes that apply local or tribal taxes on cigarettes or smokeless tobacco, to the attorneys general of the States, to the chief law enforcement officers of the local governments and Indian tribes, and to the Attorney General of the United States in order to ensure the compliance of persons making delivery sales with the requirements of this chapter.
- (e) List of unregistered or non compliant delivery sellers
 - (1) In general
 - (A) Initial List: Not later than 90 days after this subsection goes into effect under the Prevent All Cigarette Trafficking Act of 2009, the Attorney General of the United States shall compile a list of delivery sellers of cigarettes or smokeless tobacco that have not registered with the Attorney General of the United States pursuant to section 376(a) of this title, or that

²⁶ Chapter 10A: Collection of State Cigarette Taxes

are otherwise in compliance with this chapter, and –

- (i) distribute the list to –
 - (I) the attorney general and tax administrator of every State

15 U.S.C. § 378: ENFORCEMENT²⁷

- (a) In general: The United States district courts shall have jurisdiction to prevent and restrain violations of this chapter and to provide other appropriate injunctive or equitable relief, including money damages, for the violations.
- (b) Authority of the Attorney General: The Attorney General of the United States shall administer and enforce this chapter.
- (c) State, local, and tribal enforcement
 - (1) In general
 - (A) Standing: A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 376a(a)(3) of this title, through its chief law enforcement officer, may bring an action in a United States district court to prevent and restrain violations of this chapter by any person or to obtain any other appropriate relief from any person for violations of this chapter, including civil penalties, money damages, and injunctive or other equitable relief.
 - (B) Sovereign immunity: Nothing in this chapter shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under this chapter, or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.
 - (2) Provision of information: A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 376a(a)(3) of this title, through its chief law enforcement officer, may provide evidence of a violation of this chapter by any person not subject to State, local, or tribal government enforcement actions for violations of this chapter to the Attorney General of the United States or a United States attorney, who shall take appropriate actions to enforce this chapter.

15 U.S.C. § 1194: ADMINISTRATION AND ENFORCEMENT²⁸

- (a) Enforcement under Federal Trade Commission Act provisions; civil action to enforce standard or regulation: Except as otherwise specifically provided herein, sections 1192,

²⁷ Chapter 10A: Collection of State Cigarette Taxes

²⁸ Chapter 25: Flammable Fabrics

1194, 1195, and 1197(b) of this title shall be enforced by the Commission under rules, regulations and procedures provided for in the Federal Trade Commission Act [15 U.S.C. 41 et seq.]. In the case of an attorney general of a State alleging a violation of a standard or regulation under section 1193 of this title that affects or may affect such State or its residents, such attorney general may bring a civil action for an injunction to enforce the requirement of such standard or regulation. The procedural requirements of section 2073 of this title shall apply to any such action.

15 U.S.C. § 1264: PENALTIES; EXCEPTIONS²⁹

- (d) Civil action for injunction: In the case of an attorney general of a State alleging a violation that affects or may affect such State or its residents, such attorney general may bring a civil action for an injunction to enforce any requirement of this chapter relating to misbranded or banned hazardous substances. The procedural requirements of section 2073 of this title shall apply to any such action.

15 U.S.C. § 1477: ENFORCEMENT BY STATE ATTORNEYS GENERAL³⁰

- The attorney general of a State, or other authorized State officer, alleging a violation of a standard or rule promulgated under section 1472 of this title that affects or may affect such State or its residents, may bring an action on behalf of the residents of the State in any United States district court for the district in which the defendant is found or transacts business to obtain appropriate injunctive relief. The procedural requirements of section 2073(b) of this title shall apply to any such action.

15 U.S.C. § 1640: CIVIL LIABILITY³¹

- (e) Jurisdiction of courts; limitations on actions; State attorney general enforcement: Except as provided in the subsequent sentence, any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, within one year from the date of the occurrence of the violation or, in the case of a violation involving a private loan (as that term is defined in section 1650(a) of this title), 1 year from the date on which the first regular payment of principle is due under the loan. Any action under this section with respect to any violation of section 1639, 1639b, or 1639c of this title may be brought in any United States district court, or in any other court of competent jurisdiction,

²⁹ Chapter 30: Hazardous Substances

³⁰ Chapter 39A: Special Packaging of Household Substances for Protections of Children – Consumer Products Safety Division

³¹ Chapter 41: Consumer Credit Protection; Subchapter I: Consumer Credit Cost Disclosure; Part B: Credit Transaction

before the end of the 3-year period beginning on the date of the occurrence of the violation. This subsection does not bar a person from asserting a violation of this subchapter in an action to collect the debt which was brought more than one year from the date of the occurrence of the violation as a matter of defense by recoupment or set-off in such action, except as otherwise provided by State law. An action to enforce a violation of section 1639, 1639b, 1639c, 1639d, 1639e, 1639f, 1639g, or 1639h of this title may also be brought by the appropriate United States district court, or any other court of competent jurisdiction, not later than 3 years after the date on which the violation occurs. The State attorney general shall provide prior written notice of any such civil action to the Federal agency responsible for enforcement under section 1607 of this title and shall provide the agency with a copy of the complaint. If prior notice is not feasible, the State attorney general shall provide notice to such agency immediately upon instituting the action. The Federal agency may –

- (1) intervene in the action;
- (2) upon intervening –
 - (A) remove the action to the appropriate United States district court, if it was not originally brought there;
 - (B) be heard on all matters arising in the action; and
- (3) file a petition for appeal.

15 U.S.C. § 1679H: ADMINISTRATIVE ENFORCEMENT³²

- (c) State action for violations
 - (1) Authority of States: In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this subchapter, the State –
 - (A) may bring an action to enjoin such violation;
 - (B) may bring an action on behalf of its residents to recover damages for which the person is liable to such residents under section 1679g of this title as a result of the violation; and
 - (C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees as determined by the court.
 - (2) Rights of Commission
 - (A) Notice to Commission: The State shall serve prior written notice of any civil action under paragraph (1) upon the Federal Trade Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

³² Chapter 41: Consumer Credit Protection; Subchapter II-A: Credit Repair Organizations – Prohibition of Unfair/Deceptive Acts in Pay-Per-Calls

- (B) Intervention: The Commission shall have the right –
 - (i) to intervene in any action referred to in subparagraph (A);
 - (ii) upon so intervening, to be heard on all matters arising in the action; and
 - (iii) to file petitions for appeal.
 - (3) Investigatory powers: For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the chief law enforcement officer, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.
 - (4) Limitation: Whenever the Federal Trade Commission has instituted a civil action for violation of this subchapter, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of this subchapter that is alleged in that complaint.

15 U.S.C. § 1681G: DISCLOSURE TO CONSUMERS³³

- (c) Summary of Rights to Obtain and Dispute Information in Consumer Reports and to Obtain Credit Scores
 - (2) Summary of Rights Required to BE Included with Agency Disclosures: A consumer reporting agency shall provide to a consumer, with each written disclosure by the agency to the consumer under this section –
 - (D) a statement that the consumer may have additional rights under State law, and that the consumer may wish to contact a State or local consumer protection agency or a State attorney general (or the equivalent thereof) to learn of those rights; and

15 U.S.C. § 1681S: ADMINISTRATIVE ENFORCEMENT³⁴

- (c) State action for violations
 - (1) Authority of States: In addition to such other remedies as are provided under State law, if the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this subchapter, the State –
 - (A) may bring an action to enjoin such violation in any appropriate United States district court or in any other court of competent jurisdiction;

³³ Chapter 41: Consumer Credit Protection; Subchapter III: Credit Reporting Agencies

³⁴ Chapter 41: Consumer Credit Protection; Subchapter III: Credit Reporting Agencies

paragraphs (1) through (3) of section 1681s-2(c) of this title, unless –

- (i) the person has been enjoined from committing the violation, in an action brought by the State under paragraph (1)(A); and
- (ii) the person has violated the injunction.
- (B) Limitation on damages recoverable: In an action against a person under paragraph (1)(B) for a violation described in any of paragraphs (1) through (3) of section 1681s–2(c) of this title, a State may not recover any damages incurred before the date of the violation of an injunction on which the action is based.

15 U.S.C. § 1681T: RELATION TO STATE LAWS³⁵

- (d) Limitations: Subsections (b) and (c) do not affect any settlement, agreement, or consent judgment between any State Attorney General and any consumer reporting agency in effect on September 30, 1996.

15 U.S.C. § 1692P: EXCEPTION FOR CERTAIN BAD CHECK ENFORCEMENT PROGRAMS OPERATED BY PRIVATE ENTITIES³⁶

- (a) In general
 - (1) Treatment of certain private entities: Subject to paragraph (2), a private entity shall be excluded from the definition of a debt collector, pursuant to the exception provided in section 1692a(6) of this title, with respect to the operation by the entity of a program described in paragraph (2)(A) under a contract described in paragraph (2)(B).
 - (2) Conditions of applicability: Paragraph (1) shall apply if –
 - (A) a State or district attorney establishes, within the jurisdiction of such State or district attorney and with respect to alleged bad check violations that do not involve a check described in subsection (b), a pretrial diversion program for alleged bad check offenders who agree to participate voluntarily in such program to avoid criminal prosecution;
 - (B) a private entity, that is subject to an administrative support services contract with a State or district attorney and operates under the direction, supervision, and control of such State or district attorney, operates the pretrial diversion program described in subparagraph (A); and
 - (C) in the course of performing duties delegated to it by a State or district attorney under the contract, the private entity referred to in subparagraph (B) –

³⁵ Chapter 41: Consumer Credit Protection; Subchapter III: Credit Reporting Agencies

³⁶ Chapter 41: Consumer Credit Protection; Subchapter V: Debt Collection Practices

- (i) complies with the penal laws of the State;
- (ii) conforms with the terms of the contract and directives of the State or district attorney;
- (iii) does not exercise independent prosecutorial discretion;
- (iv) contacts any alleged offender referred to in subparagraph (A) for purposes of participating in a program referred to in such paragraph –
 - (I) only as a result of any determination by the State or district attorney that probable cause of a bad check violation under State penal law exists, and that contact with the alleged offender for purposes of participation in the program is appropriate; and
 - (II) the alleged offender has failed to pay the bad check after demand for payment, pursuant to State law, is made for payment of the check amount;
- (v) includes as part of an initial written communication with an alleged offender a clear and conspicuous statement that-
 - (I) the alleged offender may dispute the validity of any alleged bad check violation;
 - (II) where the alleged offender knows, or has reasonable cause to believe, that the alleged bad check violation is the result of theft or forgery of the check, identity theft, or other fraud that is not the result of the conduct of the alleged offender, the alleged offender may file a crime report with the appropriate law enforcement agency; and
 - (III) if the alleged offender notifies the private entity or the district attorney in writing, not later than 30 days after being contacted for the first time pursuant to clause (iv), that there is a dispute pursuant to this subsection, before further restitution efforts are pursued, the district attorney or an employee of the district attorney authorized to make such a determination makes a determination that there is probable cause to believe that a crime has been committed; and
- (vi) charges only fees in connection with services under the contract that have been authorized by the contract with the State or district attorney.
- (c) Definitions: For purposes of this section, the following definitions shall apply:
 - (1) State or district attorney: The term "State or district attorney" means the chief elected or appointed prosecuting attorney in a district, county (as defined in section 2 of title 1), municipality, or comparable jurisdiction, including State attorneys general who act as chief elected or appointed prosecuting attorneys in a district, county (as so defined), municipality or comparable jurisdiction, who may be referred

to by a variety of titles such as district attorneys, prosecuting attorneys, commonwealth's attorneys, solicitors, county attorneys, and state's attorneys, and who are responsible for the prosecution of State crimes and violations of jurisdiction-specific local ordinances.

15 U.S.C. § 2073: ADDITIONAL ENFORCEMENT OF PRODUCT SAFETY RULES AND SECTION 2064 ORDERS³⁷

- (b) State Attorney General Enforcement
 - (1) Right of Action: Except as provided in paragraph (5), the attorney general of a State, or other authorized State officer, alleging a violation of section 2068(a)(1), (2), (5), (6), (7), (9), or (12) of this title that affects or may affect such State or its residents may bring an action on behalf of the residents of the State in any United States district court for the district in which the defendant is found or transacts business to obtain appropriate injunctive relief.
 - (2) Initiation of Civil Action:
 - (A) Notice to Commission Required in All Cases: A State shall provide written notice to the Commission regarding any civil action under paragraph (1). Except when proceeding under subparagraph (C), the State shall provide the notice at least 30 days before the date on which the State intends to initiate the civil action by filing a complaint.
 - (B) Filing of complaint: A State may initiate the civil action by filing a complaint –
 - (i) at any time after the date on which the 30-day period ends; or
 - (ii) earlier than such date if the Commission consents to an earlier initiation of the civil action by the State.
 - (C) Actions Involving Substantial Product Hazard: Notwithstanding subparagraph (B), a State may initiate a civil action under paragraph (1) by filing a complaint immediately after notifying the Commission of the State's determination that such immediate action is necessary to protect the residents of the State from a substantial product hazard (as defined in section 2064(a) of this title).
 - (D) Form of Notice: The written notice required by this paragraph may be provided by electronic mail, facsimile machine, or any other means of communication accepted by the Commission.
 - (E) Copy of Complaint: A State shall provide a copy of the complaint to the Commission upon filing the complaint or as soon as possible thereafter.
 - (3) Intervention by the Commission: The Commission may intervene in such civil action and upon intervening –

³⁷ Chapter 47: Consumer Product Safety

- (A) be heard on all matters arising in such civil action; and
 - (B) file petitions for appeal of a decision in such civil action.
- (4) Construction: Nothing in this section, section 1264(d) of this title, section 1477 of this title, or section 1194(a) of this title shall be construed –
 - (A) to prevent the attorney general of a State, or other authorized State officer, from exercising the powers conferred on the attorney general, or other authorized State officer, by the laws of such State; or
 - (B) to prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of that State.
- (5) Limitation: No separate suit shall be brought under this subsection (other than a suit alleging a violation of paragraph (1) or (2) of section 2068(a) of this title) if, at the time the suit is brought, the same alleged violation is the subject of a pending civil or criminal action by the United States under this chapter.
- (6) Restrictions on Private Counsel: If private counsel is retained to assist in any civil action under paragraph (1), the private counsel retained to assist the State may not –
 - (A) share with participants in other private civil actions that arise out of the same operative facts any information that is-
 - (i) subject to attorney-client or work product privilege; and
 - (ii) was obtained during discovery in the action under paragraph (1); or
 - (B) use any information that is subject to attorney-client or work product privilege that was obtained while assisting the State in the action under paragraph (1) in any other private civil actions that arise out of the same operative facts.

15 U.S.C. § 2087: WHISTLEBLOWER PROTECTION³⁸

- (a) No manufacturer, private labeler, distributor, or retailer,¹ may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee, whether at the employee's initiative or in the ordinary course of the employee's duties (or any person acting pursuant to a request of the employee) –
 - (1) provided, caused to be provided, or is about to provide or cause to be provided to the employer, the Federal Government, or the attorney general of a State information relating to any violation of, or any act or omission the employee reasonably believes to be a violation of any provision of this chapter or any other Act enforced by the Commission, or any order, rule, regulation, standard, or ban

³⁸ Chapter 47: Consumer Product Safety

under any such Acts;

15 U.S.C. § 5712: ACTIONS BY STATES³⁹

- (a) In general: Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has engaged or is engaging in a pattern or practice which violates any rule of the Commission under section 5711(a) of this title, the State may bring a civil action on behalf of its residents in an appropriate district court of the United States to enjoin such pattern or practice, to enforce compliance with such rule of the Commission, to obtain damages on behalf of their residents, or to obtain such further and other relief as the court may deem appropriate.
- (b) Notice: The State shall serve prior written notice of any civil action under subsection (a) upon the Commission and provide the Commission with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil action, the Commission shall have the right (1) to intervene in such action, (2) upon so intervening, to be heard on all matters arising therein, and (3) to file petitions for appeal.
- (c) Venue: Any civil action brought under this section in a district court of the United States may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or wherein the violation occurred or is occurring, and process in such cases may be served in any district in which the defendant is an inhabitant or wherever the defendant may be found.
- (d) Investigatory powers: For purposes of bringing any civil action under this section, nothing in this chapter shall prevent the attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.
- (e) Effect on State court proceedings: Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal antifraud statute of such State.
- (f) Limitation: Whenever the Commission has instituted a civil action for violation of any rule or regulation under this chapter, no State may, during the pendency of such action instituted by the Commission, subsequently institute a civil action against any defendant named in the Commission's complaint for violation of any rule as alleged in the Commission's complaint.
- (g) Actions by other State officials
 - (1) Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or

³⁹ Chapter 83: Telephone Disclosure and Dispute Resolution; Subchapter I: Regulation of Unfair and Deceptive Acts and Practices in Connection with Pay-Per-Call Services

criminal statute of such State.

- (2) In addition to actions brought by an attorney general of a State under subsection (a), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State for protection of consumers and who are designated by the Commission to bring an action under subsection (a) against persons that the Commission has determined have or are engaged in a pattern or practice which violates a rule of the Commission under section 5711(a) of this title.

15 U.S.C. § 6103: ACTIONS BY STATES⁴⁰

- (a) In general: Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has engaged or is engaging in a pattern or practice of telemarketing which violates any rule of the Commission under section 6102 of this title, the State, as *parens patriae*, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enjoin such telemarketing, to enforce compliance with such rule of the Commission, to obtain damages, restitution, or other compensation on behalf of residents of such State, or to obtain such further and other relief as the court may deem appropriate.
- (b) Notice: The State shall serve prior written notice of any civil action under subsection (a) or (f)(2) upon the Commission and provide the Commission with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil action, the Commission shall have the right (1) to intervene in such action, (2) upon so intervening, to be heard on all matters arising therein, and (3) to file petitions for appeal.
- (c) Construction: For purposes of bringing any civil action under subsection (a), nothing in this chapter shall prevent an attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.
- (d) Actions by Commission or the Bureau of Consumer Financial Protection: Whenever a civil action has been instituted by or on behalf of the Commission or the Bureau of Consumer Financial Protection for violation of any rule prescribed under section 6102 of this title, no State may, during the pendency of such action instituted by or on behalf of the Commission or the Bureau of Consumer Financial Protection, institute a civil action under subsection (a) or (f)(2) against any defendant named in the complaint in such action for violation of any rule as alleged in such complaint.
- (e) Venue; service of process: Any civil action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found,

⁴⁰ Chapter 87: Telemarketing and Consumer Fraud and Abuse Prevention

is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

- (f) Actions by other State officials
 - (1) Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.
 - (2) In addition to actions brought by an attorney general of a State under subsection (a), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State on behalf of its residents.

15 U.S.C. § 6307E: REQUIRED DISCLOSURES FOR PROMOTERS⁴¹

- (c) Information to be available to State Attorney General: A promoter shall make information required to be disclosed under this section available to the chief law enforcement officer of the State in which the match is to be held upon request of such officer.

15 U.S.C. § 6309: ENFORCEMENT⁴²

- (c) Actions by States
 - Whenever the chief law enforcement officer of any State has reason to believe that a person or organization is engaging in practices which violate any requirement of this chapter, the State, as *parens patriae*, may bring a civil action on behalf of its residents in an appropriate district court of the United States –
 - (1) to enjoin the holding of any professional boxing match which the practice involves;
 - (2) to enforce compliance with this chapter;
 - (3) to obtain the fines provided under subsection (b) or appropriate restitution; or
 - (4) to obtain such other relief as the court may deem appropriate.
- (e) Enforcement against Federal Trade Commission, State Attorney General, etc.
 - Nothing in this chapter authorizes the enforcement of –
 - (1) any provision of this chapter against the Federal Trade Commission, the United States Attorney General, or the chief legal officer of any State for acting or failing to act in an official capacity;
 - (2) subsection (d) of this section against a State or political subdivision of a State, or any agency or instrumentality thereof; or

⁴¹ Chapter 89: Professional Boxing Safety

⁴² Chapter 89: Professional Boxing Safety

- (3) section 6307b of this title against a boxer acting in his capacity as a boxer

15 U.S.C. § 6504: ACTIONS BY STATES⁴³

- (a) In general
 - (1) Civil actions: In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that violates any regulation of the Commission prescribed under section 6502(b) of this title, the State, as *parens patriae*, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to –
 - (A) enjoin that practice;
 - (B) enforce compliance with the regulation;
 - (C) obtain damage, restitution, or other compensation on behalf of residents of the State; or
 - (D) obtain such other relief as the court may consider to be appropriate.
 - (2) Notice
 - (A) In general: Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Commission –
 - (i) written notice of that action; and
 - (ii) a copy of the complaint for that action.
 - (B) Exemption
 - (i) In general: Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general determines that it is not feasible to provide the notice described in that subparagraph before the filing of the action.
 - (ii) Notification: In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Commission at the same time as the attorney general files the action.
- (b) Intervention
 - (1) In general: On receiving notice under subsection (a)(2), the Commission shall have the right to intervene in the action that is the subject of the notice.
 - (2) Effect of intervention: If the Commission intervenes in an action under subsection (a), it shall have the right –
 - (A) to be heard with respect to any matter that arises in that action; and
 - (B) to file a petition for appeal.
 - (3) *Amicus curiae*: Upon application to the court, a person whose self-regulatory

⁴³ Chapter 91: Children’s Online Privacy Protection

guidelines have been approved by the Commission and are relied upon as a defense by any defendant to a proceeding under this section may file *amicus curiae* in that proceeding.

- (c) Construction: For purposes of bringing any civil action under subsection (a), nothing in this chapter shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to –
 - (1) conduct investigations;
 - (2) administer oaths or affirmations; or
 - (3) compel the attendance of witnesses or the production of documentary and other evidence.
- (d) Actions by Commission: In any case in which an action is instituted by or on behalf of the Commission for violation of any regulation prescribed under section 6502 of this title, no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action for violation of that regulation.
- (e) Venue; service of process
 - (1) Venue: Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28.
 - (2) Service of process: In an action brought under subsection (a), process may be served in any district in which the defendant-
 - (A) is an inhabitant; or
 - (B) may be found.

15 U.S.C. § 7215: INVESTIGATIONS AND DISCIPLINARY PROCEEDINGS⁴⁴

- (4) Coordination and referral of investigations
 - (B) The Board may refer an investigation under this section –
 - (iv) at the direction of the Commission, to –
 - (ii) the attorney general of 1 or more States
- (5) Use of documents
 - (A) Confidentiality: Except as provided in subparagraphs (B) and (C), all documents and information prepared or received by or specifically for the Board, and deliberations of the Board and its employees and agents, in connection with an inspection under section 7214 of this title or with an investigation under this section, shall be confidential and privileged as an evidentiary matter (and shall not be subject to civil discovery or other legal process) in any proceeding in any Federal or State court or administrative agency, and shall be exempt from disclosure, in the hands of an agency or establishment of the Federal Government, under the

⁴⁴ Chapter 98: Public Company Accounting Reform and Corporate Responsibility; Subchapter I: Public Company Accounting Oversight Board

Freedom of Information Act (5 U.S.C. 552a),¹ or otherwise, unless and until presented in connection with a public proceeding or released in accordance with subsection (c).

- (B) Availability to Government agencies: Without the loss of its status as confidential and privileged in the hands of the Board, all information referred to in subparagraph (A) may –
 - (III) State attorneys general in connection with any criminal investigation;

15 U.S.C. § 7706: ENFORCEMENT GENERALLY⁴⁵

- RC 2913.421 (H) The attorney general may bring a civil action, pursuant to the "CAN-SPAM Act of 2003," Pub. L. No. 108-187, 117 Stat. 2699, 15 U.S.C. 7701 et seq., on behalf of the residents of the state in a district court of the United States that has jurisdiction for a violation of the CAN- SPAM Act of 2003, but the attorney general shall not bring a civil action under both this division and division (F) of this section. If a federal court dismisses a civil action brought under this division for reasons other than upon the merits, a civil action may be brought under division (F) of this section in the appropriate court of common pleas of this state. Note; includes criminal penalties.
- (f) Enforcement by States
 - (1) Civil Action: In any case in which the attorney general of a State, or an official or agency of a State, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person who violates paragraph (1) or (2) of section 7704(a), who violates section 7704(d), or who engages in a pattern or practice that violates paragraph (3), (4), or (5) of section 7704(a), of this title, the attorney general, official, or agency of the State, as *parens patriae*, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction –
 - (A) to enjoin further violation of section 7704 of this title by the defendant; or
 - (B) to obtain damages on behalf of residents of the State, in an amount equal to the greater of –
 - (i) the actual monetary loss suffered by such residents; or
 - (ii) the amount determined under paragraph (3)
 - (2) Availability of injunctive relief without showing of knowledge: Notwithstanding any other provision of this chapter, in a civil action under paragraph (1)(A) of this subsection, the attorney general, official, or agency of the State shall not be required to allege or prove the state of mind required by section 7704(a)(1)(C) of this title, section 7704(a)(2) of this title, clause (ii), (iii), or (iv) of section 7704(a)(4)(A) of this title, section 7704*b)(1)(A) of this title, or section 7704(b)(3) of this title
 - (8) Limitation on State Action while Federal Action Is Pending: If the Commission,

⁴⁵ Chapter 103: Controlling the Assault of Non-Solicited Pornography and Marketing – CAN-SPAM Act of 2003, 15 U.S.C. 7701 et seq.

or other appropriate Federal agency under subsection (b), has instituted a civil action or an administrative action for violation of this chapter, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this chapter alleged in the complaint.

- (9) Requisite scienter for certain civil actions: Except as provided in section 7704(a)(1)(C) of this title, section 7704(a)(2) of this title, clause (ii), (iii), or (iv) of section 7704(a)(4)(A) of this title, section 7704(b)(1)(A) of this title, or section 7704(b)(3) of this title, in a civil action brought by a State attorney general, or an official or agency of a State, to recover monetary damages for a violation of this chapter, the court shall not grant the relief sought unless the attorney general, official, or agency establishes that the defendant acted with actual knowledge, or knowledge fairly implied on the basis of objective circumstances, of the act or omission that constitutes the violation.

15 U.S.C. § 7804: ACTIONS BY STATES⁴⁶

- (a) In general.
 - (1) Civil actions: In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any athlete agent in a practice that violates section 7802 of this title, the State may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to –
 - (A) enjoin that practice;
 - (B) enforce compliance with this chapter; or
 - (C) obtain damage, restitution, or other compensation on behalf of residents of the State.
 - (2) Notice
 - (A) In general: Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Commission –
 - (i) written notice of that action; and
 - (ii) a copy of the complaint for that action.
 - (B) Exemption: Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general determines that it is not feasible to provide the notice described in that subparagraph before filing of the action. In such case, the attorney general of a State shall provide notice and a copy of the complaint to the Commission at the same time as the attorney general files the action.
- (b) Intervention

⁴⁶ Chapter 104: Sports Agent Responsibility and Trust

- (1) In general: On receiving notice under subsection (a)(2), the Commission shall have the right to intervene in the action that is the subject of the notice.
- (2) Effect of intervention: If the Commission intervenes in an action under subsection (a), it shall have the right –
 - (A) to be heard with respect to any matter that arises in that action; and
 - (B) to file a petition for appeal.
- (c) Construction: For purposes of bringing any civil action under subsection (a), nothing in this chapter 1 shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to –
 - (1) conduct investigations;
 - (2) administer oaths or affirmations; or
 - (3) compel the attendance of witnesses or the production of documentary and other evidence.
- (d) Actions by the Commission: In any case in which an action is instituted by or on behalf of the Commission for a violation of section 7802 of this title, no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action.
- (e) Venue: Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28.
- (f) Service of process: In an action brought under subsection (a), process may be served in any district in which the defendant-
 - (1) is an inhabitant; or
 - (2) may be found.

15 U.S.C. § 8405: ENFORCEMENT BY STATE ATTORNEYS GENERAL⁴⁷

- (a) Right of action: Except as provided in subsection (e), the attorney general of a State, or other authorized State officer, alleging a violation of this chapter or any regulation issued under this chapter that affects or may affect such State or its residents may bring an action on behalf of the residents of the State in any United States district court for the district in which the defendant is found, resides, or transacts business, or wherever venue is proper under section 1391 of title 28, to obtain appropriate injunctive relief.
- (b) Notice to Commission required: A State shall provide prior written notice to the Federal Trade Commission of any civil action under subsection (a) together with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such action.
- (c) Intervention by the Commission: The Commission may intervene in such civil action and upon intervening-

⁴⁷ Chapter 110: Online Shopper Protection – Restore Online Shopper’s Confidence Act

- (1) be heard on all matters arising in such civil action; and
 - (2) file petitions for appeal of a decision in such civil action.
- (d) Construction: Nothing in this section shall be construed-
 - (1) to prevent the attorney general of a State, or other authorized State officer, from exercising the powers conferred on the attorney general, or other authorized State officer, by the laws of such State; or
 - (2) to prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of that State.
- (e) Limitation: No separate suit shall be brought under this section if, at the time the suit is brought, the same alleged violation is the subject of a pending action by the Federal Trade Commission or the United States under this chapter.

TITLE 16: CONSERVATION

16 U.S.C. § 1856: STATE JURISDICTION⁴⁸

- (a) In general
 - (1) Except as provided in subsection (b), nothing in this chapter shall be construed as extending or diminishing the jurisdiction or authority of any State within its boundaries.
 - (2) For the purposes of this chapter, except as provided in subsection (b), the jurisdiction and authority of a State shall extend –

⁴⁸ Chapter 38: Fishery Conservation and Management; Subchapter IV: National Fishery Management Program

TITLE 18: CRIMES AND CRIMINAL PROCEDURE; AND APPENDIX*

18 U.S.C. § 248: FREEDOM OF ACCESS TO CLINIC ENTRANCES⁴⁹

- (3) Actions by state attorneys general. –
 - (A) In general. – If the Attorney General of a State has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, such Attorney General may commence a civil action in the name of such State, as *parens patriae* on behalf of natural persons residing in such State, in any appropriate United States District Court.
 - (B) Relief. – In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, compensatory damages, and civil penalties as described in paragraph (2)(B).

18 U.S.C. § 1595: CIVIL REMEDY⁵⁰

- (d) In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person who violates section 1591, the attorney general of the State, as *parens patriae*, may bring a civil action against such person on behalf of the residents of the State in an appropriate district court of the United States to obtain appropriate relief.

18 U.S.C. § 1716E: TOBACCO PRODUCTS AS NONMAILABLE⁵¹

- (h) Actions by State, Local, or Tribal Governments Relating to Certain Tobacco Products. –
 - (1) In general. – A State, through its attorney general, or a local government or Indian tribe that levies an excise tax on tobacco products, through its chief law enforcement officer, may in a civil action in a United States district court obtain appropriate relief with respect to a violation of this section. Appropriate relief includes injunctive and equitable relief and damages equal to the amount of unpaid taxes on tobacco products mailed in violation of this section to addressees in that State, locality, or tribal land.
 - (2) Sovereign immunity. – Nothing in this subsection shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under paragraph (1), or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government

⁴⁹ Part I: Crimes; Chapter 13: Civil Rights

⁵⁰ Part I: Crimes; Chapter 77: Peonage, Slavery, and Trafficking in Persons

⁵¹ Part I: Crimes; Chapter 83: Postal Service

- or Indian tribe.
- (3) Attorney general referral. – A State, through its attorney general, or a local government or Indian tribe that levies an excise tax on tobacco products, through its chief law enforcement officer, may provide evidence of a violation of this section for commercial purposes by any person not subject to State, local, or tribal government enforcement actions for violations of this section to the Attorney General of the United States, who shall take appropriate actions to enforce this section.
- (4) Nonexclusivity of remedies. – The remedies available under this subsection are in addition to any other remedies available under Federal, State, local, tribal, or other law. Nothing in this subsection shall be construed to expand, restrict, or otherwise modify any right of an authorized State, local, or tribal government official to proceed in a State, tribal, or other appropriate court, or take other enforcement actions, on the basis of an alleged violation of State, local, tribal, or other law.
- (5) Other enforcement actions. – Nothing in this subsection shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of the State.

18 U.S.C. § 2343: RECORDKEEPING, REPORTING, AND INSPECTION⁵²

- (d) Any report required to be submitted under this chapter to the Attorney General shall also be submitted to the Secretary of the Treasury and to the attorneys general and the tax administrators of the States from where the shipments, deliveries, or distributions both originated and concluded.

18 U.S.C. § 2346: ENFORCEMENT AND REGULATIONS⁵³

- (a) The Attorney General, subject to the provisions of section 2343(a) of this title, shall enforce the provisions of this chapter and may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter.
- (b)
 - (1) A State, through its attorney general, a local government, through its chief law enforcement officer (or a designee thereof), or any person who holds a permit under chapter 52 of the Internal Revenue Code of 1986, may bring an action in the United States district courts to prevent and restrain violations of this chapter by any person (or by any person controlling such person), except that any person who holds a permit under chapter 52 of the Internal Revenue Code of 1986 may not bring such

⁵² Part I: Crimes; Chapter 114: Trafficking in Contraband Cigarettes and Smokeless Tobacco

⁵³ Part I: Crimes; Chapter 114: Trafficking in Contraband Cigarettes and Smokeless Tobacco

an action against a State or local government. No civil action may be commenced under this paragraph against an Indian tribe or an Indian in Indian country (as defined in section 1151).

- (2) A State, through its attorney general, or a local government, through its chief law enforcement officer (or a designee thereof), may in a civil action under paragraph (1) also obtain any other appropriate relief for violations of this chapter from any person (or by any person controlling such person), including civil penalties, money damages, and injunctive or other equitable relief. Nothing in this chapter shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government, or an Indian tribe against any unconsented lawsuit under this chapter, or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government, or an Indian tribe.

18 U.S.C. § 2421: TRANSPORTATION GENERALLY⁵⁴

- (a) In General. – Whoever knowingly transports any individual in interstate or foreign commerce, or in any Territory or Possession of the United States, with intent that such individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title or imprisoned not more than 10 years, or both.
- (b) Requests To Prosecute Violations by State Attorneys General. –
 - (1) In general. – The Attorney General shall grant a request by a State attorney general that a State or local attorney be cross designated to prosecute a violation of this section unless the Attorney General determines that granting the request would undermine the administration of justice.
 - (2) Reason for denial. – If the Attorney General denies a request under paragraph (1), the Attorney General shall submit to the State attorney general a detailed reason for the denial not later than 60 days after the date on which a request is received.

⁵⁴ Part I: Crimes; Chapter 117: Transportation for Illegal Sexual Activity and Related Crimes

TITLE 19: CUSTOM DUTIES

19 U.S.C. § 1681A: REQUIREMENT FOR ENTRY OF CERTAIN CIGARETTES AND SMOKELESS TOBACCO PRODUCTS⁵⁵

- (d) State access to customs certifications: A State, through its Attorney General, shall be entitled to obtain copies of any certification required under subsection (c) directly –
 - (1) upon request to the agency of the United States responsible for collecting such certification; or
 - (2) upon request to the importer, manufacturer, or authorized official of such importer or manufacturer.

⁵⁵ Chapter 4: Tariff Act of 1930

TITLE 21: FOODS AND DRUGS

21 U.S.C. § 399D: EMPLOYEE PROTECTIONS⁵⁶

- (a) In general: No entity engaged in the manufacture, processing, packing, transporting, distribution, reception, holding, or importation of food may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee, whether at the employee's initiative or in the ordinary course of the employee's duties (or any person acting pursuant to a request of the employee) –
 - (1) provided, caused to be provided, or is about to provide or cause to be provided to the employer, the Federal Government, or the attorney general of a State information relating to any violation of, or any act or omission the employee reasonably believes to be a violation of any provision of this chapter or any order, rule, regulation, standard, or ban under this chapter, or any order, rule, regulation, standard, or ban under this chapter;

21 U.S.C. § 882: INJUNCTIONS⁵⁷

- (c) State cause of action pertaining to online pharmacies
 - (1) In general: In any case in which the State has reason to believe that an interest of the residents of that State has been or is being threatened or adversely affected by the action of a person, entity, or Internet site that violates the provisions of section 823(g), 829(e), or 831 of this title, the State may bring a civil action on behalf of such residents in a district court of the United States with appropriate jurisdiction –
 - (A) to enjoin the conduct which violates this section;
 - (B) to enforce compliance with this section;
 - (C) to obtain damages, restitution, or other compensation, including civil penalties under section 842(b) of this title; and
 - (D) to obtain such other legal or equitable relief as the court may find appropriate.
 - (2) Service; intervention
 - (A) Prior to filing a complaint under paragraph (1), the State shall serve a copy of the complaint upon the Attorney General and upon the United States Attorney for the judicial district in which the complaint is to be filed. In any case where such prior service is not feasible, the State shall serve the

⁵⁶ Chapter 9: Federal Food, Drug, and Cosmetic Act; Subchapter X: Miscellaneous

⁵⁷ Chapter 13: Drug Abuse Prevention and Control; Subchapter I: Control and Enforcement; Part E: Administrative and Enforcement Provisions

complaint on the Attorney General and the appropriate United States Attorney on the same day that the State's complaint is filed in Federal district court of the United States. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or any other proceedings under this subchapter or any other laws of the United States.

- (B) Upon receiving notice respecting a civil action pursuant to this section, the United States shall have the right to intervene in such action and, upon so intervening, to be heard on all matters arising therein, and to file petitions for appeal.
- (C) Service of a State's complaint on the United States as required in this paragraph shall be made in accord with the requirements of rule 4(i)(1) of the Federal Rule 1 of Civil Procedure.
- (3) Powers conferred by State law: For purposes of bringing any civil action under paragraph (1), nothing in this chapter shall prevent an attorney general of a State from exercising the powers conferred on the attorney general of a State by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary or other evidence.
- (4) Venue: Any civil action brought under paragraph (1) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28. Process in such action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.
- (5) No private right of action: No private right of action is created under this subsection.
- (6) Limitation: No civil action may be brought under paragraph (1) against –
 - (A) the United States;
 - (B) an Indian Tribe or tribal organization, to the extent such tribe or tribal organization is lawfully carrying out a contract or compact under the Indian Self-Determination and Education Assistance Act [25 U.S.C. 5301 et seq.]; or
 - (C) any employee of the United States or such Indian tribe or tribal organization, provided such agent or employee is acting in the usual course of business or employment, and within the scope of the official duties of such agent or employee therewith.

TITLE 26: INTERNAL REVENUE CODE

26 U.S.C. § 4943: TAXES ON EXCESS BUSINESS HOLDINGS⁵⁸

- (f) Application of Tax to Supporting Organizations
 - (5) Special Rules for Certain Holdings of Type III Supporting Organizations: For purposes of this subsection, the term "excess business holdings" shall not include any holdings of a type III supporting organization in any business enterprise if, as of November 18, 2005, the holdings were held (and at all times thereafter, are held) for the benefit of the community pursuant to the direction of a State attorney general or a State official with jurisdiction over such organization.

26 U.S.C. § 6104: PUBLICITY OF INFORMATION REQUIRED FROM CERTAIN EXEMPT ORGANIZATIONS AND CERTAIN TRUSTS⁵⁹

- (c) Publication to State Officials
 - (1) General Rule for Charitable Organizations: In the case of any organization which is described in section 501(c)(3) and exempt from taxation under section 501(a), or has applied under section 508(a) for recognition as an organization described in section 501(c)(3), the Secretary at such times and in such manner as he may by regulations prescribe shall –
 - (A) notify the appropriate State officer of a refusal to recognize such organization as an organization described in section 501(c)(3), or of the operation of such organization in a manner which does not meet, or no longer meets, the requirements of its exemption,
 - (B) notify the appropriate State officer of the mailing of a notice of deficiency of tax imposed under section 507 or chapter 41 or 42, and
 - (C) at the request of such appropriate State officer, make available for inspection and copying such returns, filed statements, records, reports, and other information, relating to a determination under subparagraph (A) or (B) as are relevant to any determination under State law.
 - (2) Disclosure of Proposed Actions Related to Charitable Organizations
 - (A) Specific Notifications
 - In the case of an organization to which paragraph (1) applies, the Secretary may disclose to the appropriate State officer –
 - (i) a notice of proposed refusal to recognize such organization

⁵⁸ Subtitle D: Miscellaneous Excise Taxes; Chapter 42: Private Foundations; and Certain Other Tax Exempt Organizations; Subchapter A: Private Foundations

⁵⁹ Subtitle F: Procedure and Administration; Chapter 61: Information and Returns; Subchapter B: Miscellaneous Provisions

- as an organization described in section 501(c)(3) or a notice of proposed revocation of such organization's recognition as an organization exempt from taxation,
 - (ii) the issuance of a letter of proposed deficiency of tax imposed under section 507 or chapter 41 or 42, and
 - (iii) the names, addresses, and taxpayer identification numbers of organizations which have applied for recognition as organizations described in section 501(c)(3).
 - (B) Additional Disclosures: Returns and return information of organizations with respect to which information is disclosed under subparagraph (A) may be made available for inspection by or disclosed to an appropriate State officer.
 - (C) Procedures for disclosure: Information may be inspected or disclosed under subparagraph (A) or (B) only –
 - (i) upon written request by an appropriate State officer, and
 - (ii) for the purpose of, and only to the extent necessary in, the administration of State laws regulating such organizations.
 - Such information may only be inspected by or disclosed to a person other than the appropriate State officer if such person is an officer or employee of the State and is designated by the appropriate State officer to receive the returns or return information under this paragraph on behalf of the appropriate State officer.
 - (D) Disclosures other than by request: The Secretary may make available for inspection or disclose returns and return information of an organization to which paragraph (1) applies to an appropriate State officer of any State if the Secretary determines that such returns or return information may constitute evidence of noncompliance under the laws within the jurisdiction of the appropriate State officer.
- (3) Disclosure with respect to certain other exempt organizations: Upon written request by an appropriate State officer, the Secretary may make available for inspection or disclosure returns and return information of any organization described in section 501(c) (other than organizations described in paragraph (1) or (3) thereof) for the purpose of, and only to the extent necessary in, the administration of State laws regulating the solicitation or administration of the charitable funds or charitable assets of such organizations. Such information may only be inspected by or disclosed to a person other than the appropriate State officer if such person is an officer or employee of the State and is designated by the appropriate State officer to receive the returns or return information under this paragraph on behalf of the appropriate State officer.
- (4) Use in civil judicial and administrative proceedings: Returns and return information disclosed pursuant to this subsection may be disclosed in civil

administrative and civil judicial proceedings pertaining to the enforcement of State laws regulating such organizations in a manner prescribed by the Secretary similar to that for tax administration proceedings under section 6103(h)(4).

- (5) No disclosure if impairment: Returns and return information shall not be disclosed under this subsection, or in any proceeding described in paragraph (4), to the extent that the Secretary determines that such disclosure would seriously impair Federal tax administration.
- (6) Definitions: For purposes of this subsection –
 - (A) Return and return information
 - The terms "return" and "return information" have the respective meanings given to such terms by section 6103(b).
 - (B) Appropriate State officer
 - The term "appropriate State officer" means –
 - (i) the State attorney general,
 - (ii) the State tax officer,
 - (iii) in the case of an organization to which paragraph (1) applies, any other State official charged with overseeing organizations of the type described in section 501(c)(3), and
 - (iv) in the case of an organization to which paragraph (3) applies, the head of an agency designated by the State attorney general as having primary responsibility for overseeing the solicitation of funds for charitable purposes.

TITLE 27: INTOXICATING LIQUORS

27 U.S.C. § 122A: INJUNCTIVE RELIEF IN FEDERAL DISTRICT COURT⁶⁰

- (a) Definitions: In this section –
 - (1) the term "attorney general" means the attorney general or other chief law enforcement officer of a State or the designee thereof;
- (b) Action by State Attorney General: If the attorney general has reasonable cause to believe that a person is engaged in, or has engaged in, any act that would constitute a violation of a State law regulating the importation or transportation of any intoxicating liquor, the attorney general may bring a civil action in accordance with this section for injunctive relief (including a preliminary or permanent injunction) against the person, as the attorney general determines to be necessary to –
 - (1) restrain the person from engaging, or continuing to engage, in the violation; and
 - (2) enforce compliance with the State law.
- (d) Requirements for injunctions and orders
 - (1) In general – In any action brought under this section, upon a proper showing by the attorney general of the State, the court may issue a preliminary or permanent injunction to restrain a violation of this sections. A proper showing under this paragraph shall require that a State prove by a preponderance of the evidence that a violation of State law as described in subsection (b) has taken place or is taking place.

27 U.S.C. § 124: DIRECT SHIPMENT OF WINE⁶¹

- (a) Conditions for transporting certain wine: During any period in which the Federal Aviation Administration has in effect restrictions on airline passengers to ensure safety, the direct shipment of wine shall be permitted from States where wine is purchased from a winery, to another State or the District of Columbia, if –
 - (1) the wine was purchased while the purchaser was physically present at the winery;
 - (2) the purchaser of the wine provided the winery verification of legal age to purchase alcohol;
 - (3) the shipping container in which the wine is shipped is marked to require an adult's signature upon delivery;
 - (4) the wine is for personal use only and not for resale; and
 - (5) the purchaser could have carried the wine lawfully into the State or the District of Columbia to which the wine is shipped.

⁶⁰ Chapter 6: Transportation in Interstate Commerce

⁶¹ Chapter 6: Transportation in Interstate Commerce

- (b) Violations: If any person fails to meet any of the conditions under subsection (a), the attorney general of any State may bring a civil action under the same terms as those set out in section 122a of this title.

TITLE 28: JUDICIARY*

28 U.S.C. § 1715: NOTIFICATIONS TO APPROPRIATE FEDERAL AND STATE OFFICIALS⁶²

- (a) Definitions. –
 - (1) Appropriate federal official. – In this section, the term "appropriate Federal official" means-
 - (A) the Attorney General of the United States; or
 - (B) in any case in which the defendant is a Federal depository institution, a State depository institution, a depository institution holding company, a foreign bank, or a nondepository institution subsidiary of the foregoing (as such terms are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), the person who has the primary Federal regulatory or supervisory responsibility with respect to the defendant, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person.
 - (2) Appropriate state official. – In this section, the term "appropriate State official" means the person in the State who has the primary regulatory or supervisory responsibility with respect to the defendant, or who licenses or otherwise authorizes the defendant to conduct business in the State, if some or all of the matters alleged in the class action are subject to regulation by that person. If there is no primary regulator, supervisor, or licensing authority, or the matters alleged in the class action are not subject to regulation or supervision by that person, then the appropriate State official shall be the State attorney general.
- (b) In General. – Not later than 10 days after a proposed settlement of a class action is filed in court, each defendant that is participating in the proposed settlement shall serve upon the appropriate State official of each State in which a class member resides and the appropriate Federal official, a notice of the proposed settlement consisting of –
 - (1) a copy of the complaint and any materials filed with the complaint and any amended complaints (except such materials shall not be required to be served if such materials are made electronically available through the Internet and such service includes notice of how to electronically access such material);
 - (2) notice of any scheduled judicial hearing in the class action;
 - (3) any proposed or final notification to class members of –
 - (A)
 - (i) the members' rights to request exclusion from the class action; or
 - (ii) if no right to request exclusion exists, a statement that no such right exists; and
 - (B) a proposed settlement of a class action;

⁶² Part V: procedure; Chapter 114: Class Actions

- (4) any proposed or final class action settlement;
- (5) any settlement or other agreement contemporaneously made between class counsel and counsel for the defendants;
- (6) any final judgment or notice of dismissal;
- (7)
 - (A) if feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State's appropriate State official; or
 - (B) if the provision of information under subparagraph (A) is not feasible, a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement; and
- (8) any written judicial opinion relating to the materials described under subparagraphs (3) through (6).
- (c) Depository Institutions Notification –
 - (1) Federal and other depository institutions. – In any case in which the defendant is a Federal depository institution, a depository institution holding company, a foreign bank, or a non-depository institution subsidiary of the foregoing, the notice requirements of this section are satisfied by serving the notice required under subsection (b) upon the person who has the primary Federal regulatory or supervisory responsibility with respect to the defendant, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person.
 - (2) State depository institutions.-In any case in which the defendant is a State depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), the notice requirements of this section are satisfied by serving the notice required under subsection (b) upon the State bank supervisor (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) of the State in which the defendant is incorporated or chartered, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person, and upon the appropriate Federal official.
- (d) Final Approval - An order giving final approval of a proposed settlement may not be issued earlier than 90 days after the later of the dates on which the appropriate Federal official and the appropriate State official are served with the notice required under subsection (b).
- (e) Noncompliance if Notice Not Provided.
 - (1) In general. – A class member may refuse to comply with and may choose not to be bound by a settlement agreement or consent decree in a class action if the class member demonstrates that the notice required under subsection (b) has not been provided.
 - (2) Limitation. – A class member may not refuse to comply with or to be bound by a settlement agreement or consent decree under paragraph (1) if the notice required

under subsection (b) was directed to the appropriate Federal official and to either the State attorney general or the person that has primary regulatory, supervisory, or licensing authority over the defendant.

- (3) Application of rights. – The rights created by this subsection shall apply only to class members or any person acting on a class member's behalf, and shall not be construed to limit any other rights affecting a class member's participation in the settlement.
- (f) Rule of Construction. – Nothing in this section shall be construed to expand the authority of, or impose any obligations, duties, or responsibilities upon, Federal or State officials.

28 U.S.C. APP. FED. R. CIV. P. RULE 5.1: CONSTITUTIONAL CHALLENGE TO A STATUTE-
NOTICE, CERTIFICATION, AND INTERVENTION⁶³

- (a) Notice by a Party. A party that files a pleading, written motion, or other paper drawing into question the constitutionality of a federal or state statute must promptly:
 - (1) file a notice of constitutional question stating the question and identifying the paper that raises it, if:
 - (A) a federal statute is questioned and the parties do not include the United States, one of its agencies, or one of its officers or employees in an official capacity; or
 - (B) a state statute is questioned and the parties do not include the state, one of its agencies, or one of its officers or employees in an official capacity; and
 - (2) serve the notice and paper on the Attorney General of the United States if a federal statute is questioned-or on the state attorney general if a state statute is questioned- either by certified or registered mail or by sending it to an electronic address designated by the attorney general for this purpose.
- (b) Certification by the Court. The court must, under 28 U.S.C. §2403, certify to the appropriate attorney general that a statute has been questioned.
- (c) Intervention; Final Decision on the Merits. Unless the court sets a later time, the attorney general may intervene within 60 days after the notice is filed or after the court certifies the challenge, whichever is earlier. Before the time to intervene expires, the court may reject the constitutional challenge, but may not enter a final judgment holding the statute unconstitutional.
- (d) No Forfeiture. A party's failure to file and serve the notice, or the court's failure to certify, does not forfeit a constitutional claim or defense that is otherwise timely asserted.

28 U.S.C. APP. FED. R. CIV. P. RULE 24: INTERVENTION⁶⁴

⁶³ Appendix – Federal Rules of Civil Procedure

⁶⁴ Appendix – Federal Rules of Civil Procedure; Title IV: Parties

- (b) Permissive Intervention
 - (2) By a Government Officer or Agency. On timely motion, the court may permit a federal or state governmental officer or agency to intervene if a party's claim or defense is based on:
 - (A) a statute or executive order administered by the officer or agency; or
 - (B) any regulation, order, requirement, or agreement issued or made under the statute or executive order.

TITLE 29: LABOR

29 U.S.C. § 218C: PROTECTION FOR EMPLOYEES⁶⁵

- (a) Prohibition: No employer shall discharge or in any manner discriminate against any employee with respect to his or her compensation, terms, conditions, or other privileges of employment because the employee (or an individual acting at the request of the employee) has –
 - (1) received a credit under section 36B of title 26 or a subsidy under section 18071 of title 42;
 - (2) provided, caused to be provided, or is about to provide or cause to be provided to the employer, the Federal Government, or the attorney general of a State information relating to any violation of, or any act or omission the employee reasonably believes to be a violation of, any provision of this title 1 (or an amendment made by this title);

29 U.S.C. § 1134: INVESTIGATIVE AUTHORITY⁶⁶

- (d) Evidentiary privilege; confidentiality of communications
 - The Secretary may promulgate a regulation that provides an evidentiary privilege for, and provides for the confidentiality of communications between or among, any of the following entities or their agents, consultants, or employees:
 - (2) A State attorney general.

⁶⁵ Chapter 8: Fair Labor Standards

⁶⁶ Chapter 18: Employee Retirement Income Security Program; Subchapter I: Protection of Employee Benefit Rights; Part 5: Administration and Enforcement

TITLE 31: MONEY AND FINANCE*

31 U.S.C. § 5365: CIVIL REMEDIES⁶⁷

- (b) Proceedings. –
 - (2) Institution by state attorney general. –
 - (A) In general. – The attorney general (or other appropriate State official) of a State in which a restricted transaction allegedly has been or will be initiated, received, or otherwise made may institute proceedings under this section to prevent or restrain the violation or threatened violation.
 - (B) Relief. – Upon application of the attorney general (or other appropriate State official) of an affected State under this paragraph, the district court may enter a temporary restraining order, a preliminary injunction, or an injunction against any person to prevent or restrain a restricted transaction, in accordance with rule 65 of the Federal Rules of Civil Procedure.
 - (3) Indian Lands. -
 - (A) In general. – Notwithstanding paragraphs (1) and (2), for a restricted transaction that allegedly has been or will be initiated, received, or otherwise made on Indian lands (as that term is defined in section 4 of the Indian Gaming Regulatory Act) –
 - (i) the United States shall have the enforcement authority provided under paragraph (1); and
 - (ii) the enforcement authorities specified in an applicable Tribal-State Compact negotiated under section 11 of the Indian Gaming Regulatory Act (25 U.S.C. 2710) shall be carried out in accordance with that compact

⁶⁷ Subtitle IV: Money; Chapter 53: Monetary Transactions; Subchapter IV: Prohibition on Funding of Unlawful Internet Gambling

TITLE 32: NATIONAL GUARD*

32 U.S.C. § 112: DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES⁶⁸

- (c) Plan Requirements. – A State drug interdiction and counter-drug activities plan shall –
 - (5) include a certification by the Attorney General of the State (or, in the case of a State with no position of Attorney General, a civilian official of the State equivalent to a State attorney general) that the use of the National Guard of the State for the activities proposed under the plan is authorized by, and is consistent with, State law; and

⁶⁸ Chapter 1: Organization

TITLE 33: NAVIGATION AND NAVIGABLE WATERS

33 U.S.C. § 1322: MARINE SANITATION DEVICES; DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF VESSELS⁶⁹

- (k) Enforcement authority
 - (1) Administrator: This section shall be enforced by the Administrator, to the extent provided in section 1319 of this title.
 - (2) Secretary
 - (A) In general: This section shall be enforced by the Secretary of the department in which the Coast Guard is operating, who may use, by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Administrator, other Federal agencies, or the States to carry out the provisions of this section.
 - (B) Inspections: For purposes of ensuring compliance with this section, the Secretary –
 - (i) may carry out an inspection (including the taking of ballast water samples) of any vessel at any time; and
 - (ii) shall –
 - (I) establish procedures for –
 - (aa) reporting violations of this section; and
 - (bb) accumulating evidence regarding those violations; and
 - (II) use appropriate and practicable measures of detection and environmental monitoring of vessels.
 - (C) Detention: The Secretary may detain a vessel if the Secretary –
 - (i) has reasonable cause to believe that the vessel –
 - (I) has failed to comply with an applicable requirement of this section; or
 - (II) is being operated in violation of such a requirement; and
 - (ii) the Secretary provides to the owner or operator of the vessel a notice of the intent to detain.
 - (3) States
 - (A) In general: This section may be enforced by a State or political subdivision of a State (including the attorney general of a State), including by filing a civil action in an appropriate Federal district court to enforce any violation of subsection (p).
 - (B) Jurisdiction: The appropriate Federal district court shall have jurisdiction with respect to a civil action filed pursuant to subparagraph (A),

⁶⁹ Chapter 26: Water Pollution Prevention and Control; Subchapter III: Standards and Enforcement

without regard to the amount in controversy or the citizenship of the parties –

- (i) to enforce the requirements of this section; and
- (ii) to apply appropriate civil penalties under this section or section 1319(d) of this title, as appropriate.

TITLE 34: CRIME CONTROL AND LAW ENFORCEMENT

34 U.S.C. § 10262: STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS⁷⁰

- The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe –
 - (1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;
 - (2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and
 - (3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

34 U.S.C. § 40701: THE DEBBIE SMITH DNA BACKLOG GRANT PROGRAM⁷¹

- (n) Use of funds for auditing sexual assault evidence backlogs
 - (1) Eligibility: The Attorney General may award a grant under this section to a State or unit of local government for the purpose described in subsection (a)(7) only if the State or unit of local government-
 - (A) submits a plan for performing the audit of samples described in such subsection; and
 - (B) includes in such plan a good-faith estimate of the number of such samples.
 - (2) Grant conditions
 - (iv) provide that –
 - (I) the chief law enforcement officer of the State or unit of local government, respectively, is the individual responsible for the compliance of the State or unit of local government, respectively, with the reporting requirements described in clause (v); or
 - (II) the designee of such officer may fulfill the responsibility described in subclause (I) so long as such designee is an employee of the State or unit of local government, respectively, and is not an employee of any governmental laboratory or non-governmental vendor laboratory; and
 - (v) comply with all grantee reporting requirements described in paragraph (4).

⁷⁰ Subtitle I: Comprehensive Acts; Chapter 101: Justice System Improvement; Subchapter IX: Funding

⁷¹ Subtitle IV: Criminal Records and Information; Chapter 407: DNA Identification; Subchapter I: Collection and Analysis of Samples

- (a) Determination of timetables: Not later than 6 months after November 30, 1993, the Attorney General shall –
 - (1) determine the type of computer hardware and software that will be used to operate the national instant criminal background check system and the means by which State criminal records systems and the telephone or electronic device of licensees will communicate with the national system;
 - (2) investigate the criminal records system of each State and determine for each State a timetable by which the State should be able to provide criminal records on an on-line capacity basis to the national system; and
 - (3) notify each State of the determinations made pursuant to paragraphs (1) and (2).
- (d) Notification of licensees: On establishment of the system under this section, the Attorney General shall notify each licensee and the chief law enforcement officer of each State of the existence and purpose of the system and the means to be used to contact the system.

⁷² Subtitle IV: Criminal Records and Information; Chapter 409: National Instant Criminal Background Check System

TITLE 42: THE PUBLIC HEALTH AND WELFARE

42 U.S.C. § 280G: CHILDREN'S ASTHMA TREATMENT GRANTS PROGRAM⁷³

- (d) Preference for States that Allow Students to Self-Administer Medication to Treat Asthma and Anaphylaxis
 - (1) Preference: The Secretary, in making any grant under this section or any other grant that is asthma-related (as determined by the Secretary) to a State, shall give preference to any State that satisfies the following:
 - (F) School personnel administration of epinephrine or school comprehensive allergies and asthma management program:
 - (i) In determining the preference (if any) to be given to a State under this subsection, the Secretary shall give additional preference to a State that provides to the Secretary the certification described in subparagraph (G) and that requires that each public elementary school and secondary school in the State satisfy the criteria described in clause (ii) or clause (iii).
 - (ii) Criteria for school personnel administration of epinephrine: For purposes of clause (i), the criteria described in this clause, with respect to each public elementary school and secondary school in the State, are that each such school –
 - (I) permits trained personnel of the school to administer epinephrine to any student of the school reasonably believed to be having an anaphylactic reaction;
 - (II) maintains a supply of epinephrine in a secure location that is easily accessible to trained personnel of the school for the purpose of administration to any student of the school reasonably believed to be having an anaphylactic reaction; and
 - (III) has in place a plan for having on the premises of the school during all operating hours of the school one or more individuals who are trained personnel of the school.
 - (G) Civil liability protection law: The certification required in subparagraph (F) shall be a certification made by the State attorney general that the State has reviewed any applicable civil liability protection law to determine the application of such law with regard to elementary and secondary school trained personnel who may administer epinephrine to a student reasonably believed to be having an anaphylactic reaction and has concluded that such law provides adequate civil liability protection applicable to such trained

⁷³ Chapter 6A: Public Health Service; Subchapter II: General Powers and Duties; Part P: Additional Programs

personnel. For purposes of the previous sentence, the term "civil liability protection law" means a State law offering legal protection to individuals who give aid on a voluntary basis in an emergency to an individual who is ill, in peril, or otherwise incapacitated.

42 U.S.C. §1320D-5: GENERAL PENALTY FOR FAILURE TO COMPLY WITH REQUIREMENTS AND STANDARDS⁷⁴

- (d) Enforcement by State attorneys general
 - (1) Civil action: Except as provided in subsection (b), in any case in which the attorney general of a State has reason to believe that an interest of one or more of the residents of that State has been or is threatened or adversely affected by any person who violates a provision of this part, the attorney general of the State, as *parens patriae*, may bring a civil action on behalf of such residents of the State in a district court of the United States of appropriate jurisdiction –
 - (A) to enjoin further such violation by the defendant; or
 - (B) to obtain damages on behalf of such residents of the State, in an amount equal to the amount determined under paragraph (2).
 - (2) Statutory damages
 - (A) In general: For purposes of paragraph (1)(B), the amount determined under this paragraph is the amount calculated by multiplying the number of violations by up to \$100. For purposes of the preceding sentence, in the case of a continuing violation, the number of violations shall be determined consistent with the HIPAA privacy regulations (as defined in section 1320d–9(b)(3) of this title) for violations of subsection (a).
 - (B) Limitation: The total amount of damages imposed on the person for all violations of an identical requirement or prohibition during a calendar year may not exceed \$25,000.
 - (C) Reduction of damages: In assessing damages under subparagraph (A), the court may consider the factors the Secretary may consider in determining the amount of a civil money penalty under subsection (a) under the HIPAA privacy regulations.
 - (3) Attorney fees: In the case of any successful action under paragraph (1), the court, in its discretion, may award the costs of the action and reasonable attorney fees to the State.
 - (4) Notice to Secretary: The State shall serve prior written notice of any action under paragraph (1) upon the Secretary and provide the Secretary with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

⁷⁴ Chapter 7: Social Security; Subchapter XI: General Provisions, Peer Review, and Administrative Simplification; Part C: Administrative Simplification

- The Secretary shall have the right –
- (A) to intervene in the action;
 - (B) upon so intervening, to be heard on all matters arising therein; and
 - (C) to file petitions for appeal.
- (5) Construction: For purposes of bringing any civil action under paragraph (1), nothing in this section shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State.
 - (6) Venue; service of process
 - (A) Venue: Any action brought under paragraph (1) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28.
 - (B) Service of process: In an action brought under paragraph (1), process may be served in any district in which the defendant –
 - (i) is an inhabitant; or
 - (ii) maintains a physical place of business.
 - (7) Limitation on State action while Federal action is pending: If the Secretary has instituted an action against a person under subsection (a) with respect to a specific violation of this part, no State attorney general may bring an action under this subsection against the person with respect to such violation during the pendency of that action.
 - (8) Application of CMP statute of limitation: A civil action may not be instituted with respect to a violation of this part unless an action to impose a civil money penalty may be instituted under subsection (a) with respect to such violation consistent with the second sentence of section 1320a-7a(c)(1) of this title.

42 U.S.C. § 1396B: PAYMENT TO STATES⁷⁵

- (q) "State medicaid fraud control unit" defined: For the purposes of this section, the term "State medicaid fraud control unit" means a single identifiable entity of the State government which the Secretary certifies (and annually recertifies) as meeting the following requirements:
 - (1) The entity (A) is a unit of the office of the State Attorney General or of another department of State government which possesses statewide authority to prosecute individuals for criminal violations, (B) is in a State the constitution of which does not provide for the criminal prosecution of individuals by a statewide authority and has formal procedures, approved by the Secretary, that (i) assure its referral of suspected criminal violations relating to the program under this subchapter to the appropriate authority or authorities in the State for prosecution and (ii) assure its

⁷⁵ Chapter 7: Social Security; Subchapter XIX: Grants to States for Medical Assistance Programs

assistance of, and coordination with, such authority or authorities in such prosecutions, or (C) has a formal working relationship with the office of the State Attorney General and has formal procedures (including procedures for its referral of suspected criminal violations to such office) which are approved by the Secretary and which provide effective coordination of activities between the entity and such office with respect to the detection, investigation, and prosecution of suspected criminal violations relating to the program under this subchapter.

- (2) The entity is separate and distinct from the single State agency that administers or supervises the administration of the State plan under this subchapter.
- (3) The entity's function is conducting a statewide program for the investigation and prosecution of violations of all applicable State laws regarding any and all aspects of fraud in connection with (A) any aspect of the provision of medical assistance and the activities of providers of such assistance under the State plan under this subchapter; and (B) upon the approval of the Inspector General of the relevant Federal agency, any aspect of the provision of health care services and activities of providers of such services under any Federal health care program (as defined in section 1320a–7b(f)(1) of this title), if the suspected fraud or violation of law in such case or investigation is primarily related to the State plan under this subchapter.
- (4)
 - (A) The entity has –
 - (i) procedures for reviewing complaints of abuse or neglect of patients in health care facilities which receive payments under the State plan under this subchapter
 - (ii) at the option of the entity, procedures for reviewing complaints of abuse or neglect of patients residing in board and care facilities; and
 - (iii) procedures for acting upon such complaints under the criminal laws of the State or for referring such complaints to other State agencies for action.
 - (B) For purposes of this paragraph, the term "board and care facility" means a residential setting which receives payment (regardless of whether such payment is made under the State plan under this subchapter) from or on behalf of two or more unrelated adults who reside in such facility, and for whom one or both of the following is provided:
 - (i) Nursing care services provided by, or under the supervision of, a registered nurse, licensed practical nurse, or licensed nursing assistant.
 - (ii) A substantial amount of personal care services that assist residents with the activities of daily living, including personal hygiene, dressing, bathing, eating, toileting, ambulation, transfer, positioning, self- medication, body care, travel to medical services, essential shopping, meal preparation, laundry, and housework.

- (5) The entity provides for the collection, or referral for collection to a single State agency, of overpayments that are made under the State plan or under any Federal health care program (as so defined) to health care facilities and that are discovered by the entity in carrying out its activities. All funds collected in accordance with this paragraph shall be credited exclusively to, and available for expenditure under, the Federal health care program (including the State plan under this subchapter) that was subject to the activity that was the basis for the collection.
- (6) The entity employs such auditors, attorneys, investigators, and other necessary personnel and is organized in such a manner as is necessary to promote the effective and efficient conduct of the entity's activities.
- (7) The entity submits to the Secretary an application and annual reports containing such information as the Secretary determines, by regulation, to be necessary to determine whether the entity meets the other requirements of this subsection.

42 U.S.C. § 1769F: DUTIES OF SECRETARY RELATING TO NONPROCUREMENT DEBARMENT⁷⁶

- (c) Assistance to identify and prevent fraud and anticompetitive activities
 - (1) in cooperation with any other appropriate individual, organization, or agency, provide advice, training, technical assistance, and guidance (which may include awareness training, training films, and troubleshooting advice) to representatives of States and local agencies regarding means of identifying and preventing fraud and anticompetitive activities relating to the provision of goods or services in conjunction with the participation of a local agency in a child nutrition program; and
 - (2) provide information to, and fully cooperate with, the Attorney General and State attorneys general regarding investigations of fraud and anticompetitive activities relating to the provision of goods or services in conjunction with the participation of a local agency in a child nutrition program.

42 U.S.C. § 3058I: PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION⁷⁷

- R.C. 109.86, authorizes the Ohio Attorney General to investigate allegations of abuse or neglect against residents of Ohio care facilities.
- (g) Study and report
 - (1) Study: The Secretary, in consultation with the Department of the Treasury and the Attorney General of the United States, State attorneys general, and tribal and

⁷⁶ Chapter 13: School Lunch Programs

⁷⁷ Chapter 35: Programs for Older Americans; Subchapter XI: Allotments for Vulnerable Elder Rights Protection Activities; Part A: State Provisions; Subpart iii: Programs for Prevention of Elder Abuse, Neglect, and Exploitation] - 42 U.S.C. § 3058i and R.C. 109.86

local prosecutors, shall conduct a study of the nature and extent of financial exploitation of older individuals. The purpose of this study would be to define and describe the scope of the problem of financial exploitation of the elderly and to provide an estimate of the number and type of financial transactions considered to constitute financial exploitation faced by older individuals. The study shall also examine the adequacy of current Federal and State legal protections to prevent such exploitation.

- (2) Report: Not later than 18 months after November 13, 2000, the Secretary shall submit to Congress a report, which shall include –
 - (A) the results of the study conducted under this subsection; and
 - (B) recommendations for future actions to combat the financial exploitation of older individuals.

42 U.S.C. § 6304: INJUNCTIVE ENFORCEMENT⁷⁸

- The United States district courts shall have jurisdiction to restrain (1) any violation of section 6302 of this title and (2) any person from distributing in commerce any covered product which does not comply with an applicable rule under section 6294 or 6295 of this title. Any such action shall be brought by the Commission, except that any such action to restrain any violation of section 6302(a)(3) of this title which relates to requirements prescribed by the Secretary, any violation of section 6302(a)(4) of this title which relates to requests of the Secretary under section 6296(b)(2) of this title, or any violation of paragraph (5), (6), (7), or (8) of section 6302(a) of this title shall be brought by the Secretary. Any such action to restrain any person from distributing in commerce a general service incandescent lamp that does not comply with the applicable standard established under section 6295(i) of this title or an adapter prohibited under section 6302(a)(7) of this title may also be brought by the attorney general of a State in the name of the State. Any such action may be brought in any United States district court for a district wherein any act, omission, or transaction constituting the violation occurred, or in such court for the district wherein the defendant is found or transacts business. In any action under this section, process may be served on a defendant in any other district in which the defendant resides or may be found.

42 U.S.C. § 7274G: ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT FIVE-YEAR PLAN AND BUDGET REPORTS⁷⁹

- (a) Five-year plan

⁷⁸ Chapter 77: Energy Conservation; Subchapter III: Improving Energy Efficiency; Part A: Energy Conservation for Consumer Products other than Automobiles

⁷⁹ Chapter 84: Department of Energy; Subchapter VI: Administrative Provisions; Part C: General Administrative Provisions

- (2) The Secretary shall prepare each annual five-year plan in a preliminary form at least four months before the date on which that plan is required to be issued under paragraph (1). The preliminary plan shall contain the matters referred to in paragraph (4) (other than the matters referred to in subparagraph (J) of that paragraph). The Secretary shall provide the preliminary plan to the Governors and Attorneys General of affected States, appropriate representatives of affected Indian tribes, and the public for coordination, review, and comment.
- (3) At the same time the Secretary issues an annual five-year plan under paragraph (1), the Secretary shall submit the plan to the President and Congress, publish a notice of the issuance of the plan in the Federal Register, and make the plan available to the Governors and Attorneys General of affected States, appropriate representatives of affected Indian tribes, and the public.

42 U.S.C. § 9651: REPORTS AND STUDIES⁸⁰

- (e) Adequacy of existing common law and statutory remedies
 - (1) In order to determine the adequacy of existing common law and statutory remedies in providing legal redress for harm to man and the environment caused by the release of hazardous substances into the environment, there shall be submitted to the Congress a study within twelve months of December 11, 1980.
 - (2) This study shall be conducted with the assistance of the American Bar Association, the American Law Institute, the Association of American Trial Lawyers, and the National Association of State Attorneys General with the President of each entity selecting three members from each organization to conduct the study. The study chairman and one reporter shall be elected from among the twelve members of the study group.

42 U.S.C. § 10173: BENEFIT AGREEMENTS⁸¹

- (a) In general
 - (1) The Secretary may enter into a benefits agreement with the State of Nevada concerning a repository or with a State or an Indian tribe concerning a monitored retrievable storage facility for the acceptance of high-level radioactive waste or spent nuclear fuel in that State or on the reservation of that tribe, as appropriate.
 - (2) The State or Indian tribe may enter into such an agreement only if the State Attorney General or the appropriate governing authority of the Indian tribe or the Secretary of the Interior, in the absence of an appropriate governing authority, as

⁸⁰ Chapter 103: Comprehensive Environmental Response, Compensation, and Liability; Subchapter III: Miscellaneous Provisions

⁸¹ Chapter 108: Nuclear Waste Policy; Subchapter I: Disposal and Storage of High-Level Radioactive Waste, Spent Nuclear Fuel, and Low-Level Radioactive Waste; Part F: Benefits

appropriate, certifies to the satisfaction of the Secretary that the laws of the State or Indian tribe provide adequate authority for that entity to enter into the benefits agreement.

- (3) Any benefits agreement with a State under this section shall be negotiated in consultation with affected units of local government in such State.
- (4) Benefits and payments under this part may be made available only in accordance with a benefits agreement under this section.

42 U.S.C. § 17939: IMPROVED ENFORCEMENT⁸²

- (e) Enforcement through State attorneys general
 - (1), (2) Omitted
 - (3) Effective date: The amendments made by this subsection shall apply to violations occurring after February 17, 2009.

42 U.S.C. § 18203: PERMISSIBLE USE OF FUND⁸³

- (d) Improving services for pregnant women who are victims of domestic violence, sexual violence, sexual assault, and stalking
 - (1) In general: A State may use amounts received under a grant under section 18202 of this title to make funding available to its State Attorney General to assist Statewide offices in providing –
 - (A) intervention services, accompaniment, and supportive social services for eligible pregnant women who are victims of domestic violence, sexual violence, sexual assault, or stalking.
 - (B) technical assistance and training (as described in subsection (c)) relating to violence against eligible pregnant women to be made available to the following:
 - (i) Federal, State, tribal, territorial, and local governments, law enforcement agencies, and courts.
 - (ii) Professionals working in legal, social service, and health care settings.
 - (iii) Nonprofit organizations.
 - (iv) Faith-based organizations.
 - (2) Eligibility
 - To be eligible for a grant under paragraph (1), a State Attorney General shall submit an application to the designated State agency at such time, in

⁸² Chapter 156: Health Information Technology; Subchapter III: Privacy; Part A: Improved Provisions and Security Provisions

⁸³ Chapter 158: Support for Pregnant and Parenting Teens and Women

- such manner, and containing such information, as specified by the State.
- (3) Technical assistance and training described: For purposes of paragraph (1)(B), technical assistance and training is –
 - (A) the identification of eligible pregnant women experiencing domestic violence, sexual violence, sexual assault, or stalking;
 - (B) the assessment of the immediate and short-term safety of such a pregnant woman, the evaluation of the impact of the violence or stalking on the pregnant woman's health, and the assistance of the pregnant woman in developing a plan aimed at preventing further domestic violence, sexual violence, sexual assault, or stalking, as appropriate;
 - (C) the maintenance of complete medical or forensic records that include the documentation of any examination, treatment given, and referrals made, recording the location and nature of the pregnant woman's injuries, and the establishment of mechanisms to ensure the privacy and confidentiality of those medical records; and
 - (D) the identification and referral of the pregnant woman to appropriate public and private nonprofit entities that provide intervention services, accompaniment, and supportive social services.
 - (4) Eligible pregnant woman: In this subsection, the term "eligible pregnant woman" means any woman who is pregnant on the date on which such woman becomes a victim of domestic violence, sexual violence, sexual assault, or stalking or who was pregnant during the one-year period before such date.

TITLE 47: TELECOMMUNICATIONS

47 U.S.C. § 227: RESTRICTIONS ON USE OF TELEPHONE EQUIPMENT⁸⁴

- (g) Actions by States
 - (1) Authority of States: Whenever the attorney general of a State, or an official or agency designated by a State, has reason to believe that any person has engaged or is engaging in a pattern or practice of telephone calls or other transmissions to residents of that State in violation of this section or the regulations prescribed under this section, the State may bring a civil action on behalf of its residents to enjoin such calls, an action to recover for actual monetary loss or receive \$500 in damages for each violation, or both such actions. If the court finds the defendant willfully or knowingly violated such regulations, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under the preceding sentence.
 - (2) Exclusive jurisdiction of Federal courts: The district courts of the United States, the United States courts of any territory, and the District Court of the United States for the District of Columbia shall have exclusive jurisdiction over all civil actions brought under this subsection. Upon proper application, such courts shall also have jurisdiction to issue writs of mandamus, or orders affording like relief, commanding the defendant to comply with the provisions of this section or regulations prescribed under this section, including the requirement that the defendant take such action as is necessary to remove the danger of such violation. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.
 - (3) Rights of Commission: The State shall serve prior written notice of any such civil action upon the Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Commission shall have the right (A) to intervene in the action,
 - (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.
 - (4) Venue; service of process: Any civil action brought under this subsection in a district court of the United States may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or wherein the violation occurred or is occurring, and process in such cases may be served in any district in which the defendant is an inhabitant or where the defendant may be found.
 - (5) Investigatory powers: For purposes of bringing any civil action under this

⁸⁴ Chapter 5: Wire or Radio Communication; Subchapter II: Common Carriers; Part I: Common Carrier Regulation – Truth in Caller ID Act [Codified in Telephone Consumer Protection Act]

subsection, nothing in this section shall prevent the attorney general of a State, or an official or agency designated by a State, from exercising the powers conferred on the attorney general or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

- (6) Effect on State court proceedings: Nothing contained in this subsection shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State.
- (7) Limitation: Whenever the Commission has instituted a civil action for violation of regulations prescribed under this section, no State may, during the pendency of such action instituted by the Commission, subsequently institute a civil action against any defendant named in the Commission's complaint for any violation as alleged in the Commission's complaint.
- (8) "Attorney general" defined: As used in this subsection, the term "attorney general" means the chief legal officer of a State.

TITLE 49: TRANSPORTATION*

49 U.S.C. § 14711: ENFORCEMENT BY STATE ATTORNEYS GENERAL⁸⁵

- (a) In General. – A State, as *parens patriae*, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the consumer protection provisions of this title that apply to individual shippers, as determined by the Secretary, and are related to the delivery and transportation of household goods by a household goods motor carrier subject to jurisdiction under subchapter I of chapter 135 or regulations or orders of the Secretary or the Board issued under such provisions or to impose the civil penalties authorized by this part or such regulations or orders, whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a carrier or broker providing transportation subject to jurisdiction under subchapter I or III of chapter 135 or a foreign motor carrier providing transportation that is registered under section 13902 and is engaged in household goods transportation that violates this part or a regulation or order of the Secretary or Board, as applicable, issued under this part.
- (b) Notice and Consent. –
 - (1) In general. – The State shall serve written notice to the Secretary or the Board, as the case may be, of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action.
 - (2) Conditions. – The Secretary or the Board –
 - (A) shall review the initiation of a civil action under this section by a State if –
 - (i) the carrier or broker that is the subject of the action is not registered with the Department of Transportation;
 - (ii) the license of the carrier or broker for failure to file proof of required bodily injury or cargo liability insurance is pending, or the license has been revoked for any other reason by the Department;
 - (iii) the carrier is not rated or has received a conditional or unsatisfactory safety rating by the Department; or
 - (iv) the carrier or broker has been licensed with the Department for less than 5 years; and
 - (B) may review if the carrier or broker fails to meet criteria developed by the Secretary that are consistent with this section.
 - (3) Congressional notification. – The Secretary shall notify the Committee on Commerce, Science, and Transportation, of the Senate and the Committee on

⁸⁵ Subtitle IV: Interstate Transportation; Part B: Motor Carriers, Water Carriers, Brokers, and Freight Forwarders; Chapter 147: Enforcement, Investigations, Rights, Remedies

Transportation and Infrastructure of the House of Representatives of any criteria developed by the Secretary under paragraph (2)(B).

- (4) 60-day deadline. – The Secretary or the Board shall be considered to have consented to any civil action of a State under this section if the Secretary or the Board has taken no action with respect to the notice within 60 calendar days after the date on which the Secretary or the Board received notice under paragraph (1).
- (c) Authority to Intervene. – Upon receiving the notice required by subsection (b), the Secretary or board may intervene in a civil action of a State under this section and upon intervening –
 - (1) be heard on all matters arising in such civil action; and
 - (2) file petitions for appeal of a decision in such civil actions.
- (d) Construction. – For purposes of bringing any civil action under subsection (a), nothing in this section shall –
 - (1) convey a right to initiate or maintain a class action lawsuit in the enforcement of a Federal law or regulation; or
 - (2) prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.
- (e) Venue; Service of Process. – In a civil action brought under subsection (a) –
 - (1) the venue shall be a Federal judicial district in which –
 - (A) the carrier, foreign motor carrier, or broker operates;
 - (B) the carrier, foreign motor carrier, or broker was authorized to provide transportation at the time the complaint arose; or
 - (C) where the defendant in the civil action is found;
 - (2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and
 - (3) a person who participated with a carrier or broker in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.
- (f) Enforcement of State Law. – Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a criminal statute of such State.

49 U.S.C. § 32709: PENALTIES AND ENFORCEMENT⁸⁶

- (d) Civil Actions by States. –
 - (1) When a person violates this chapter or a regulation prescribed or order issued under this chapter, the chief law enforcement officer of the State in which the

⁸⁶ Subtitle VI: Motor Vehicle and Driver Programs; Part C: Information, Standards, and Requirements; Chapter 327: Odometers

violation occurs may bring a civil action –

- (A) to enjoin the violation; or
- (B) to recover amounts for which the person is liable under section 32710 of this title for each person on whose behalf the action is brought.
- (2) An action under this subsection may be brought in an appropriate United States district court or in a State court of competent jurisdiction. The action must be brought not later than 2 years after the claim accrues.

49 U.S.C. § 60121: ACTIONS BY PRIVATE PERSONS⁸⁷

- (a) General Authority. –
 - (1) A person may bring a civil action in an appropriate district court of the United States for an injunction against another person (including the United States Government and other governmental authorities to the extent permitted under the 11th amendment to the Constitution) for a violation of this chapter or a regulation prescribed or order issued under this chapter. However, the person-
 - (C) may not bring the action if the Attorney General of the United States, or the chief law enforcement officer of a State, has begun and diligently is pursuing a judicial proceeding for the violation.

⁸⁷ Subtitle VIII: Pipelines; Chapter 601: Safety

TITLE 50: WAR AND NATIONAL DEFENSE; AND APPENDIX

50 U.S.C. § 1806: USE OF INFORMATION⁸⁸

- (k) Coordination with law enforcement on national security matters
 - (1) Federal officers who conduct electronic surveillance to acquire foreign intelligence information under this subchapter may consult with Federal law enforcement officers or law enforcement personnel of a State or political subdivision of a State (including the chief executive officer of that State or political subdivision who has the authority to appoint or direct the chief law enforcement officer of that State or political subdivision) to coordinate efforts to investigate or protect against –
 - (A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;
 - (B) sabotage, international terrorism, or the international proliferation of weapons of mass destruction by a foreign power or an agent of a foreign power; or
 - (C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

50 U.S.C. § 1825: USE OF INFORMATION⁸⁹

- (k) Coordination with law enforcement on national security matters
 - (1) Federal officers who conduct physical searches to acquire foreign intelligence information under this subchapter may consult with Federal law enforcement officers or law enforcement personnel of a State or political subdivision of a State (including the chief executive officer of that State or political subdivision who has the authority to appoint or direct the chief law enforcement officer of that State or political subdivision) to coordinate efforts to investigate or protect against –
 - (A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;
 - (B) sabotage, international terrorism, or the international proliferation of weapons of mass destruction by a foreign power or an agent of a foreign power; or
 - (C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.
 - (2) Coordination authorized under paragraph (1) shall not preclude the certification required by section 1823(a)(6) of this title or the entry of an order under section

⁸⁸ Chapter 36: Foreign Intelligence Surveillance; Subchapter I: Electronic Surveillance

⁸⁹ Chapter 36: Foreign Intelligence Surveillance; Subchapter II: Physical Searches

1824 of this title.

TITLE 52: VOTING AND ELECTIONS

52 U.S.C. § 10101: VOTING RIGHTS⁹⁰

- (e) Order qualifying person to vote; application; hearing; voting referees; transmittal of report and order; certificate of qualification; definitions
 - In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.
 - Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.
 - An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.
 - The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, who shall subscribe to the oath of office required by section 3331 of title 5, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court

⁹⁰ Subtitle I: Voting Rights; Chapter 101: Generally

heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard *ex parte* at such times and places as the court shall direct. His statement under oath shall be *prima facie* evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

- Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts or by statements or matters contained in such report; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

ENVIRONMENTAL CODE SECTIONS

COASTAL ZONE MANAGEMENT ACT

- 16 U.S.C. § 1451-1468 provide for federally approved coastal zone management programs.
- R.C. 1506.03 authorizes ODNR to consider/determine coastal consistency.
- R.C. 1506.09 is the civil enforcement statute.

SURFACE MINING RECLAMATION CONTROL ACT

- 30 U.S.C. § 1201 et seq., gives Interior authority to “approve” state programs to regulate surface coal mining.
- R.C. 1513.02 gives the State authority to regulate surface coal mining.
- R.C. 1513.15 grants civil enforcement authority to the AG.

CLEAN WATER ACT (CWA) – SURFACE WATER – WASTEWATER DISCHARGES

- 33 U.S.C. § 1342(b) grants each State the authority to administer its own permit program for wastewater discharges into navigable waters within its jurisdiction.
- 33 U.S.C. § 1342(b)(7) is the enforcement authority delegation over wastewater discharges.
- R.C. Chapter 6111 gives the State authority over water pollution control. R.C. 6111.03 gives Ohio EPA authority over issuing wastewater discharge permits.
- R.C. 6111.07 and 6111.09 are the civil enforcement statutes for water pollution violations.

CLEAN WATER ACT (CWA) – SURFACE WATER – PRETREATMENT STANDARDS

- 33 U.S.C. § 1342(b)(8) authorizes the State to enforce pretreatment standards. (Pretreatment is enforced through an indirect discharge permit, which is a type of NPDES Permit.)
- R.C. 6111.03(P) authorizes the State to administer and enforce a pretreatment program in accordance with the Federal Water Pollution Control Act.
- R.C. 6111.07 and 6111.09 are the civil enforcement statutes for water pollution violations.

CLEAN WATER ACT (CWA) – SURFACE WATER – SEWAGE SLUDGE

- 33 U.S.C. § 1345(c) authorizes the State to develop its own program for the regulation of sewage sludge.
- R.C. 6111.03(R) authorizes the State to regulate sludge management.
- R.C. 6111.07 and 6111.09 are the civil enforcement statutes for water pollution violations.

CLEAN WATER ACT (CWA) – SURFACE WATER – WATER QUALITY STANDARDS

- 33 U.S.C. § 1251(b) delegates responsibility for maintaining water quality integrity to the States.
- 33 U.S.C. § 1341 give the State authority over determining whether discharges to jurisdictional waters meet federal water quality standards.
- R.C. 6111.03(O) gives the State authority to issue or deny water quality certifications.
- R.C. 6111.07 and 6111.09 are the civil enforcement statutes for water pollution violations.

SAFE DRINKING WATER ACT – DRINKING WATER

- 42 U.S.C § 300g-2 grants each State the enforcement authority over public water systems.
- R.C. Chapter 6109 gives the State authority over public water systems.
- R.C. 6109.04 gives the State authority to regulate public water systems.
- R.C. 6109.31 - 6109.33 are the civil enforcement statutes for public water systems.

SAFE DRINKING WATER ACT – WASTE DISPOSAL UNDERGROUND INJECTION WELLS

- 42 U.S.C. § 300h grants the State the enforcement authority for underground injection control programs.
- R.C. 6111.043 and 6111.044 give the State (Ohio EPA) authority over regulating Class I, IV, and V injection wells.
- R.C. 6111.07 and 6111.09 are the civil enforcement statutes for water pollution violations.

SAFE DRINKING WATER ACT – BRINE DISPOSAL UNDERGROUND INJECTION WELLS

- 42 U.S.C. § 300h delegates to the States primacy over underground injection wells.
- R.C. 1509.21-1509.226 grant authority to ODNR to regulate Class II injection wells (brine disposal wells).
- R.C. 1509.04(G) and R.C. 1509.33 are the civil enforcement statutes for Class II wells.

RESOURCE AND CONSERVATION RECOVERY ACT (RCRA) – HAZARDOUS WASTE

- 42 U.S.C. §6926(b) grants each State the authority to administer and enforce a hazardous waste program, including the issuance and enforcement of permits for the storage, treatment or disposal of hazardous waste.
- R.C. Chapter 3734 gives the State authority over hazardous waste management. R.C. 3734.12 gives Ohio EPA authority over hazardous waste management, including treatment, storage and disposal of hazardous waste.
- R.C. 3734.10 and 3734.13 are the civil enforcement statutes for hazardous waste violations.

UNDERGROUND STORAGE TANKS

- 42 U.S.C. § 6991(c) grants each State the authority to administer its own underground storage tank release detection, prevention, and correction program.
- R.C. Chapter 3737 gives the State regulatory authority over underground storage tanks.
- R.C. 3737.882 is the civil enforcement statute for underground storage tank violations.

CLEAN AIR ACT

- The cited references are the primary instances of federal-enforcement delegation to the States under the Clean Air Act. However, the Clean Air Act also has cross-references to the code provisions below and other references to state authority. Not every Clean Air Act requirement imposed on the States is a delegation of enforcement authority, and not every Clean Air Act reference to state authority is a delegation to the States. Rather, some references to state authority are mere reminders that the States have their own air-pollution-control authority independent of the Clean Air Act.
- 42 U.S.C. § 7410(a)(1) grants each State the authority to administer its own state-implementation-plan program to attain and maintain the national ambient air quality standards for air-pollution in that State.
- 42 U.S.C. § 7410(a)(2) is the enforcement authority delegated to each State to impose limits or control measures in the state-implementation plan.
- 42 U.S.C. § 7410(a)(2)(C) includes enforcement authority delegated to each State to impose limits or control measures in the state-implementation plan for the modification and construction of stationary sources to meet national ambient air quality standards in that State.

CLEAN AIR ACT – NEW SOURCE PERFORMANCE STANDARD FOR NEW STATIONARY SOURCES

- 42 U.S.C. § 7411(c) grants each State the authority to administer its own new-source-performance standards for new stationary sources of air pollution located in that State.
- 42 U.S.C. § 7411(c) also delegates to each State the authority to implement and enforce new-source-performance standards.

CLEAN AIR ACT – EXISTING SOURCE PERFORMANCE STANDARDS

- 42 U.S.C. § 7411(d)(1) grants each State the authority to administer its own existing-source-performance standards for existing stationary sources of certain pollutants in that State.
- 42 U.S.C. § 7411(d)(1) also delegates to each State the authority to implement and enforce such existing-source-performance standards.

CLEAN AIR ACT – HAZARDOUS AIR POLLUTION

- 42 U.S.C. § 7412(l)(1) grants each State the authority to administer its own hazardous-air-pollution program in that State.
- 42 U.S.C. § 7412(l)(1) also delegates to each State the authority to implement and enforce hazardous-air-pollution standards and prevention requirements.
- R.C. Chapter 3704 gives the State authority over air-pollution control.
- R.C. 3704.03 gives the Ohio EPA the authority to adopt rules to prevent or control hazardous or toxic air pollution.
- R.C. 3704.05 and 3704.06 are civil-enforcement statutes for air-pollution violations.

CLEAN AIR ACT – RECORDKEEPING, REPORTING, MONITORING

- 42 U.S.C. § 7414(b) grants each State the authority to administer its own procedure for recordkeeping, reporting, monitoring, and allowing the State a right of entry to inspect at an air-pollution source in that State.
- 42 U.S.C. § 7414(b) also delegates to each State the authority to enforce recordkeeping, reporting, monitoring, and State inspection requirements in that State.
- R.C. Chapter 3704 gives the State authority over air-pollution control.
- R.C. 3704.03 gives the Ohio EPA the authority to adopt rules for recordkeeping, reporting, monitoring, and the right of entry for inspection at an air-pollution source.
- R.C. 3704.05 and 3704.06 are civil-enforcement statutes for air-pollution violations.

CLEAN AIR ACT – AUTHORITY TO ADMINISTER AIR POLLUTION CONTROL LAW AGAINST FEDERAL FACILITIES

- 42 U.S.C. § 7418(a) grants each State the authority to administer its air-pollution-control law against federal facilities in that State.
- 42 U.S.C. § 7418(a) thus delegates to each State authority to enforce its air-pollution-control law against federal facilities in that State.
- R.C. Chapter 3704 gives the State authority over air-pollution control.
- R.C. 3704.05 and 3704.06 are civil-enforcement statutes for air-pollution violations.

CLEAN AIR ACT – SOLID WASTE COMBUSTION

- 42 U.S.C. § 7429(b)(2) grants each State the authority to administer its own state plan to control air-pollution from solid-waste-incineration units in that State.
- 42 U.S.C. § 7429(b)(2) also delegates to each State the authority to implement and enforce guidelines for solid-waste-incineration units in that State.
- 42 U.S.C. § 7429(e), along with 42 U.S.C. § 7661a and § 7661c, also delegate to each State the authority to enforce the Title V permit provisions that regulate major stationary sources of air pollution for solid-waste-incineration units.

- R.C. Chapter 3704 gives the State authority over air-pollution control.
- R.C. 3704.036 gives the Ohio EPA the authority to impose Title V permits for solid-waste-incineration units.
- R.C. 3704.05 and 3704.06 are civil-enforcement statutes for air-pollution violations.

CLEAN AIR ACT – PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY

- 42 U.S.C. § 7471 grants each State the authority to include in the state-implementation plan requirements for the prevention of significant deterioration of air quality for the air-pollution sources in that State.
- 42 U.S.C. § 7477 is the enforcement authority delegated to each State to impose measures to ensure air-pollution sources in that State comply with prevention-of-significant-deterioration requirements.
- R.C. Chapter 3704 gives the State authority over air-pollution control.
- R.C. 3704.03 gives the Ohio EPA the authority to adopt rules for prevention of significant deterioration of air quality.
- R.C. 3704.05 and 3704.06 are civil-enforcement statutes for air-pollution violations.

CLEAN AIR ACT – ACID DEPOSITION CONTROL

- 42 U.S.C. § 7651g(a) grants each State the authority to administer its own program for acid-rain prevention in that State.
- 42 U.S.C. § 7651g(a), along with 42 U.S.C. § 7661a and § 7661c – the Title V permit provisions that generally regulate major stationary sources of air pollution, also delegate to each State the authority to enforce the acid-rain permit conditions.
- R.C. Chapter 3704 gives the State authority over air-pollution control.
- R.C. 3704.036 gives the Ohio EPA the authority to impose Title V permits for acid-rain prevention.
- R.C. 3704.05 and 3704.06 are civil-enforcement statutes for air-pollution violations.

CLEAN AIR ACT – MAJOR STATIONARY SOURCES

- 42 U.S.C. § 7661a grants each State the authority to administer its own Title V permitting program for major stationary sources of air pollution.
- 42 U.S.C. § 7661c(a) delegates to each State the authority to implement and enforce limits, standards, schedules for compliance, monitoring, and other conditions set forth in the Title V Permit.
- R.C. Chapter 3704 gives the State authority over air-pollution control.
- R.C. 3704.036 gives the Ohio EPA the authority to impose Title V permits. R.C. 3704.05 and 3704.06 are civil-enforcement statutes for air-pollution violations.

STAND-ALONE RULE AND REGULATION PROVISIONS:

TITLE 7: AGRICULTURE

§ 990.2 STATE AND TRIBAL PLANS; GENERAL AUTHORITY.⁹¹

- States or Indian Tribes desiring to have primary regulatory authority over the production of hemp in the State or territory of the Indian Tribe shall submit to the Secretary for approval, through the State department of agriculture (in consultation with the Governor and chief law enforcement officer of the State) or the Tribal government, as applicable, a plan under which the State or Indian Tribe monitors and regulates that production.

§ 990.6 VIOLATIONS OF STATE AND TRIBAL PLANS.⁹²

- (d) Culpable violations. Each USDA-approved State or Tribal plan shall contain provisions relating to producer violations made with a culpable mental state greater than negligence, including that:
 - (1) If the State or Tribal government determines that a producer has violated the plan with a culpable mental state greater than negligence, the State or Tribal government, as applicable, shall immediately report the producer to:
 - (i) The U.S. Attorney General; and
 - (ii) The chief law enforcement officer of the State or Indian Tribe, as applicable.
 - (2) Paragraphs (b) and (c) of this section shall not apply to culpable violations.

§ 990.29 VIOLATIONS.⁹³

- (f) Culpable mental state greater than negligence. If USDA determines that a licensee has violated the terms of the license or of this part with a culpable mental state greater than negligence:

⁹¹ Subtitle B: Regulations of the Department of Agriculture; Chapter IX: Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture; Part 990: General Regulations; Subpart B: State and tribal Hemp Production Plans

⁹² Subtitle B: Regulations of the Department of Agriculture; Chapter IX: Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture; Part 990: General Regulations; Subpart B: State and tribal Hemp Production Plans

⁹³ Subtitle B: Regulations of the Department of Agriculture; Chapter IX: Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture; Part 990: General Regulations; Subpart C: USDA Hemp Production Plan

- (1) USDA shall immediately report the licensee to:
 - (i) The U.S. Attorney General; and
 - (ii) The chief law enforcement officer of the State or Indian territory, as applicable, where the production is located; and
- (2) Paragraphs (a) and (b) of this section shall not apply to culpable violations.

§ 1948.88 DIRECT LAND ACQUISITION BY RURAL DEVELOPMENT.⁹⁴

- (a) Rural Development may take action to acquire real property directly upon the written request of the Governor of the State in which the real property is located. Rural Development will not acquire real property directly under this section without such a request.
- (b) All requests for direct land acquisition should be submitted to the Rural Development State Director. The following conditions must be met prior to the submission of a request for direct acquisition by Rural Development:
 - (1) The State or local government serving the area must lack power to condemn land of this type for this purpose and must supply an opinion by the State Attorney General that this authority is lacking.

⁹⁴ Subtitle B: Regulations of the Department of Agriculture; Chapter XVIII: Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, and Farm Service Agency, Department of Agriculture; Subchapter H: Program Development; Subpart B: Section 601 Energy Impacted Area Development Assistance Program

TITLE 12: BANKS AND BANKING

§7.4000 VISITORIAL POWERS WITH RESPECT TO NATIONAL BANKS.⁹⁵

- (a) General rule.
 - (1) Under 12 U.S.C. 484, only the OCC or an authorized representative of the OCC may exercise visitorial powers with respect to national banks. State officials may not exercise visitorial powers with respect to national banks, such as conducting examinations, inspecting or requiring the production of books or records of national banks, or prosecuting enforcement actions, except in limited circumstances authorized by federal law. However, production of a bank's records (other than non-public OCC information under 12 C.F.R. part 4, subpart C) may be required under normal judicial procedures.
- (b) Exclusion. In accordance with the decision of the Supreme Court in *Cuomo v. Clearing House Assn., L. L. C.*, 129 S. Ct. 2710 (2009), an action against a national bank in a court of appropriate jurisdiction brought by a state attorney general (or other chief law enforcement officer) to enforce an applicable law against a national bank and to seek relief as authorized by such law is not an exercise of visitorial powers under 12 U.S.C. 484.

APPENDIX A TO PART 1006 – APPLICATION⁹⁶

- II. Application
 - Any State may apply to the Bureau pursuant to the terms of this appendix for a determination that the applicant State law contains requirements that, for a class of debt collection practices within that State, are substantially similar to the requirements that relevant Federal law imposes on that class of debt collection practices, and that the applicant State law contains adequate provision for State enforcement. The application must be in writing, addressed to the Assistant Director, Office of Regulation, Division of Research, Monitoring, and Regulation, Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552, signed by the Governor, Attorney General, or State official having primary enforcement responsibility under the State law that applies to the class of debt collection practices, and must be supported by the documents specified in this appendix.

⁹⁵ Chapter I: Comptroller of the Currency, Department of the Treasury; Part 7: Activities and Operations; Subpart D: Preemption

⁹⁶ Chapter X: Bureau of Consumer Financial Protection; Part 1006: Fair Debt Collection practices (Regulation F); Appendix A to Part 1006: Procedures for State Application for Exemption From the Provisions of the Act

§1082.1 PROCEDURES FOR NOTIFYING THE BUREAU OF CONSUMER FINANCIAL PROTECTION WHEN A STATE OFFICIAL TAKES AN ACTION TO ENFORCE TITLE X OF THE DODD-FRANK WALL STREET REFORMS AND CONSUMER FINANCIAL PROTECTION ACT OF 2010.⁹⁷

- (a) Notice requirement.
 - (1) Pursuant to 12 U.S.C. 5552(b) and except as provided in paragraph (b) of this section, every State attorney general and State regulator (State Official) shall provide the notice described in paragraph (c) of this section to the Office of Enforcement of the Bureau of Consumer Financial Protection (the Bureau), the office of the Bureau responsible for enforcement of Federal consumer financial law pursuant to title X of the Dodd-Frank Wall Street Reform and Consumer Financial Protection Act of 2010, as amended, Public Law 111-203 (July 21, 2010), codified at 12 U.S.C. 5481 et seq. (the Dodd-Frank Act), and the Office of the Executive Secretary of the Bureau at least ten calendar days prior to initiating any action against any covered person. For purposes of this section, an action requiring notification is any adjudicative proceeding before a court or an administrative or regulatory body to determine whether a violation of any provision of title X of the Dodd-Frank Act or any regulation prescribed thereunder has occurred. Initiating an action under this section would include but not be limited to the filing of a complaint, motion for relief, or other document which initiates an action or a proceeding.

⁹⁷ Chapter X: Bureau of Consumer Financial Protection; Part 1082: State Official Notification Rules

TITLE 17: COMMODITY AND SECURITIES EXCHANGES

§ 1.70 NOTIFICATION OF STATE ENFORCEMENT ACTIONS BROUGHT UNDER THE COMMODITY EXCHANGE ACT.⁹⁸

- (a) Immediately upon instituting any proceeding in any Federal district court for violation of the Act or any rule, regulation or order thereunder against any person who is subject to suit pursuant to sections 6d(1)-(6) of the Act, the authorized State official of the State instituting the proceeding shall submit to the Commission a copy of the complaint filed in the proceeding, together with a written notice which:
 - (1) Indicates the names of parties to the proceeding;
 - (2) Indicates the provision of the Act or the rule, regulation or order thereunder which is alleged to have been violated.
 - The complaint and written notice must be sent by first-class U.S. mail or personally delivered to the Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

§ 240.21F-3 PAYMENT OF AWARDS.⁹⁹

- (b) Related actions: The Commission will also pay an award based on amounts collected in certain related actions.
 - (1) A related action is a judicial or administrative action that is brought by one of the governmental entities listed in paragraphs (b)(1)(i) through (iii) of this section or a self-regulatory organization as specified in paragraph (b)(1)(iv) of this section (collectively “governmental/SRO authority”), that yields monetary sanctions, and that is based upon information that either the whistleblower provided directly to a governmental/SRO entity or the Commission itself passed along to the governmental/SRO entity pursuant to the Commission's procedures for sharing information, and which is the same original information that the whistleblower voluntarily provided to the Commission and that led the Commission to obtain monetary sanctions totaling more than \$1,000,000.
 - (iii) A state Attorney General in a criminal case;

⁹⁸ Chapter I: Commodity Futures Trading Commission; Part 1: General Regulations Under the Commodity Exchange Act; Miscellaneous

⁹⁹ Chapter II: Securities and Exchange Commission; Part 240: General Rules and Regulations, Securities Exchange Act of 1934: Securities Whistleblower Incentives and Protections

TITLE 20: EMPLOYEES' BENEFITS

§ 618.804 AGREEMENTS WITH THE SECRETARY OF LABOR¹⁰⁰

- (a) Authority. A State or CSA must, before performing any function or exercising any jurisdiction under the Act and this part, execute an Agreement meeting the requirements of the Act with the Secretary.
- (b) Execution.
 - (1) An Agreement under paragraph (a) of this section must be signed and dated on behalf of the State or the CSA by an authorized official whose authority is certified by the State Attorney General or counsel for the CSA, unless the Agreement is signed by the Governor or the chief elected official of the State. In the event that a State does not execute an Agreement under paragraph (a) of this section, then section 3302(c)(3) of the Internal Revenue Code of 1986, as amended (26 U.S.C. 3302(c)(3)) (loss of unemployment tax credits under section 3302(a) and (b)), applies.

¹⁰⁰ Chapter V: Employment and Training Administration, Department of Labor; Part 618: Trade Adjustment Assistance Under the Trade Act of 1974, as Amended; Subpart H: Administration by Applicable State Agencies

TITLE 21: FOOD AND DRUGS

§ 100.2 STATE ENFORCEMENT OF FEDERAL REGULATIONS.¹⁰¹

- (a) Under section 307 of the Federal Food, Drug, and Cosmetic Act (the act), a State may bring, in its own name and within its own jurisdiction, proceedings for the civil enforcement, or to restrain violations, of sections 401, 403(b), 403(c), 403(d), 403(e), 403(f), 403(g), 403(h), 403(i), 403(k), 403(q), or 403(r) of the act if the food that is the subject of the proceedings is located in the State.

§ 1303.11 AGGREGATE PRODUCTION QUOTAS.¹⁰²

- (a) The Administrator shall determine the total quantity of each basic class of controlled substance listed in Schedule I or II necessary to be manufactured during the following calendar year to provide for the estimated medical, scientific, research and industrial needs of the United States, for lawful export requirements, and for the establishment and maintenance of reserve stocks. The administrator may establish an aggregate production quota in terms of pharmaceutical dosage-forms prepared from or containing the schedule I or II controlled substance, if he determines it will assist in avoiding the overproduction, shortages, or diversion of a controlled substance.
- (c) The Administrator shall, on or before September 1 of each year, publish in the Federal Register, general notice of an aggregate production quota for any basic class determined by him under this section. A copy of said notice shall be mailed simultaneously to each person registered as a bulk manufacturer of the basic class and transmitted to each state attorney general. The administrator shall permit any interested person to file written comments on or objections to the proposal and shall designate in the notice the time during which such filings may be made. The administrator may, but shall not be required to, hold a public hearing on one or more issues raised by the comments and objections filed with him, except that the Administrator shall hold a hearing if he determines it is necessary to resolve an issue of material fact raised by a state objecting to the proposed quantity for the class as excessive for legitimate United States' needs. In the event the Administrator decides to hold a hearing, he shall publish notice of the hearing in the Federal Register, which notice shall summarize the issues to be heard and shall set the time for the hearing, which shall not be less than 30 days after the date of publication of the notice. After consideration of any comments or objection, or after a hearing if one is ordered by the Administrator, the Administrator shall issue and publish in the Federal Register his final order determining the aggregate production quota for the basic class of controlled substances. The order shall

¹⁰¹ Chapter I: Food and Drug Administration, Department of Health and Human Services; Subchapter B: Food for Human Consumption; Part 100: General; Subpart A: State and Local Requirements

¹⁰² Chapter II: Drug Enforcement Administration, Department of Justice; Part 1303: Quotas; Aggregate Production and Procurement Quotas

include the findings of fact and conclusion of law upon which the order is based. The order shall specify the date on which it shall take effect. A copy of said order shall be mailed simultaneously to each person registered as a bulk manufacturer of the basic class and transmitted to each state attorney general.

§ 1303.13 ADJUSTMENTS OF AGGREGATE PRODUCTION QUOTAS.¹⁰³

- (a) The Administrator may at any time increase or reduce the aggregate production quota for a basic class of controlled substance listed in Schedule I or II which he has previously fixed pursuant to § 1303.11.
- (c) The Administrator in the event he determines to increase or reduce the aggregate production quota for a basic class of controlled substance, shall publish in the Federal Register general notice of an adjustment in the aggregate production quota for that class determined by him under this section. A copy of said notice shall be mailed simultaneously to each person registered as a bulk manufacturer of the basic class and transmitted to each state attorney general...

¹⁰³ Chapter II: Drug Enforcement Administration, Department of Justice; Part 1303: Quotas; Aggregate Production and Procurement Quotas

TITLE 23: HIGHWAYS

§ 140.505 REIMBURSABLE COSTS.¹⁰⁴

- (a) Federal funds may participate in administrative settlement costs which are:
 - (4) For employment of special counsel for review and defense of contract claims, when
 - (i) Recommended by the State Attorney General or State Highway Agency (SHA) legal counsel and...

¹⁰⁴ Chapter I: Federal Highway Administration, Department of Transportation; Subchapter B: Payment Procedures; Part 140: Reimbursement; Subpart E: Administrative Settlement Costs – Contract Claims

TITLE 24: HOUSING AND URBAN DEVELOPMENT

§ 115.202 REQUEST FOR INTERIM CERTIFICATION.¹⁰⁵

- (a) A request for interim certification under this subpart shall be filed with the Assistant Secretary by the state or local official having principal responsibility for the administration of the state or local fair housing law. The request shall be supported by the text of the jurisdiction's fair housing law, the law creating and empowering the agency, all laws referenced in the jurisdiction's fair housing law, any regulations and directives issued under the law, and any formal opinions of the State Attorney General or the chief legal officer of the jurisdiction that pertain to the jurisdiction's fair housing law. A request shall also include organizational information of the agency responsible for administering and enforcing the law.

§ 115.203 INTERIM CERTIFICATION PROCEDURES.¹⁰⁶

- (e) All regulations, rules, directives, and/or opinions of the State Attorney General or the jurisdiction's chief legal officer that are necessary for the law to be substantially equivalent on its face must be enacted and effective in order for the Assistant Secretary to offer the agency an interim agreement.

¹⁰⁵ Subtitle B: Regulations Relating to Housing and Urban Development; Chapter I: Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development; Part 115: Certification and funding of State and Local Fair Housing Enforcement Agencies; Subpart B: Certification of Substantially Equivalent Agencies

¹⁰⁶ Subtitle B: Regulations Relating to Housing and Urban Development; Chapter I: Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development; Part 115: Certification and funding of State and Local Fair Housing Enforcement Agencies; Subpart B: Certification of Substantially Equivalent Agencies

TITLE 26: INTERNAL REVENUE (ALSO KNOWN AS THE TREASURY REGULATIONS)

§ 301.6363-1 STATE AGREEMENTS.¹⁰⁷

- (a) Notice of election. If a State elects to enter into a State agreement it shall file notice of such election with the Secretary or his delegate. The notice of election shall include the following:
 - (4) Opinion by State Attorney General or judgment of highest court. A written statement by the State Attorney General to the effect that, in his opinion, no provision of the State's Constitution would be violated by the State law's incorporation by reference of the Federal individual income tax laws and regulations, as amended from time to time, by the Federal prosecution and trial of individuals who are alleged to have committed crimes with respect to the State's qualified tax (when it goes into effect as such), or by any other provision relating to such tax, considered as of the time it is being collected and administered by the Federal Government pursuant to subchapter E. However, if such a statement is not included in the notice of election, a judgment of the highest court of the State to the same effect may be submitted in its place.

¹⁰⁷ Chapter I: Internal Revenue Service, Department of the Treasury; Subchapter F: Procedure and Administration

TITLE 28: JUDICIAL ADMINISTRATION

§ 0.10 ATTORNEY GENERAL'S ADVISORY COMMITTEE OF U.S. ATTORNEYS.¹⁰⁸

- (a) The Attorney General's Advisory Committee of United States Attorneys shall consist of an appropriate number of United States Attorneys, designated by the Attorney General. The membership shall be selected to represent the various geographic areas of the Nation and various sized United States Attorneys' Offices. Members shall serve at the pleasure of the Attorney General, but such service normally shall not exceed three years and shall be subject to adjustment by the Attorney General so as to assure the annual rotation of approximately one- third of the Committee's membership. The United States Attorney for the District of Columbia shall serve as an ex officio member of the Committee. The Attorney General may designate additional personnel from United States Attorneys' Offices to serve as members of the Committee.
- (b) The Committee shall make recommendations to the Attorney General, to the Deputy Attorney General and to the Associate Attorney General concerning any matters which the Committee believes to be in the best interests of justice, including, but not limited to, the following:
 - (1) Establishing and modifying policies and procedures of the Department;
 - (2) Improving management, particularly with respect to the relationships between the Department and the U.S. Attorneys;
 - (3) Cooperating with State Attorneys General and other State and local officials for the purpose of improving the quality of justice in the United States;
 - (4) Promoting greater consistency in the application of legal standards throughout the Nation and at the various levels of government; and
 - (5) Aiding the Attorney General, the Deputy Attorney General and the Associate Attorney general in formulating new programs for improvement of the criminal justice system at all levels, including proposals relating to legislation and court rules.
- (c) The Attorney General will select from the Committee's membership a chairperson and a vice- chairperson. The Attorney General may establish such subcommittees as deemed necessary to carry out the Committee's objectives. The Committee, in consultation with the Director of the Executive Office for United States Attorneys, will select chairpersons for such subcommittees. United States Attorneys who are not members of the Committee may be included in the membership of subcommittees.
- (d) The Executive Office for U.S. Attorneys shall provide the Committee with such staff assistance and funds as are reasonably necessary to carry out the Committee's responsibilities.

¹⁰⁸ Chapter I: Department of Justice; Part 0: Organization of the Department of Justice; Subpart B: Office of the Attorney General

TITLE 29: LABOR

§ 515.2 AGREEMENTS WITH STATE AGENCIES.¹⁰⁹

- (a) Purpose. The Secretary and the Administrator may enter into agreements with State agencies for the utilization of services of State and local agencies and their employees in making investigations and inspections under the Acts and for reimbursement therefor, when such State agencies have submitted plans of cooperation for such purposes and such plans have been found to be reasonably appropriate and adequate to carry out the respective functions of the Secretary and the Administrator.
- (b) Certificates of attorneys general. No such agreement shall become effective and operative until a statement of the Attorney General of the State, or, if the Attorney General is not authorized to make such a statement, the State official who is so authorized, has been received by the Division and the Secretary of Labor certifying that the agreement is valid in the form as executed under the laws of the State.

§ 515.4 SUBMISSION OF PLAN.¹¹⁰

- The State agency shall submit a plain, in quadruplicate, which shall include the following:
- (g) A statement from the Attorney General of the State or, if the Attorney General is not authorized to make such a statement, from the State official who is so authorized certifying that the State agency has authority to enter into an Agreement with the Division and the Secretary of Labor in accordance with this part.

§ 870.52 APPLICATION FOR EXEMPTION OF STATE-REGULATED GARNISHMENTS.¹¹¹

- (b) Any application for exemption must be accompanied by two copies of all the provisions of the State laws relating to the garnishment of earnings, certified to be true and complete copies by the Attorney General of the State. In addition, the application must be accompanied by a statement, in duplicate, signed by the Attorney General of the State, showing how the laws of the State satisfy the policy expressed in § 870.51(a) and setting

¹⁰⁹ Subtitle B: Regulations Relating to Labor; Chapter V: Wage and Hour Division, Department of Labor; Subchapter A: Regulation; Part 515: Utilization of State Agencies for Investigations and Inspections

¹¹⁰ Subtitle B: Regulations Relating to Labor; Chapter V: Wage and Hour Division, Department of Labor; Subchapter A: Regulation; Part 515: Utilization of State Agencies for Investigations and Inspections

¹¹¹ Subtitle B: Regulations Relating to Labor; Chapter V: Wage and Hour Division, Department of Labor; Subchapter D: Garnishment of Earnings; Part 870: Restriction on Garnishment; Subpart C: Exemption for State-Regulated Garnishments

forth any other matters which the Attorney General may wish to state concerning the application.

TITLE 30: MINERAL RESOURCES

§ 731.14 CONTENT REQUIREMENTS FOR PROGRAM SUBMISSIONS.¹¹²

- The program shall demonstrate that the State has the capability of carrying out the provisions of the Act and this chapter and achieving their purposes by providing a complete description of the system for implementing, administering and enforcing a State program including, at a minimum—
 - (c)
 - (1) A legal opinion from the Attorney General of the State or chief legal officer of the State regulatory authority stating that the State has the legal authority under existing laws and regulations, or will have authority under amendments to laws and regulations which are in the process of enactment, to implement, administer and enforce the program and to regulate coal exploration and surface coal mining and reclamation operations in accordance with the Act and consistent with this chapter.
 - (2) A section-by-section comparison of the State's law and regulations and amendments which are in the process of enactment with the Act and this chapter, explaining any differences and their legal effect;

§ 884.13 CONTENT OF PROPOSED STATE RECLAMATION PLAN.¹¹³

- (a) Requirements applicable to all eligible States and Indian tribes. You must submit the proposed reclamation plan to the Director in writing. The plan must include the information in paragraphs (a)(1) through (6) of this section.
 - (2) A legal opinion from the State Attorney General or the chief legal officer of the State agency that the designated agency has the authority under State law to conduct the program in accordance with the requirements of Title IV of the Act.

§ 1227.103 WHAT MUST A STATE'S DELEGATION PROPOSAL CONTAIN?¹¹⁴

- If you want ONRR to delegate royalty management functions to you, then you must submit a delegation proposal to the Director for Office of Natural Resources Revenue. ONRR will provide you with technical assistance and information to help you prepare your delegation

¹¹² Chapter VII: Office of Surface Mining Reclamation and enforcement, Department of the Interior; Subchapter C: Permanent Regulatory programs for Non-Federal and Non-Indian Lands; Part 731: Submission of State Programs

¹¹³ Chapter VII: Office of Surface Mining Reclamation and enforcement, Department of the Interior; Subchapter R: Abandoned Mine Land Reclamation; Part 884: State Reclamation Plans

¹¹⁴ Chapter XII: Office of Natural Resources Revenue, Department of the Interior; Subchapter A: Natural Resources Revenue; Part 1227: Delegation to States – Delegation Proposals

proposal. Your proposal must contain the following minimum information:

- (c) A copy of the legislation, State Attorney General opinion or other document that:
 - (1) States which State entity or entities are responsible for performing delegated functions, and if more than one entity is delegated such responsibility, the position of the highest ranking State official having ultimate authority over the collection of royalties from leases on Federal lands within the State;
 - (2) Demonstrates the State's authority to:
 - (i) Accept a delegation from ONRR; and
 - (ii) Receive State or Federal appropriations to perform delegated functions;

§ 1227.700 WHAT ENFORCEMENT DOCUMENTS MAY A STATE ISSUE IN SUPPORT OF ITS DELEGATED FUNCTION?¹¹⁵

- You may issue demands, subpoenas, and orders to perform restructured accounting, including related notices to lessees and their designees. You also may enter into tolling agreements under section 15(d)(1) of the Act, 30 U.S.C. 1725(d)(1).
- (b) When you issue any enforcement document you must comply with the requirements of section 115 of the Act, 30 U.S.C. 1725.
- (c) When you issue a demand or enter into a tolling agreement under section 15(d)(1) of the Act, 30 U.S.C. 1725(d)(1), the highest State official having ultimate authority over the collection of royalties or the State official to whom that authority has been delegated must sign the demand or tolling agreement.
- (d) When you issue a subpoena or order to perform a restructured accounting you must:
 - (1) Coordinate with ONRR to ensure identification of issues that may concern more than one State before you issue subpoenas and orders to perform restructured accounting; and
 - (2) Ensure that the highest State official having ultimate authority over the collection of royalties signs any subpoenas and orders to perform restructured accounting, as required under section 115 of the Act, 30 U.S.C. 1725. This official may not delegate signature authority to any other person.

§ 1229.125 PREPARATION AND ISSUANCE OF ENFORCEMENT DOCUMENTS.¹¹⁶

- (a) Determinations of additional royalties due resulting from audit activities conducted under a delegation of authority must be formally communicated by the State, to the

¹¹⁵ Chapter XII: Office of Natural Resources Revenue, Department of the Interior; Subchapter A: Natural Resources Revenue; Part 1227: Delegation to States – Delegation Proposals

¹¹⁶ Chapter XII: Office of Natural Resources Revenue, Department of the Interior; Subchapter A: Natural Resources Revenue; Part 1229: Delegation to States; Subpart C: Oil and Gas, Onshore

companies or other payors by an issue letter prior to any enforcement action. The issue letter will serve to ensure that all audit findings are accurate and complete by obtaining advance comments from officials of the companies or payors audited. Issue letters must be prepared in a format specified by the ONRR, and transmitted to the company or payor. The company or payor shall be given 30 days from receipt of the letter to respond to the State on the findings contained in the letter.

- (b) After evaluating the company or payor's response to the issue letter, the State shall draft a demand letter which will be submitted with supporting workpaper files to the ONRR for appropriate enforcement action. Any substantive revisions to the demand letter will be discussed with the State prior to issuance of the letter. Copies of all enforcement action documents shall be provided to the State by ONRR upon their issuance to the company or payor.

TITLE 31: MONEY AND FINANCE

§ 515.554 TRANSFERS OF ABANDONED PROPERTY UNDER STATE LAWS.¹¹⁷

- (c) To be eligible for a specific license under this section, the state agency must demonstrate that it has the statutory authority under appropriate state law to comply with the requirements of § 515.205. Such a showing shall include an opinion of the State Attorney General that such statutory authority exists.

¹¹⁷ Subtitle B: Regulations Relating to Money and Finance; Chapter V: Office of Foreign Assets Control, Department of the Treasury; Part 515: Cuban Assets Control Regulations; Subpart E: Licenses, Authorizations, and Statements of Licensing Policy

TITLE 33: NAVIGATION AND NAVIGABLE WATERS

§ 115.10 SUFFICIENCY OF STATE AUTHORITY FOR BRIDGES.¹¹⁸

- An opinion of the attorney general of the State as to the sufficiency of State authority for the construction of a bridge is acceptable to the Coast Guard in doubtful cases.

¹¹⁸ Chapter I: Coast Guard, Department of Homeland Security; Subchapter J: Bridges; Part 115: Bridge Locations and Clearances; Administrative Procedures

TITLE 34: EDUCATION

§ 75.51 HOW TO PROVE NONPROFIT STATUS.¹¹⁹

- (a) Under some programs, an applicant must show that it is a nonprofit organization. (See the definition of nonprofit in 34 C.F.R. 77.1.)
- (b) An applicant may show that it is a nonprofit organization by any of the following means:
 - (2) A statement from a State taxing body or the State attorney general certifying that:
 - (i) The organization is a nonprofit organization operating within the State; and
 - (ii) No part of its net earnings may lawfully benefit any private shareholder or individual;

§ 303.708 STATE ENFORCEMENT.¹²⁰

- Nothing in this subpart may be construed to restrict a State from utilizing any other authority available to it to monitor and enforce the requirements of the Act.

¹¹⁹ Subtitle A: Office of the Secretary, Department of Education; Part 75: Direct Grant Programs; Subpart A: General; Eligibility for a Grant

¹²⁰ Subtitle B: Regulations of the Offices of the Department of Education; Chapter III: Office of Special Education and Rehabilitative Services, Department of Education; Part 303: Early Intervention Program for Infants and Toddlers With Disabilities; Subpart H: State Monitoring and Enforcement, Federal Monitoring and Enforcement, Reporting, and Allocation of Funds; Federal and State Monitoring and Enforcement

TITLE 40: PROTECTION OF ENVIRONMENT

§ 3.1000 HOW DOES A STATE, TRIBE, OR LOCAL GOVERNMENT REVISE OR MODIFY ITS AUTHORIZED PROGRAM TO ALLOW ELECTRONIC REPORTING?¹²¹

- (a) A state, tribe, or local government that receives or plans to begin receiving electronic documents in lieu of paper documents to satisfy requirements under an authorized program must revise or modify such authorized program to ensure that it meets the requirements of this part.
 - (b)
 - (1) To obtain EPA approval of program revisions or modifications using procedures provided under this section, a state, tribe, or local government must submit an application to the Administrator that includes the following elements:
 - (i) A certification that the state, tribe, or local government has sufficient legal authority provided by lawfully enacted or promulgated statutes or regulations that are in full force and effect on the date of the certification to implement the electronic reporting component of its authorized programs covered by the application in conformance with § 3.2000 and to enforce the affected programs using electronic documents collected under these programs, together with copies of the relevant statutes and regulations, signed by the State Attorney General or his or her designee, or, in the case of an authorized tribe or local government program, by the chief executive or administrative official or officer of the governmental entity, or his or her designee;

§ 35.6145 ELIGIBILITY FOR ENFORCEMENT COOPERATIVE AGREEMENTS.¹²²

- Pursuant to CERCLA section 104(d), States, political subdivisions thereof, and Indian Tribes may apply for enforcement Cooperative Agreements. To be eligible for an enforcement Cooperative Agreement, the State, political subdivision or Indian Tribe must demonstrate that it has the authority, jurisdiction, and the necessary administrative capabilities to take an enforcement action(s) to compel PRP cleanup of the site, or recovery of the cleanup costs. To accomplish this, the State, political subdivision or Indian Tribe, respectively, must submit the following for EPA approval:
 - A letter from the State Attorney General, or comparable local official (of a political subdivision) or comparable Indian Tribal official, certifying that it has the authority,

¹²¹ Chapter I: Environmental Protection Agency; Subchapter A: General; Part 3: Cross-media Electronic Reporting; Subpart D: Electronic Reporting Under EPA-Authorized State, Tribe, and Local Programs

¹²² Chapter I: Environmental Protection Agency; Subchapter B: Grants and Other Federal Assistance; Part 35: State and Local Assistance; Subpart O: Cooperative Agreements and Superfund State Contracts for Superfund Response Action; Enforcement Cooperative Agreements

jurisdiction, and administrative capabilities that provide a basis for pursuing enforcement actions against a PRP to secure the necessary response;

§ 35.6215 ELIGIBILITY FOR CORE PROGRAM COOPERATIVE AGREEMENTS.¹²³

- (c) When it is more economical for a government entity other than the recipient (such as a political subdivision or State Attorney General) to implement tasks funded through a Core Program Cooperative Agreement, benefits to such entities must be provided for in an intergovernmental agreement.

§ 51.327 ENFORCEMENT ORDERS AND OTHER STATE ACTIONS.¹²⁴

- (a) Any State enforcement order, including any State court order, must be submitted to the Administrator within 60 days of its issuance or adoption by the State.
- (b) A State enforcement order or other State action must be submitted as a revision to the applicable implementation plan pursuant to § 51.104 and approved by the Administrator in order to be considered a revision to such plan.

§ 51.364 ENFORCEMENT AGAINST CONTRACTORS, STATIONS AND INSPECTORS.¹²⁵

- Enforcement against licensed stations or contractors, and inspectors shall include swift, sure, effective, and consistent penalties for violation of program requirements.
 - (d) SIP requirements.
 - (1) The SIP shall include the penalty schedule and the legal authority for establishing and imposing penalties, civil fines, license suspension, and revocations.
 - (2) In the case of State constitutional impediments to immediate suspension authority, the State Attorney General shall furnish an official opinion for the SIP explaining the constitutional impediment as well as relevant case law.

¹²³ Chapter I: Environmental Protection Agency; Subchapter B: Grants and Other Federal Assistance; Part 35: State and Local Assistance; Subpart O: Cooperative Agreements and Superfund State Contracts for Superfund Response Action; Core Program Cooperative Agreements

¹²⁴ Chapter I: Environmental Protection Agency; Subchapter C: Air Programs; Part 51: Requirements for Preparation, Adoption, and Submittal of Implementation Plans; Subpart Q: Reports

¹²⁵ Chapter I: Environmental Protection Agency; Subchapter C: Air Programs; Part 51: Requirements for Preparation, Adoption, and Submittal of Implementation Plans; Subpart S: Inspection/Maintenance Program Requirements

§ 51.493 STATE PROGRAM REQUIREMENTS.¹²⁶

- Economic incentive programs shall be State and federally enforceable, nondiscriminatory, and consistent with the timely attainment of NAAQS, all applicable RFP and visibility requirements, applicable PSD increments, and all other applicable requirements of the Act. Programs in nonattainment areas for which credit is taken in attainment and RFP demonstrations shall be designed to ensure that the effects of the program are quantifiable and permanent over the entire duration of the program, and that the credit taken is limited to that which is surplus. Statutory programs shall be designed to result in quantifiable, significant reductions in actual emissions. The EIP's shall include the following elements, as applicable:
 - (i) Enforcement mechanisms. The program shall contain a compliance instrument(s) for all program requirements, which is legally binding and State and federally enforceable. This program element shall also include a State enforcement program which defines violations, and specifies auditing and inspections plans and provisions for enforcement actions. The program shall contain effective penalties for noncompliance which preserve the level of deterrence in traditional programs. For all such programs, the manner of collection of penalties must be specified.
 - (2) Violations of MRR requirements. The MRR requirements shall apply on a daily basis, as appropriate, and violations thereof shall be subject to State enforcement sanctions and to the Federal penalty of up to \$25,000 for each day a violation occurs or continues. In addition, where the requisite scienter conditions are met, violations of such requirements shall be subject to the Act's criminal penalty sanctions of section 113(c)(2), which provides for fines and imprisonment of up to 2 years.

§ 55.11 DELEGATION.¹²⁷

- (a) The Governor or the Governor's designee of any State adjacent to an OCS source subject to the requirements of this part may submit a request, pursuant to section 328(a)(3) of the Act, to the Administrator for the authority to implement and enforce the requirements of this OCS program: Within 25 miles of the State's seaward boundary; and/or Beyond 25 miles of the State's seaward boundary. Authority to implement and enforce §§ 55.5, 55.11, and 55.12 of this part will not be delegated.
- (b) The Administrator will delegate implementation and enforcement authority to a State if the State has an adjacent OCS source and the Administrator determines that the State's regulations are adequate, including a demonstration by the State that the State has:
 - (1) Adopted the appropriate portions of this part into State law;
 - (2) Adequate authority under State law to implement and enforce the requirements of this part. A letter from the State Attorney General shall be required stating that

¹²⁶ Chapter I: Environmental Protection Agency; Subchapter C: Air Programs; Part 51: Requirements for Preparation, Adoption, and Submittal of Implementation Plans; Subpart U: Economic Incentive Programs

¹²⁷ Chapter I: Environmental Protection Agency; Subchapter C: Air Programs; Part 55: Outer Continental Shelf Air Regulations

the requesting agency has such authority;

§ 60.1030 CAN THE ADMINISTRATOR DELEGATE AUTHORITY TO ENFORCE THESE FEDERAL NEW SOURCE PERFORMANCE STANDARDS TO A STATE AGENCY?¹²⁸

- Yes, the Administrator can delegate all authorities in all sections of this subpart to the State for direct State enforcement.

§ 63.91 CRITERIA FOR STRAIGHT DELEGATION AND CRITERIA COMMON TO ALL APPROVAL OPTIONS.¹²⁹

- Applicable approval criteria. A State must satisfy the criteria in paragraph (d) of this section for up-front approval to obtain delegation of the Federal section 112 rules, emission standards, or requirements. Once a State has demonstrated it meets the criteria in paragraph (d) of this section, it only needs to reference that demonstration and reaffirm that it still meets the criteria in future submittals. In addition, a State must satisfy the applicable approval criteria in § 63.92, § 63.93, § 63.94, § 63.95, or § 63.97, as specified in the following paragraphs.
 - (d) Criteria for approval.
 - (3) Interim or final title V program approval will satisfy the criteria set forth in § 63.91(d), up-front approval criteria. Alternatively, the State must provide the following items in paragraphs (d)(3)(i) through (v) of this section to the Administrator:
 - (i) A written finding by the State Attorney General (or for a local agency or tribal authority, the General Counsel with full authority to represent the local agency or tribal authority) that the State has the necessary legal authority to implement and to enforce the State rule, program, or requirement upon approval and to assure compliance by all sources within the State with each applicable section 112 rule, emission standard, or requirement. For full approval, the State must have the following legal authorities concerning enforcement and compliance assurance:
 - (e) Revisions. Within 90 days of any State amendment, repeal, or revision of any State rule, program, permit, or other requirement approved as an alternative to a

¹²⁸ Chapter I: Environmental Protection Agency; Subchapter C: Air Programs; Part 60: Standards of Performance for New Stationary Sources; Subpart AAAA: Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001; Applicability

¹²⁹ Chapter I: Environmental Protection Agency; Subchapter C: Air Programs; Part 63: National Emission Standards for Hazardous Air Pollutants for Source Categories; Subpart E: Approval of State Programs and Delegation of Federal Authorities

Federal requirement or part of the authority necessary for the up-front approval, the State must provide the Administrator with a copy of the revised authorities and meet the requirements of either paragraph (e)(1) or (e)(2) of this section.

- (1)
 - (i) The State shall provide the Administrator with a written finding by the State Attorney General (or for a local agency or tribal authority, the General Counsel with full authority to represent the local agency or tribal authority) that the State's revised legal authorities are adequate to continue to implement and to enforce all previously approved State rules and the approved State program (as applicable) and adequate to continue to assure compliance by all sources within the State with approved rules, the approved program, the approved permit, or other requirements (as applicable) and each applicable section 112 rule, emission standard, or requirement.

§ 70.4 STATE PROGRAM SUBMITTALS AND TRANSITION.¹³⁰

- (a) Date for submittal. Not later than November 15, 1993, the Governor of each State shall submit to the Administrator for approval a proposed part 70 program, under State law or under an interstate compact, meeting the requirements of this part. If part 70 is subsequently revised such that the Administrator determines that it is necessary to require a change to an approved State program, the required revisions to the program shall be submitted within 12 months of the final changes to part 70 or within such other period as authorized by the Administrator.
- (b) Elements of the initial program submission. Any State that seeks to administer a program under this part shall submit to the Administrator a letter of submittal from the Governor or his designee requesting EPA approval of the program and at least three copies of a program submission. The submission shall contain the following:
 - (3) A legal opinion from the Attorney General for the State, or the attorney for those State, local, or interstate air pollution control agencies that have independent legal counsel, stating that the laws of the State, locality, or interstate compact provide adequate authority to carry out all aspects of the program. This statement shall include citations to the specific states, administrative regulations, and, where appropriate, judicial decisions that demonstrate adequate authority. State statutes and regulations cited by the State Attorney General or independent legal counsel shall be in the form of lawfully adopted State states and regulations at the time the statement is signed and shall be fully effective by the time the program is approved. To qualify as “independent legal counsel,” the attorney signing the statement required by this section shall have full authority to independently represent the State

¹³⁰ Chapter I: Environmental Protection Agency; Subchapter C: Air Programs; Part 70: State Operating Permit Programs

agency in court on all matters pertaining to the State program. The legal opinion shall also include a demonstration of adequate legal authority to carry out the requirements of this part, including authority to carry out each of the following:

§ 70.8 PERMIT REVIEW BY EPA AND AFFECTED STATES.¹³¹

- (e) Prohibition on default issuance. Consistent with § 70.4(b)(3)(ix) of this part, for the purposes of Federal law and title V of the Act, no State program may provide that a part 70 permit (including a permit renewal or modification) will issue until affected States and EPA have had an opportunity to review the proposed permit as required under this section. When the program is submitted for EPA review, the State Attorney General or independent legal counsel shall certify that no applicable provision of State law requires that a part 70 permit or renewal be issued after a certain time if the permitting authority has failed to take action on the application (or includes any other similar provision providing for default issuance of a permit), unless EPA has waived such review for EPA and affected States.

§ 123.23 ATTORNEY GENERAL'S STATEMENT.¹³²

- (a) Any State that seeks to administer a program under this part shall submit a statement from the State Attorney General (or the attorney for those State or interstate agencies which have independent legal counsel) that the laws of the State, or an interstate compact, provide adequate authority to carry out the program described under § 123.22 and to meet the requirements of this part. This statement shall include citations to the specific statutes, administrative regulations, and, where appropriate, judicial decisions which demonstrate adequate authority. State statutes and regulations cited by the State Attorney General or independent legal counsel shall be in the form of lawfully adopted State statutes and regulations at the time the statement is signed and shall be fully effective by the time the program is approved. To qualify as "independent legal counsel" the attorney signing the statement required by this section must have full authority to independently represent the State agency in court on all matters pertaining to the State program.

§ 123.27 REQUIREMENTS FOR ENFORCEMENT AUTHORITY.¹³³

- (a) Any State agency administering a program shall have available the following remedies for violations of State program requirements:

¹³¹ Chapter I: Environmental Protection Agency; Subchapter C: Air Programs; Part 70: State Operating Permit Programs

¹³² Chapter I: Environmental Protection Agency; Subchapter D: Water Programs; Part 123: State Program Requirements

¹³³ Chapter I: Environmental Protection Agency; Subchapter D: Water Programs; Part 123: State Program Requirements

- (1) To restrain immediately and effectively any person by order or by suit in State court from engaging in any unauthorized activity which is endangering or causing damage to public health or the environment;
 - Note: This paragraph (a)(1) requires that States have a mechanism (e.g., an administrative cease and desist order or the ability to seek a temporary restraining order) to stop any unauthorized activity endangering public health or the environment.

§ 131.6 MINIMUM REQUIREMENTS FOR WATER QUALITY STANDARDS SUBMISSION.¹³⁴

- The following elements must be included in each State's water quality standards submitted to EPA for review:
 - (e) Certification by the State Attorney General or other appropriate legal authority within the State that the water quality standards were duly adopted pursuant to State law.

§ 142.11 INITIAL DETERMINATION OF PRIMARY ENFORCEMENT RESPONSIBILITY.¹³⁵

- (a) A State may apply to the Administrator for a determination that the State has primary enforcement responsibility for public water systems in the State pursuant to section 1413 of the Act. The application shall be as concise as possible and include a side-by-side comparison of the Federal requirements and the corresponding State authorities, including citations to the specific statutes and administrative regulations or ordinances and, wherever appropriate, judicial decisions which demonstrate adequate authority to meet the requirements of § 142.10. The following information is to be included with the State application.
 - (6)
 - (i) A copy of the State statutory and regulatory provisions authorizing the executive branch of the State government to impose an administrative penalty on all public water systems, and a brief description of the State's authority for administrative penalties that will ensure adequate compliance of systems serving a population of 10,000 or fewer individuals.
 - (ii) In instances where the State constitution prohibits the executive branch of the State government from assessing any penalty, the State shall submit a copy of the applicable part of its constitution and a statement from its Attorney General confirming this interpretation.
 - (7)
 - (i) A statement by the State Attorney General (or the attorney for the State

¹³⁴ Chapter I: Environmental Protection Agency; Subchapter D: Water Programs; Part 131: Water Quality Standards; Subpart A: General Provisions

¹³⁵ Chapter I: Environmental Protection Agency; Subchapter D: Water Programs; Part 142: National Primary Drinking Water Regulations Implementation; Subpart B: Primary Enforcement Responsibility

primacy agency if it has independent legal counsel) or the attorney representing the Indian tribe that certifies that the laws and regulations adopted by the State or tribal ordinances to carry out the program were duly adopted and are enforceable. State statutes and regulations cited by the State Attorney General and tribal ordinances cited by the attorney representing the Indian tribe shall be in the form of lawfully adopted State statutes and regulations or tribal ordinances at the time the certification is made and shall be fully effective by the time the program is approved by EPA. To qualify as “independent legal counsel,” the attorney signing the statement required by this section shall have full authority to independently represent the State primacy agency or Indian tribe in court on all matters pertaining to the State or tribal program.

- (ii) After EPA has received the documents required under paragraph (a) of this section, EPA may selectively require supplemental statements by the State Attorney General (or the attorney for the State primary agency if it has independent legal counsel) or the attorney representing the Indian tribe. Each supplemental statement shall address all issues concerning the adequacy of State authorities to meet the requirements of § 142.10 that have been identified by EPA after thorough examination as unresolved by the documents submitted under paragraph (a) of this section.

§ 142.12 REVISION OF STATE PROGRAMS.¹³⁶

- (c) Contents of a State request for approval of a program revision.
 - (1) The State request for EPA approval of a program revision shall be concise and must include:
 - (i) The documentation necessary (pursuant to § 142.11(a) to update the approved State primacy program, and identification of those elements of the approved State primacy program that have not changed because of the program revision. The documentation shall include a side-by-side comparison of the Federal requirements and the corresponding State authorities, including citations to the specific statutes and administrative regulations or ordinances and, wherever appropriate, judicial decisions which demonstrate adequate authority to meet the requirements of § 142.10 as they apply to the program revision.
 - (ii) Any additional materials that are listed in § 142.16 of this part for a specific EPA regulation, as appropriate; and
 - (iii) For a complete and final State request only, unless one of the conditions listed in paragraph (c)(2) of this section are met, a statement by the State

¹³⁶ Chapter I: Environmental Protection Agency; Subchapter D: Water Programs; Part 142: National Primary Drinking Water Regulations Implementation; Subpart B: Primary Enforcement Responsibility

Attorney General (or the attorney for the State primacy agency if it has independent legal counsel) or the attorney representing the Indian tribe that certifies that the laws and regulations adopted by the State or tribal ordinances to carry out the program revision were duly adopted and are enforceable. State statutes and regulations cited by the State Attorney General and tribal ordinances cited by the attorney for the Indian tribe shall be in the form of lawfully adopted State statutes and regulations or tribal ordinances at the time the certification is made and shall be fully effective by the time the request for program revision is approved by EPA. To qualify as “independent legal counsel,” the attorney signing the statement required by this section shall have full authority to independently represent the State primary agency or tribe in court on all matters pertaining to the State or tribal program.

- (2) An Attorney General's statement will be required as part of the State request for EPA approval of a program revision unless EPA specifically waives this requirement for a specific regulation at the time EPA promulgates the regulation, or by later written notice from the Administrator to the State.
- (3) After EPA has received the documents required under paragraph (c)(1) of this section, EPA may selectively require supplemental statements by the State Attorney General (or the attorney for the State primacy agency if it has independent legal counsel) or the attorney representing the Indian tribe. Each supplemental statement shall address all issues concerning the adequacy of State authorities to meet the requirements of § 142.10 that have been identified by EPA after thorough examination as unresolved by the documents submitted under paragraph (c)(1) of this section.

§ 145.13 REQUIREMENTS FOR ENFORCEMENT AUTHORITY¹³⁷

- Any State agency administering a program shall have available the following remedies for violations of State program requirements:
 - (1) To restrain immediately and effectively any person by order or by suit in State court from engaging in any unauthorized activity which is endangering or causing damage to public health or environment;
 - Note: This paragraph requires that States have a mechanism (e.g., an administrative cease and desist order or the ability to seek a temporary restraining order) to stop any unauthorized activity endangering public health or the environment.
 - (2) To sue in courts of competent jurisdiction to enjoin any threatened or continuing violation of any program requirement, including permit conditions, without the necessity of a prior revocation of the permit;

¹³⁷ Chapter I: Environmental Protection Agency; Subchapter D: Water Programs; Part 145: State UIC Program Requirements; Subpart B: Requirements for State Programs

- (3) To assess or sue to recover in court civil penalties and to seek criminal remedies, including fines.
 - Note: In many States the State Director will be represented in State courts by the State Attorney General or other appropriate legal officer. Although the State Director need not appear in court actions he or she should have power to request that any of the above actions be brought.

§ 145.21 GENERAL REQUIREMENTS FOR PROGRAM APPROVALS.¹³⁸

- (a) States shall submit to the Administrator a proposed State UIC program complying with § 145.22 of this part within 270 days of the date of promulgation of the UIC regulations on June 24, 1980. The administrator may, for good cause, extend the date for submission of a proposed State UIC program for up to an additional 270 days.
- (e) If a State can demonstrate to EPA's satisfaction that there are no underground injections within the State for one or more classes of injection wells (other than Class IV wells) subject to SDWA and that such injections cannot legally occur in the State until the State has developed an approved program for those classes of injections, the State need not submit a program to regulate those injections and a partial program may be approved. The demonstration of legal prohibition shall be made by either explicitly banning new injections of the class not covered by the State program or providing a certification from the State Attorney General that such new injections cannot legally occur until the State has developed an approved program for that class. The State shall submit a program to regulate both those classes of injections for which a demonstration is not made and class IV wells.

§ 145.24 ATTORNEY GENERAL'S STATEMENT.¹³⁹

- (a) Any State that seeks to administer a program under this part shall submit a statement from the State Attorney General (or the attorney for those State or interstate agencies which have independent legal counsel) that the laws of the State, or an interstate compact, provide adequate authority to carry out the program described under § 145.23 and to meet the requirements of this part. This statement shall include citations to the specific statutes, administrative regulations, and, where appropriate, judicial decisions which demonstrate adequate authority. State statutes and regulations cited by the State attorney General or independent legal counsel shall be in the form of lawfully adopted State statutes and regulations at the time the statement is signed and shall be fully effective by the time the program is approved. To qualify as "independent legal counsel" the attorney signing the

¹³⁸ Chapter I: Environmental Protection Agency; Subchapter D: Water Programs; Part 145: State UIC Program Requirements; Subpart C: State Program Submissions

¹³⁹ Chapter I: Environmental Protection Agency; Subchapter D: Water Programs; Part 145: State UIC Program Requirements; Subpart C: State Program Submissions

statement required by this section must have full authority to independently represent the State agency in court on all matters pertaining to the State program.

- Note: EPA will supply States with an Attorney General’s statement format on request.

§ 171.303 REQUIREMENTS FOR STATE CERTIFICATION PLANS.¹⁴⁰

- (a) Conformance with Federal standards for certification of applicators of restricted use pesticides. A State may certify applicators of restricted use pesticides only in accordance with a State certification plan approved by the Agency. The State certification plan must meet all of the following requirements:
- (b) Contents of an application for EPA approval of a State plan for certification of applicators of restricted use pesticides.
 - (6) The application for Agency approval of a State certification plan must include all of the following:
 - (ii) A written opinion from the State Attorney General or from the legal counsel of the State lead agency that states that the lead agency and other cooperating agencies have the legal authority necessary to carry out the State certification plan.

§ 172.23 STATE PLANS.¹⁴¹

- (b) Contents. A State plan shall include –
 - (2) An opinion of the State attorney general or the legal counsel of the designated State agency that the State has the requisite legal authorities as set forth in paragraph (c)(1)(i) of this section, accompanied by copies of the applicable State laws and regulations.

§ 239.5 STATE LEGAL CERTIFICATION.¹⁴²

- (a) A state must submit a written certification from the state Attorney General that the laws, regulations, and any applicable guidance cited in the application are enacted at the time the certification is signed and are fully effective when the state permit program is approved. This certification may be signed by the independent legal counsel for the state rather than the Attorney General, provided that such counsel has full authority to

¹⁴⁰ Chapter I: Environmental Protection Agency; Subchapter E: Pesticide Programs; Part 171: Certification of Pesticide Applicators; Subpart D: Certification Plans

¹⁴¹ Chapter I: Environmental Protection Agency; Subchapter E: Pesticide Programs; Part 172: Experimental Use Permits; Subpart B: State Issuance of Experimental Use Permits

¹⁴² Chapter I: Environmental Protection Agency; Subchapter I: Solid Wastes; Part 239: Requirements for State Permit Program Determination of Adequacy; Subpart B: State Program Application

independently represent the lead state agency in court on all matters pertaining to the state program.

§ 271.16 REQUIREMENTS FOR ENFORCEMENT AUTHORITY.¹⁴³

- (a) Any State agency administering a program shall have available the following remedies for violations of State program requirements:
 - (1) To restrain immediately and effectively any person by order or by suit in State court from engaging in any unauthorized activity which is endangering or causing damage to public health or the environment.
 - (2) To sue in courts of competent jurisdiction to enjoin any threatened or continuing violation of any program requirement, including permit conditions, without the necessity of a prior revocation of the permit;
 - (3) To access or sue to recover in court civil penalties and to seek criminal remedies, including fines, as follows:

§ 271.7 ATTORNEY GENERAL'S STATEMENT.¹⁴⁴

- (a) Any State that seeks to administer a program under this subpart shall submit a statement from the State Attorney General (or the attorney for those State agencies which have independent legal counsel) that the laws of the State provide adequate authority to carry out the program described under § 271.6 and to meet the requirements of this subpart. This statement shall include citations to the specific statutes, administrative regulations and, where appropriate, judicial decisions which demonstrate adequate authority. State statutes and regulations cited by the State Attorney General or independent legal counsel shall be in the form of lawfully adopted State statutes and regulations at the time the statement is signed and shall be fully effective by the time the program is approved. To qualify as "independent legal counsel" the attorney signing the statement required by this section must have full authority to independently represent the State agency in court on all matters pertaining to the State program.

§ 272.1801 STATE ADMINISTERED PROGRAM: FINAL AUTHORIZATION.¹⁴⁵

- Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b): Ohio has final authorization for

¹⁴³ Chapter I: Environmental Protection Agency; Subchapter I: Solid Wastes; Part 271: Requirements for Authorization of State Hazardous Waste Programs; Subpart A: Requirements for Final Authorization

¹⁴⁴ Chapter I: Environmental Protection Agency; Subchapter I: Solid Wastes; Part 271: Requirements for Authorization of State Hazardous Waste Programs; Subpart A: Requirements for Final Authorization

¹⁴⁵ Chapter I: Environmental Protection Agency; Subchapter I: Solid Wastes; Part 272: Approved State Hazardous Waste Management Programs; Subpart KK: Ohio

the following elements submitted to EPA in Ohio's program application for final authorization and approved by EPA effective on June 30, 1989 (see 54 FR 27173), June 7, 1991 (see 56 FR 14203) and August 19, 1991 (see 56 FR 28088).

- (a) State Statutes and Regulations.
 - (1) The following Ohio regulations are incorporated by reference and codified as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 et seq. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a). Ohio Administrative Code, volume 4, chapter 3745, rules: 49-031; 50-01; 50-03; 50-10; 50-11; 50-31 through 50-32; 50-40 through 50-44(C)(3)(j); 50-44(C)(4) through 50-44(C)(4)(k); 50-44(C)(5) through 50-44(C)(5)(i); 50-44(C)(6) through 50-44(C)(7)(j); 50-44(C)(8) through 51-03(C)(2)(b)(ii); 51-03(D) and (E); 51-04 through 51-05; 51-06(A)(1) through 51-06(A)(3)(g); 51-06(B) through 52-20(F); 52-20 Appendix I through 52-34(F); 52-40 through 52-44; 52-50 through 53-10; 53-11(D) through 53-20(H); 53-21 through 54-99; 55-02 through 55-99; 56-20 through 56-31; 56-33 (A) and (B); 56-50 through 56-60; 56-70 through 56-83; 57-01 through 57-14(B); 57-14(E); 57-15 through 57-18; 57-40 through 58-40; 58-42; 58-43 through 58-44; 58-45(A) through 58-45(E); 58-45(G); 58-46; 58-50 through 58-54; 58-60 through 65-01(C); 65-01(E); 65-10 through 68-14(C); 68-14(F); 68-15 through 68-52; 68-70 through 68-83; 68-011(A) through 68-011(E); 69-01 through 69-30 (OAC June 30, 1990, as supplemented by 1990-1991 Ohio Monthly Record, pages 70-80 (July 1990)). Copies of the Ohio regulations that are incorporated by reference in this paragraph are available from Banks-Baldwin Law Publishing Company, P.O. Box 1974, University Center, Cleveland, Ohio 44106-8697. Customer Service Department.
 - (2) The following statutory provisions and regulations concerning State enforcement, although not codified herein for enforcement purposes, are part of the authorized State program:
 - (i) Ohio Revised Code, title 1, chapter 119, sections: 01 through 06.1, and 07 through 13; Ohio Revised Code, title 1, chapter 149, sections 011, 43, and 44 (Banks-Baldwin, 1990); Ohio Revised Code, title 37, chapter 3734, sections: 01 through 05, 07, 09 through 14.1, 16 through 17, 20 through 22, and 31 through 99 (Banks-Baldwin, 1990).
 - (ii) Ohio Administrative Code, volume 4, chapter 3745, rules: 49-031, 50-21 through 50-30, and 51-03(F) (OAC June 30, 1990, as supplemented by 1990-1991 Ohio Monthly Record, pages 70-80 (July, 1990)).
 - (3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not codified for enforcement purposes.
 - (i) Ohio Revised Code, Title 37, Chapter 3734, Sections: 06, 08, 18

through 19, and 23 through 30 (Page, 1987).

- (ii) Ohio Administrative Code, Volume 4, Chapter 3745, Rules: 50-33 through 50-37, and 53-11(A) through 53-11(C) (OAC June 30, 1988).
- (b) Memorandum of Agreement. The Memorandum of Agreement between EPA Region V and the Ohio Environmental Protection Agency signed by the EPA Regional Administrator on March 6, 1989, is codified as part of the authorized hazardous waste management program under Subtitle C of RCRA. 42 U.S.C. 6921 et seq.
- (c) Statement of Legal Authority.
 - (1) “Attorney General's Statement for Final Authorization,” signed by the Attorney General of Ohio on July 1, 1985, and supplements to that Statement dated June 13, 1990, and October 15, 1990, are codified as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 et seq.
 - (2) Supplemental “Attorney General's Statements for Final Authorization,” and addenda to such Statements signed by the Attorney General of Ohio on December 30, 1988, and February 24, 1989, are codified as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 et seq.
- (d) Program Description. The Program Description and any other materials submitted as part of the original application or as supplements thereto dated November 8, 1990, and December 11, 1990, are codified as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 et seq.

§ 280.107 LOCAL GOVERNMENT FUND.¹⁴⁶

- A local government owner or operator may satisfy the requirements of § 280.93 by establishing a dedicated fund account that conforms to the requirements of this section. Except as specified in paragraph (b) of this section, a dedicated fund may not be commingled with other funds or otherwise used in normal operations. A dedicated fund will be considered eligible if it meets one of the following requirements:
 - (c) The fund is dedicated by state constitutional provision, or local government statute, charter, ordinance or order to pay for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks. A payment is made to the fund once every year for seven years until the fund is fully-funded. This seven year period is hereafter referred to as the “pay-in-period.”

¹⁴⁶ Chapter I: Environmental Protection Agency; Subchapter I: Solid Wastes; Part 280: Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST); Subpart H: Financial Responsibility

The amount of each payment must be determined by this formula: $(TF-CF)/Y$, where TF is the total required financial assurance for the owner or operator, CF is the current amount in the fund, and Y is the number of years remaining in the pay-in-period; and,

- (2) The local government owner or operator has a letter signed by the appropriate state attorney general stating that in the use of the bonding authority will not increase the local government's debt beyond the legal debt ceilings established by the relevant state laws. The letter must also state that prior voter approval is not necessary before use of the bonding authority.

§ 280.111 RECORDKEEPING.¹⁴⁷

- (b) An owner or operator must maintain the following types of evidence of financial responsibility:
 - (9) An owner or operator using a local government fund under § 280.107 must maintain the following documents:
 - (iii) If the fund is established under § 280.107(c) using incremental funding backed by bonding authority, the owner or operator must also maintain documentation of the required bonding authority, including either the results of a voter referendum (under § 280.107(c)(1)), or attestation by the State Attorney General as specified under § 280.107(c)(2).

§ 403.10 DEVELOPMENT AND SUBMISSION OF NPDES STATE PRETREATMENT PROGRAMS.¹⁴⁸

- (g) Content of State Pretreatment Program submission. The request for State Pretreatment Program approval will consist of:
 - (1)
 - (i) A statement from the State Attorney General (or the Attorney for those State agencies which have independent legal counsel) that the laws of the State provide adequate authority to implement the requirements of this part. The authorities cited by the Attorney General in this statement shall be in the form of lawfully adopted State statutes or regulations which shall be effective by the time of approval of the State Pretreatment Program; and

¹⁴⁷ Chapter I: Environmental Protection Agency; Subchapter I: Solid Wastes; Part 280: Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST); Subpart H: Financial Responsibility

¹⁴⁸ Chapter I: Environmental Protection Agency; Subchapter N: Effluent Guidelines and Standards; Part 403: General Pretreatment Regulations for Existing and New Sources of Pollution

- Any State that seeks to administer a program under this part shall submit a statement from the State Attorney General (or the attorney for those State or interstate agencies which have independent legal counsel) that the laws of the State, or an interstate compact, provide adequate authority to carry out the program described under § 501.12 and to meet the requirements of this part. This statement shall include citations to the specific statutes, administrative regulations, and, where appropriate, judicial decisions which demonstrate adequate authority. State statutes and regulations cited by the State Attorney General or independent legal counsel shall be in the form of lawfully adopted State statutes and regulations at the time the statement is signed and shall be fully effective by the time the program is approved. To qualify as “independent legal counsel” the attorney signing the statement required by this section must have full authority to independently represent the State agency in court on all matters pertaining to the State program. If a State (which is not an Indian Tribe) seeks to carry out the program on Indian lands, the statement shall include an appropriate opinion and analysis of the State's legal authority.

¹⁴⁹ Chapter I: Environmental Protection Agency; Subchapter O: Sewage Sludge; Part 501: State Sludge Management Program Regulations; Subpart B: Development and Submission of State Programs

TITLE 42: PUBLIC HEALTH

§ 431.10 SINGLE STATE AGENCY.¹⁵⁰

- (b) Designation and certification. A State plan must
 - (2) Include a certification by the State Attorney General, citing the legal authority for the single State agency to –
 - (i) Administer or supervise the administration of the plan; and
 - (ii) Make rules and regulations that it follows in administering the plan or that are binding upon local agencies that administer the plan.

§ 480.137 DISCLOSURE TO FEDERAL AND STATE ENFORCEMENT AGENCIES RESPONSIBLE FOR THE INVESTIGATION OR IDENTIFICATION OF FRAUD OR ABUSE OF THE MEDICARE OR MEDICAID PROGRAMS.¹⁵¹

- (a) Required disclosure. Except as specified in §§ 480.139(a) and 480.140 relating to disclosure of QIO deliberations and quality review study information, the QIO must disclose confidential information relevant to an investigation of fraud or abuse of the Medicare or Medicaid programs, including QIO medical necessity determinations and other information that includes patterns of the practice or performance of a practitioner or institution, when a written request is received from a State or Federal enforcement agency responsible for the investigation or identification of fraud or abuse of the Medicare or Medicaid programs that –

§ 1007.7 PROSECUTORIAL AUTHORITY REQUIREMENTS OF UNIT.¹⁵²

- A Unit must be organized according to one of the following three options related to a Unit's prosecutorial authority:
 - (a) The Unit is in the office of the State Attorney General or another department of State government that has statewide authority to prosecute individuals for violations of criminal laws with respect to fraud and patient or resident abuse or neglect in the provision or administration of medical assistance under a State plan

¹⁵⁰ Chapter IV: Centers for Medicare & Medicaid Services, Department of Health and Human Services; Subchapter C: Medical Assistance Programs; Part 431: State Organization and General Administration; Subpart A: Single State Agency

¹⁵¹ Chapter IV: Centers for Medicare & Medicaid Services, Department of Health and Human Services; Subchapter F: Quality Improvement Organizations; Part 480: Acquisition, Protection, and Disclosure of Quality Improvement Organization Information; Subpart B: Utilization and Quality Control Quality Improvement Organizations (QIOs); Disclosure of Confidential Information

¹⁵² Chapter V: Office of Inspector General-health Care, Department of Health and Human Services; Subchapter B: OIG Authorities; Part 1007: State Medicaid Fraud Control Units; Subpart B: Requirements for Certification

- implementing Title XIX of the Act.
- (b) If there is no State agency with statewide authority and capability for criminal fraud or patient or resident abuse or neglect prosecutions, the Unit has established formal written procedures ensuring that the Unit refers suspected cases of criminal fraud in the State Medicaid program or of patient or resident abuse and neglect to the appropriate prosecuting authority or authorities, and coordinates with and assists such authority or authorities in the prosecution of such cases.
 - (c) The Unit has a formal working relationship with the office of the State Attorney General, or another office with statewide prosecutorial authority, and has formal written procedures for referring to the State Attorney General or other office suspected criminal violations and for effective coordination of the activities of both entities relating to the detection, investigation, and prosecution of those violations relating to the State Medicaid program. Under this working relationship, the office of the State Attorney General, or other office, must agree to assume responsibility for prosecuting alleged criminal violations referred to it by the Unit. However, if the State Attorney General finds that another prosecuting authority has the demonstrated capacity, experience, and willingness to prosecute an alleged violation, he or she may refer a case to that prosecuting authority, as long as the office of the State Attorney General maintains oversight responsibility for the prosecution and for coordination between the Unit and the prosecuting authority.

§ 1007.15 ESTABLISHMENT AND CERTIFICATION OF UNIT.¹⁵³

- (a) Initial application. In order to demonstrate that it meets the requirements for certification, the State or territory must submit to OIG an application approved by the Governor or chief executive, containing the following:
 - (2) A statement from the State Attorney General that the applicant has authority to carry out the functions and responsibilities set forth in Subpart B. If the applicant seeks certification under § 1007.7(b), the statement must also specify either that:
 - (i) There is no State agency with the authority to exercise statewide prosecuting authority for the violations with which the Unit is concerned; or
 - (ii) Although the State Attorney General may have common law authority for statewide criminal prosecutions, he or she has not exercised that authority;

¹⁵³ Chapter V: Office of Inspector General-health Care, Department of Health and Human Services; Subchapter B: OIG Authorities; Part 1007: State Medicaid Fraud Control Units; Subpart B: Requirements for Certification

TITLE 45: PUBLIC WELFARE

§ 150.201 STATE ENFORCEMENT.¹⁵⁴

- Except as provided in subpart C of this part, each State enforces PHS Act requirements with respect to health insurance issuers that issue, sell, renew, or offer health insurance coverage in the State.

§ 150.205 SOURCES OF INFORMATION TRIGGERING AN INVESTIGATION OF STATE ENFORCEMENT.¹⁵⁵

- Information that may trigger an investigation of State enforcement includes, but is not limited to, any of the following:
 - (a) A complaint received by CMS.
 - (b) Information learned during informal contact between CMS and State officials.
 - (c) A report in the news media.
 - (d) Information from the governors and commissioners of insurance of the various States regarding the status of their enforcement of PHS Act requirements.
 - (e) Information obtained during periodic review of State health care legislation. CMS may review State health care and insurance legislation and regulations to determine whether they are:
 - (1) Consistent with PHS Act requirements.
 - (2) Not pre-empted as provided in § 146.143 (relating to group market provisions) and § 148.120 (relating to individual market requirements) on the basis that they prevent the application of a PHS Act requirement.
 - (f) Any other information that indicates a possible failure to substantially enforce.

§ 150.221 TRANSITION TO STATE ENFORCEMENT.¹⁵⁶

- (a) If CMS determines that a State for which it has assumed enforcement authority has enacted and implemented legislation to enforce PHS Act requirements and also determines that it is appropriate to return enforcement authority to the State, CMS will enter into

¹⁵⁴ Subtitle A: Department of Health and Human Services; Subchapter B: Requirements Relating to Health Care Access; Part 150: CMS Enforcement Processes for Determining Whether States Are Failing to Substantially Enforce PHS Act Requirement

¹⁵⁵ Subtitle A: Department of Health and Human Services; Subchapter B: Requirements Relating to Health Care Access; Part 150: CMS Enforcement Processes for Determining Whether States Are Failing to Substantially Enforce PHS Act Requirement

¹⁵⁶ Subtitle A: Department of Health and Human Services; Subchapter B: Requirements Relating to Health Care Access; Part 150: CMS Enforcement Processes for Determining Whether States Are Failing to Substantially Enforce PHS Act Requirement

discussions with State officials to ensure that a transition is effected with respect to the following:

- (1) Consumer complaint and inquiries.
- (2) Instructions to issuers.
- (3) Any other pertinent aspect of operations.
- (b) CMS may also negotiate a process to ensure that, to the extent practicable, and as permitted by law, its records documenting issuer compliance and other relevant areas of CMS's enforcement operation are made available for incorporation into the records of the State regulatory authority that will assume enforcement responsibility.

§ 205.100 SINGLE STATE AGENCY.¹⁵⁷

- (a)
 - (1) State plan. Requirements. A State plan for financial assistance under title I, IV-A, X, XIV, or XVI (AABD) of the Social Security Act must:
 - (i) Provide for the establishment or designation of a single State agency with authority to administer or supervise the administration of the plan.
 - (ii) Include a certification by the attorney general of the State identifying the single State agency and citing the legal authority under which such agency administers, or supervises the administration of, the plan on a statewide basis including the authority to make rules and regulations governing the administration of the plan by such agency or rules and regulations that are binding on the political subdivisions, if the plan is administered by them.

§ 303.15 AGREEMENTS TO USE THE FEDERAL PARENT LOCATOR SERVICE (PLS) IN PARENTAL KIDNAPPING AND CHILD CUSTODY OR VISITATION CASES.¹⁵⁸

- (a) Definitions. The following definitions apply this this section:
 - (1) Authorized person means the following:
 - (i) Any agent or attorney of any State having an agreement under this section, who has the duty or authority under the laws of the State to enforce a child custody or visitation determination;
 - (ii) Any court having jurisdiction to make or enforce a child custody or visitation determination, or any agent of the court; or

¹⁵⁷ Subtitle B: Regulations Relating to Public Welfare; Chapter II: Office of Family Assistance (Assistant Programs), Administration for Children and Families, Department of Health and Human Services; Part 205: General Administration; Public Assistance Programs

¹⁵⁸ Subtitle B: Regulations Relating to Public Welfare; Chapter III: Office of Child Support Enforcement (Child Support Enforcement Program), Administration for Children and Families, Department of Health and Human Services; Part 303: Standards for Program Operations

- (iii) Any agent or attorney of the United States, or of a State having an agreement under this section, who has the duty or authority to investigate, enforce, or bring a prosecution with respect to the unlawful taking or restraint of a child.

State Attorney General
Enforcement of Federal Statutes:
A Collection of Federal Statutes and Regulations

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