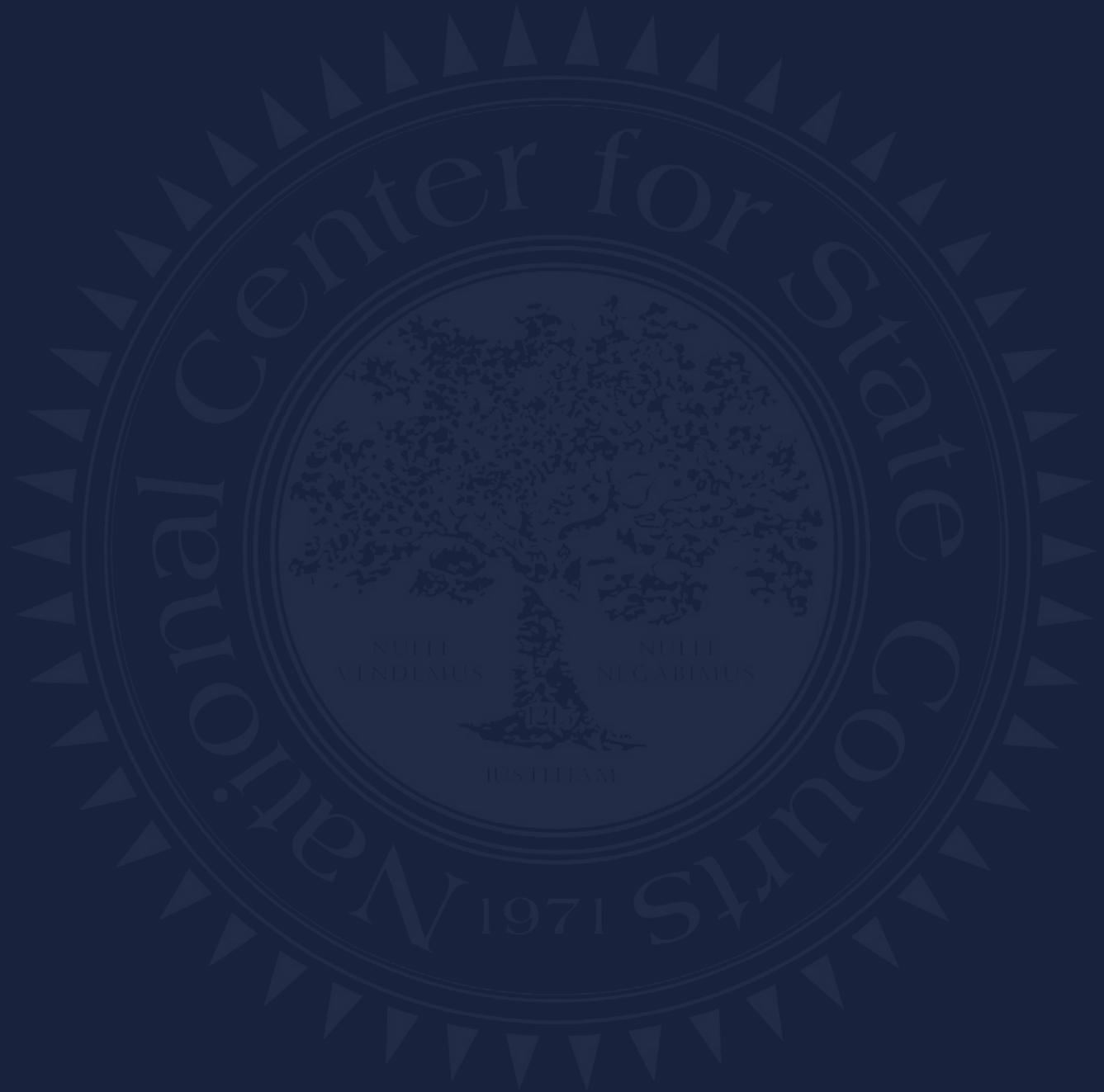


# The Role of State Courts in Our Federal System

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An Analysis of How State Courts are Charged  
with Implementing Federal Law

JANUARY 2022



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# Summary of Contents

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**Introduction | 4**

**I. Caseload of State Courts | 6**

**II. State Courts in a Federal System | 7**

**III. Research Methodology | 11**

**IV. Results | 13**

**V. Some Thoughts on Future Research | 16**

**Appendix 1: Relevant U.S. Code Provisions | 18**

**Appendix 2: Relevant U.S. Code Provisions Implicating Funding | 33**



## Introduction

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Funded by a grant from the State Justice Institute (SJI), the States Courts' Role in Federal Policy project seeks to understand the extent and nature of federal responsibilities shouldered by state judiciaries. In the first phase of this project, the National Center for State Courts (NCSC) has undertaken comprehensive research into and tabulation of federal statutes that expressly impose affirmative obligations on state courts. The purpose of this memorandum is to summarize the results of that study.

While this study addresses situations in which federal statutes expressly impose obligations on state courts, it is important to note that state courts also further federal policy in many situations beyond the scope of this project. Under the principle of concurrency, state courts take jurisdiction of federal cases without express statutory language calling for state jurisdiction. State courts routinely assist federal agencies pursuant to non-statutory obligations, such as under federal regulations. And state courts' ability to collect and maintain information is important for national security. By collecting express statutory mandates, this study identifies situations in which Congress itself is the entity imposing obligations (rather than a federal agency), and it is limited to situations in which Congress expresses an affirmative intention to do so (rather than relying on an unspoken presumption).

Potential audiences for this study are broad and diverse. Paramount among these are members of Congress and federal executive branch agencies, as both the legislative and executive branches routinely revise existing policies or make new ones without any sense of how state courts implement and enforce those policies. Consequently, those responsible for disbursement of federal funding are often unaware of the extent to which the underlying federal programs—and the policies for which those funds have been appropriated—depend for their success on underfunded and under-resourced state judiciaries. With considerable accumulated experience implementing those policies, state courts are important not merely for the judgments they render

but also for the guidance they can provide to policymakers. For these reasons, this study may be useful to federal officials, state officials, federal and state judiciaries, funding agencies, and the public.

Although this project examined the role of state courts in our federal system, it is important to note what the study did not examine extensively. As discussed briefly below, in addition to specific statutory delegations of federal claims, state courts possess concurrent jurisdiction over many federal claims as a matter of presumption. The extent to which state courts share jurisdiction with federal courts over federal claims under the principle of concurrency would require a much more extensive analysis of a large volume of state and federal court cases. Nevertheless, it is important for the reader to appreciate this very important aspect of state court jurisdiction over federal claims, a jurisdiction that, as noted, is strongly presumed.<sup>1</sup> As noted in *Gulf Offshore Co. v. Mobile Oil Corp.*, “In considering the propriety of state-court jurisdiction over any particular federal claim, the [Supreme] Court begins with the presumption that state courts enjoy concurrent jurisdiction. Congress, however, may confine jurisdiction to the federal courts either explicitly or implicitly. Thus, the presumption of concurrent jurisdiction can be rebutted by an explicit statutory directive, by unmistakable implication from legislative history, or by a clear incompatibility between state-court jurisdiction and federal interests.” And the mere grant of jurisdiction to federal court does not operate to automatically oust state court from concurrent jurisdiction over federal causes of action. Quite the contrary is needed; a specific ousting of state court jurisdiction is required to deprive them of the power to adjudicate federal claims. This extends to such areas as enforcement of federal juvenile delinquency laws.<sup>2</sup>

Why is the principle of concurrency so important in understanding the role of state courts in enforcing federal law and policy? Because this principle, as distinguished from the federal courts’ supplementary jurisdiction (generally a function of judicial economy), means that state courts can entertain a wide range of federal claims, including constitutional claims. Thus, Congress’s statutory delegation of certain federal responsibilities to state courts is only one part of a very large network of understandings. These statutory delegations are accompanied by an extensive volume of caselaw grounded in certain understandings of federalism and the constitutional design of American government. Stated more succinctly, state courts have jurisdiction over federal claims unless Congress says no or the very principles that empower state courts counsel against concurrent jurisdiction.

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<sup>1</sup> See, *Houston v. Moore*, 5 Wheat. 1, 25–26 (1820); *Claffin v. Houseman*, 93 U.S. 130, 136–137 (1876); *Plaquemines Tropical Fruit Co. v. Henderson*, 170 U.S. 511, 517 (1898); *Charles Dowd Box Co. v. Courtney*, 368 U.S. 502, 507–508 (1962); *Gulf Offshore Co. v. Mobil Oil Corp.*, 453 U.S. 473, 477–478 (1981).

<sup>2</sup> *But see*, 18 U.S.C. § 5032 (2021) (Juvenile who commits a delinquency act under federal law shall not be proceeded against in federal court absent specific certifications by U.S. Attorney General; if Attorney General does not so certify juvenile shall be surrendered to the appropriate state legal authorities).



## I. Caseload of State Courts

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As of 2019, the most recent year for which statistics have been published, state trial courts saw total filings of 83.2 million new cases, of which approximately 20% were general civil cases and 20% were non-traffic-related criminal cases.<sup>3</sup> By way of comparison, in that same index year (2019), 286,289 civil cases and 90,473 criminal cases (which include traffic-related cases), for a combined total of 376,762 cases, were filed in federal district courts.<sup>4</sup>

Based on these figures, state courts handled 99.09% of civil and criminal cases filed in the United States in 2019. If we were to include in this calculation the 777,646 bankruptcy petitions filed in 2019 in U.S. Bankruptcy Courts,<sup>5</sup> the state-court percentage is still 98.61% of all 2019 cases filed. And the state courts' share of judicial business may increase in the near future attributable to the anticipated “tsunami”<sup>6</sup> or “avalanche”<sup>7</sup> of post-pandemic cases.<sup>8</sup>

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<sup>3</sup> NAT'L CTR. FOR STATE COURTS, STATE COURT CASELOAD DIGEST: 2018 DATA 7 (2020), available at [https://www.courtstatistics.org/\\_data/assets/pdf\\_file/0014/40820/2018-Digest.pdf](https://www.courtstatistics.org/_data/assets/pdf_file/0014/40820/2018-Digest.pdf) (last visited May 12, 2021).

<sup>4</sup> ADMIN. OFFICE OF THE U.S. COURTS, *Federal Judicial Caseload Statistics 2018*, UNITED STATES COURTS, available at <https://www.uscourts.gov/statistics-reports/federal-judicial-caseload-statistics-2018> (last visited May 12, 2021).

<sup>5</sup> *Id.*

<sup>6</sup> See, e.g., John Austin, *Attorneys for Landlords and Residential Tenants Forecast a Tsunami of Eviction Litigation: Even after the eviction moratorium is lifted, the case backlog may take a year to clear*, A.B.A.J., Feb. 4, 2021, available at <https://www.americanbar.org/groups/litigation/committees/trial-practice/practice/2021/landlords-tenants-eviction-litigation/>; Jacquelyne Bowman & Richard Dubois, *Warning: Debt Collection Tsunami Coming*, COMMONWEALTH, Nov. 10, 2020, available at <https://commonwealthmagazine.org/opinion/warning-debt-collection-tsunami-coming/>. Cf. Bankruptcy courts ill-prepared for tsunami of people going broke from coronavirus shutdown, THE CONVERSATION, May 13, 2020, available at <https://theconversation.com/bankruptcy-courts-ill-prepared-for-tsunami-of-people-going-broke-from-coronavirus-shutdown-137571>

<sup>7</sup> See, e.g., Karen Yi, *Facing “Avalanche” of Eviction Cases, NJ Panel Recommends Fixes to Landlord-Tenant Court*, GOTHAMIST, Apr. 23, 2021, available at <https://gothamist.com/news/facing-avalanche-eviction-cases-nj-panel-recommends-fixes-landlord-tenant-court>; Sarah Mervosh, *An “Avalanche of Evictions” Could Be Bearing Down on America’s Renters*, N.Y. TIMES, May 27, 2020, available at <https://www.nytimes.com/2020/05/27/us/coronavirus-evictionsrenters.html> [<https://perma.cc/VB23-MLQ2>].

<sup>8</sup> These cases will likely fall into several categories: (1) cases filed prior to pandemic-related court closures that await hearing



## II. State Courts in a Federal System

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State courts play a significant and independent—though often underappreciated—role in the implementation of federal programs and policies. Largely unnoticed, the magnitude of this role has yet to be comprehensively cataloged.

The current project focused on express statutory obligations imposed by Congress on state courts, but it is important to recognize that state courts have for over two hundred years been promoting and carrying out federal interests even in the absence of any statutory command. There are at least four facets to this role.

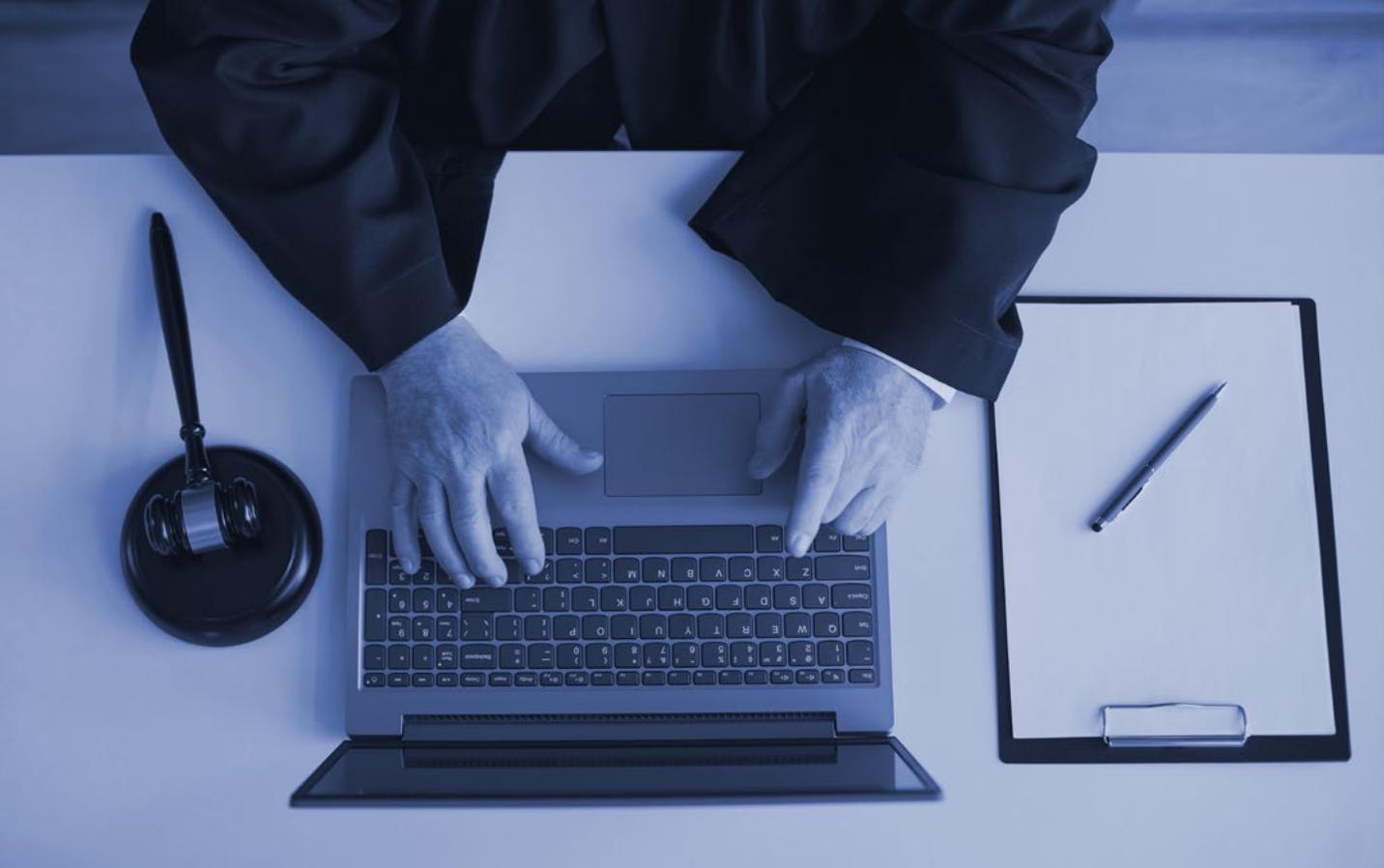
**1. State courts have jurisdiction to hear federal claims.** State courts routinely hear cases arising under federal law and have done so for more than two hundred years. “[T]he constitution not only contemplated, but meant to provide for cases within the scope of the judicial power of the United States, which might yet depend before state tribunals. It was foreseen that in the exercise of their ordinary jurisdiction, state courts would incidentally take cognizance of cases arising under the constitution, the laws, and treaties of the United States.”<sup>9</sup>

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(especially jury trials); (2) cases arising during court closures, but not specifically related to COVID-19, that are now backlogged; and (3) cases resulting from problems that have arisen due to COVID-19, including insurance coverage disputes, commercial disputes (e.g., *force majeure* and breach of contract), commercial and residential real-estate disputes (e.g., evictions and mortgage foreclosures), employment disputes, domestic-relations and child-custody disputes, miscellaneous debt-collection actions, and bankruptcy filings.

**N.B.** This study does not address specifically federal-law obligations arising out of pandemic relief (e.g., eviction and mortgage foreclosure moratoria by HHS/CDC and the Federal Housing Finance Agency) that affect state courts. See, e.g., Dept. of Housing & Human Services, Centers for Disease Control and Prevention, Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19, 86 Fed. Reg. 8020 (Feb. 3, 2021); Federal Housing Finance Agency, Press Release: FHFA Extends COVID-19 Forbearance Period and Foreclosure and REO Eviction Moratoriums (Feb. 25, 2021), available at <https://www.fhfa.gov/Media/PublicAffairs/Pages/FHFA-Extends-COVID-19-Forbearance-Period-and-Foreclosure-and-REO-Eviction-Moratoriums.aspx>. But cf. Ala. Ass’n of Realtors v. U.S. Dept. of Health & Hum. Servs., 1:20-cv-03377 (D.D.C. May 5, 2021) (order granting summary judgment, holding that the CDC did not have authority to impose a nationwide eviction moratorium under the Public Health Service Act).

<sup>9</sup> Martin v. Hunter’s Lessee, 14 U.S. (1 Wheat.) 304, 342 (1816).



At the time the U.S. Constitution was ratified and the federal system was created, state courts were understood to enjoy concurrent jurisdiction.<sup>10</sup> As the U.S. Supreme Court explained: “If an act of Congress gives a penalty to a party aggrieved, without specifying a remedy for its enforcement, there is no reason why it should not be enforced, if not provided otherwise by some act of Congress, by a proper action in a State court.”<sup>11</sup> As one commentator has observed, “True, state courts have concurrent jurisdiction, and Congress can leave matters to them. But this is because the state courts already had jurisdiction, which was preserved by the Constitution: Congress does not give them Article III powers; state courts would have jurisdiction of federal law issues if Congress did nothing.”<sup>12</sup>

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<sup>10</sup> See generally Anthony J. Bellia, *State Courts and the Interpretation of Federal Statutes*, 59 VANDERBILT L. REV. 1501 (2006).

<sup>11</sup> *Claffin v. Houseman*, 93 U.S. 130, 137 (1876); see also *United States v. Bank of New York*, 296 U.S. 463, 479 (1936) (“Upon the state courts, equally with the courts of the Union, rests the obligation to guard and enforce every right secured by the Constitution and laws of the United States whenever those rights are involved in any suit or proceedings before them.”).

<sup>12</sup> Eugene Kontorovich, *Three International Courts and Their Constitutional Problems*, 99 CORNELL L. REV. 1353, 1376 (2014).

The U.S. Supreme Court has further declared that there is a strong presumption of concurrent jurisdiction for federal claims.<sup>13</sup> Indeed, absent a congressional directive to the contrary, state courts not only have the power but also the obligation to vindicate federally granted rights and enforce federal laws, regardless of “the form in which they are cast or the remedy they provide.”<sup>14</sup>

Even if, in the U.S. Supreme Court’s view, a state court incorrectly decided a question of federal law, the Court has no authority to review that decision in the abstract, but only if requested to do so by a party with standing to litigate.<sup>15</sup> Even then, there will be no Supreme Court review if the state court’s decision rested on adequate and independent state ground.<sup>16</sup>

**2. State courts adjudicating claims arising under state law may adjudicate issues of federal law embedded in those cases.**<sup>17</sup> Even when a claim before a state court arises under state law, the state court may be required to decide issues of federal law.

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<sup>13</sup> See *Mims v. Arrow Fin. Servs., LLC*, 565 U.S. 368, 378 (2012); *Tafflin v. Levitt*, 493 U.S. 455, 458 (1990); *Yellow Freight System, Inc. v. Donnelly*, 494 U.S. 820, 823 (1990). This presumption can only be overcome “by an explicit statutory directive, by unmistakable implication from legislative history, or by a clear incompatibility between state-court jurisdiction and federal interests.” *Gulf Offshore Co. v. Mobil Oil Corp.*, 453 U.S. 473, 478 (1981). Admiralty jurisdiction is the paradigm of overcoming the presumption of concurrent jurisdiction. See 28 U.S.C. § 1333 (granting to federal district courts “original jurisdiction, *exclusive of the courts of the States*, of: (1) Any civil case of admiralty or maritime jurisdiction, saving to suitors in all cases all other remedies to which they are otherwise entitled. (2) Any prize brought into the United States and all proceedings for the condemnation of property taken as prize”) (emphasis added). Other examples include suits between states and suits to which the United States is a party.

<sup>14</sup> See *Testa v. Katt*, 330 U.S. 386, 391 (1947).

<sup>15</sup> See, e.g., *ASARCO Inc. v. Kadish*, 490 U.S. 605, 611 (1989).

<sup>16</sup> See, e.g., *Fox Film Corp. v. Muller*, 296 U.S. 207, 210 (1935).

<sup>17</sup> The reverse, as is well known, is not generally true for federal courts adjudicating questions of state law since *Erie Ry. v. Tomkins*, 304 U.S. 64 (1938). When dealing with settled questions of state law, federal courts may rely on authoritative determinations of the state courts. Where, however, a federal court is confronted with an unsettled question of state law, a variety of approaches have been used, including abstention under various doctrines and certification to state courts of last resort, at least in jurisdictions where such certifications are accepted. See, e.g., *Railroad Commission v. Pullman Co.*, 312 U.S. 496 (1941) (abstention from deciding an unsettled question of state law where the determination of that question may obviate the need to adjudicate a federal constitutional claim); *Burford v. Sun Oil Co.*, 319 U.S. 315 (1943) (abstention in connection with questions arising from complex state regulatory scheme); *Louisiana Power & Light Co. v. City of Thibodaux*, 360 U.S. 25 (1959) (abstention relating to unsettled state law question on an important state interest intimately involved with state’s sovereign prerogatives); *Clay v. Sun Ins. Office Ltd.*, 363 U.S. 207, 212 (1960) (endorsing practice of certification to state high court of unresolved question of state law); *Arizonans for Official English v. Arizona*, 520 U.S. 43 (1997) (discussing benefits of certification). *But cf. McKesson v. Doe*, 141 S. Ct. 48 (2020) (noting that certification can prolong a dispute and increase the parties’ expenses).

In *Arizona v. Evans*, the Supreme Court explained that “[s]tate courts, in appropriate cases, are not merely free to—they are bound to—interpret the United States Constitution.”<sup>18</sup> The same may be true for other sources of federal law. For example, when a federal statute provides a defense to a state-law cause of action, a state court may adjudicate the federal defense.<sup>19</sup>

**3. Under federal law, state courts often must give preclusive effect to the judgments of federal courts.** The judgments of federal courts may implicate federal policy. When a federal court issues a final judgment, that judgment may be entitled to preclusive effect in state courts under federal law.<sup>20</sup> The content of that federal law may vary depending on the basis of jurisdiction exercised by the federal court, but regardless of the basis of jurisdiction, a state court may be required to give the federal judgment preclusive effect.

**4. State court procedures often control the resolution of federal claims in the state courts.** The role of state courts in implementing federal policy and adjudicating federal claims is uniquely shaped by the impact of procedural law. When federal claims arise in state court actions, it is often state—not federal—procedural law that governs the course of the litigation even to the point of insulating state procedural ruling on federal claims from federal review. The U.S. Supreme Court has noted as much holding that a party’s failure to follow state court procedural law even in a case involving a federal right does not present a reviewable federal question.<sup>21</sup>



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<sup>18</sup> 514 U.S. 1, 8 (1995).

<sup>19</sup> For example, in *Louisville & Nashville Railroad Co. v. Mottley*, 211 U.S. 149, 152 (1908), the Supreme Court held that a federal defense did not provide “arising under” jurisdiction under the predecessor of 28 U.S.C. §1332. Such a case could, however, be litigated in state court.

<sup>20</sup> See *Semtek Int’l Inc. v. Lockheed Martin Corp.*, 531 U.S. 497, 507 (2001).

<sup>21</sup> *Johns v. Paullin*, 231 U.S. 583, 585 (1913) (“Without any doubt it rests with each State to prescribe the jurisdiction of its appellate courts, the mode and time of invoking that jurisdiction, and the rules of practice to be applied in its exercise; and the state law and practice in this regard are no less applicable when Federal rights are in controversy than when the case turns entirely on questions of local or general law.”).



### III. Research Methodology

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The aim of this project was to identify when Congress expressly referred to state courts as agents in the furtherance of federal policy. Again, this study does not seek to identify situations in which state court obligations are implied in federal legislation through the principle of concurrency or arise from non-statutory sources such as federal regulations.

Research was conducted, subject to supervision and review by the authors of this memorandum, by qualified law students<sup>22</sup> using Westlaw’s “United States Code – Unannotated” database.

Within that database, researchers relied on the following query: (#state /3 court) or (court /2 competent) or (“local court”) or (#state /3 “attorney general”). This query was designed to identify various phrases that might refer to state courts.<sup>23</sup> Although state attorneys general are outside the scope of this study, that term was included in the initial search for completeness.

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<sup>22</sup> The student researchers who worked on this project were Emily Gleichert, Peter Shapiro, and Emily Grant, all from the Northwestern Pritzker School of Law.

<sup>23</sup> Note that this search returned references to “courts of competent jurisdiction.” This language was interpreted to include state courts, unless the statutory provision defined “courts of competent jurisdiction” to exclude state courts or to apply exclusively to federal courts. Where the statute made no such exclusion, the provision was included in the results, though in some instances it is possible that other limits on jurisdiction might exclude state courts from the scope of the provision.

Researchers reviewed every statutory section returned by the query (other than repealed statutes) in order to ascertain whether the statutory provision made any request of or demands upon state courts. For each provision making such a request, the name of the entity and the requested action were recorded in a database.

Two additional categories of provisions were coded as well. First, if the provision referred to funding for state courts, the provision and associated language were recorded in a separate database. Second, if the provision defined a term to include state courts (for example, providing that the term “domestic court” in a particular chapter of the U.S. Code was meant to include state courts), those provisions were marked for further study. Researchers would then perform the same coding process on the provisions covered by the definition that used the defined term.





## IV. Results

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The methodology described above yielded a dataset of more than 1,200 sections of the U.S. Code. Out of these provisions, the research team identified over 275 sections of the U.S. Code that ask state courts (or some state courts) to take specific actions or to refrain from taking specific actions with respect to federal matters.

This finding alone merits repeating: In almost three hundred provisions of federal law, Congress expressly imposes obligations (whether affirmative or negative) on the courts of the states. A full list of these provisions is provided in Appendix 1. While at first blush this may not seem that extensive considering the size of the U.S. Code, what is noteworthy are the range of federal subjects in which state courts are involved from national defense to foreign relations, from child welfare to crime control, from conservation, land and water management to banking and finance, from employment rights to trademark enforcement, from consumer protection to transportation.

The U.S. Code sections collected in this study make a variety of requests of state courts. Of particular interest:

- 214 sections provide for state courts to hear an action or other types of proceedings, while 7 sections expressly provide for state courts to decline to hear an action or other types of proceedings.
- 43 sections ask state courts to take particular actions (or decline to take particular actions) within or related to a legal proceeding, including 5 sections stipulating the effect that state courts should give to judgments rendered by other courts.

- 9 sections mandate cooperation between state courts and federal or other governmental actors.

The 277 provisions were spread across the U.S. Code. Thirty-six titles of the U.S. Code include at least one responsive provision. The titles of the U.S. Code with the most responsive sections are (from most numerous to least numerous):

- Title 42, The Public Health and Welfare (42 sections)
- Title 15, Commerce and Trade (40 sections)
- Title 12, Banks and Banking (23 sections)
- Title 16, Conservation (22 sections)
- Title 25, Indians (15 sections)
- Title 49, Transportation (13 sections)
- Title 29, Labor (11 sections)
- Title 7, Agriculture (10 sections)

Another way to classify the responsive provisions is to identify the “statutory program” to which they belong. This methodology is more impressionistic than simply identifying the U.S. Code title, but best efforts were made to group these provisions into useful categories. Here is a list of all the federal programs identified with three or more sections (arranged, again, from most numerous to least numerous):

- National Parks, Military Parks, Monuments, and Seashores (12 sections)
- Federal Financial Institution Regulation (12 sections), including:
  - Dodd-Frank Wall Street Reform & Consumer Protection (5 sections)
  - Federal Deposit Insurance regulation (4 sections)
  - Credit Union regulation (3 sections)
- Social Security Act (11 sections)
- Communications Act (9 sections)
- Consumer Credit Protection Act (8 sections)
- Interstate Transportation (8 sections)
- Trust Indenture Act (8 sections)
- Indian Child Welfare (6 sections)

- Public Health Service Act (6 sections)
- Crimes (5 sections)
- Immigration and Nationality Act (5 sections)
- Federal Securities Laws (5 sections)
- Employee Retirement Income Security Act (4 sections)
- Year 2000 Computer Date Change (Y2K) (4 sections)
- Emergency Energy Conservation Program (3 sections)
- Federal Power Act (3 sections)
- Federal Trade Commission (3 sections)
- General Military Law (3 sections)
- Higher Education Resources and Student Assistance (3 sections)
- Intercountry Adoptions Act (3 sections)
- Jurisdiction and Venue (3 sections)
- Lands Containing Coal, Oil, Gas, Salts, Asphaltic Materials, Sodium, Sulphur, and Building Stone (3 sections)
- Odometers (3 sections)
- Perishable Agricultural Commodities Act (3 sections)
- Full faith and credit (3 sections)
- Reclamation Act (3 sections)
- Surface Mining Control and Reclamation Act (3 sections)

Finally, as noted above, researchers separately coded provisions that included funding for state courts. This process revealed 34 sections that referred, in any way, to the availability of federal funds for state courts or for use in connection with state courts (*e.g.*, by state executive branch officials). A full list of these provisions is provided in Appendix 2.





## V. Areas for Further Research

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If additional research were desirable, it could proceed along several trajectories.

First, the research could be done using federal agency resources, as federal policy is not limited to statutes but is also evinced by federal agency regulations, policy statements, and other pronouncements. For example, we have already established that the phrase “state court” or “state courts” appears in almost one thousand sections of the Code of Federal Regulations.

The reach of the Code of Federal Regulations may provide more opportunities to understand how the federal government interacts with state courts. In some circumstances, federal agencies go beyond invoking state court jurisdiction but actually direct how state court will proceed in certain actions involving federal interests as can be found in 25 C.F.R. § 23.124(a), which requires with respect to placement of Indian children that “The State court must require the participants in a voluntary proceeding to state on the record whether the child is an Indian child, or whether there is reason to believe the child is an Indian child.” This regulation also provides that “State courts must ensure that the placement for the Indian child complies with §§ 23.129–23.132.”<sup>24</sup>

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<sup>24</sup> 25 C.F.R. § 23.124(c) (2021). See also, 32 C.F.R. § 720.21 (National Defense) (2021) (“Where members or civilian employees are subpoenaed to appear as witnesses in State courts, and are served as described in §§ 720.20, 720.20(d) applies. If these persons are requested to appear as witnesses in State courts when the interests of the Federal Government are involved (e.g., Medical Care Recovery Act cases), follow the procedures described in § 720.22. If State authorities are attempting to obtain the presence of a member or a civilian employee as a witness in a civil or criminal case, and such person is unavailable because of an overseas assignment, the command should immediately contact the Judge Advocate General, or the Associate General Counsel (Litigation), as appropriate.”); 49 C.F.R. § 270.105(d) (Transportation) (2021) (“Preemption. To the extent that State discovery rules and sunshine laws would require disclosure of information protected by this section in a Federal or State court proceedings for damages involving personal injury, wrongful death, or property damage, those rules and laws are preempted.”).



Second, this project has not attempted to quantify the percentage of state court proceedings related to different federal policies. Further research—either through state-court dockets and opinions or through interviews or surveys of state officials—could do so. This research also could attempt to account for the significance of concurrent state court jurisdiction over federal claims absent an express statutory requirement.

Third, this project did not collect data on when the relevant provisions were enacted. Researchers could analyze that information in order to determine whether any significant correlations exist with respect to congressional attention to state courts over time.



# Appendix I: Relevant U.S. Code Provisions

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## Title 2 – The Congress

- 2 U.S.C. § 922, Congress's emergency powers to eliminate budget deficit, judicial review (District of Columbia)

## Title 5 – Government Organization and Employees

- 5 U.S. Code § 8348 et. seq., Civil Service Retirement and Disability Fund<sup>25</sup>
- 5 U.S.C. § 9101, Access to criminal history records for national security and other purposes

## Title 7 – Agriculture

- 7 U.C.S. § 13a-2, Jurisdiction of states concerning violations of Commodity Exchange Act.
- 7 U.S.C. § 1981a, Loan moratorium and policy on foreclosures
- 7 U.S.C. § 586, Refusal of certificates for violations of laws; penalties for violations
- 7 U.S.C. § 596, Refusal of certificates for violations of law; penalties for violations
- 7 U.S.C. § 210, Proceedings before Secretary for violations
- 7 U.S.C. § 499e, Liability to persons injured
- 7 U.S.C. § 499g, Reparation order
- 7 U.S.C. § 499h, Grounds for suspension or revocation of license
- 7 U.S.C. § 2021, Civil penalties and disqualification of retail food stores and wholesale food concerns
- 7 U.S.C. § 2023, Administrative and judicial review; restoration of rights
- 7 U.S.C. § 2156, Animal fighting venture prohibition

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<sup>25</sup> 5 C.F.R. § 838.122 State Courts' Responsibilities. "State courts are responsible for – (a) Providing due process to the employee or retiree; (b) Issuing clear, specific, and express instructions consistent with the statutory provisions authorizing OPM to provide benefits to former spouses or child abuse creditors and the requirements of this part for awarding such benefits; (c) Using the terminology defined in this part only when it intends to use the meaning given to that terminology by this part; (d) Determining when court orders are invalid; and (e) Settling all disputes between the employee or retiree and the former spouse or child abuse creditor."

## **Title 8 – Aliens and Nationality**

- 8 U.S.C. § 1366, Mandatory reporting of illegal aliens convicted of felonies but not sentenced to incarceration
- 8 U.S.C. § 1439, Naturalization through service in the armed forces
- 8 U.S.C. § 1440, Naturalization through active-duty service in the Armed Forces during World War I, World War II, Korean hostilities, Vietnam hostilities, or other periods of military hostilities
- 8 U.S.C. § 1440e, Exemption from naturalization fees for aliens naturalized through service during Vietnam hostilities or other subsequent period of military hostilities; report by clerks of courts to Attorney General
- 8 U.S.C. § 1358, Local jurisdiction over immigrant stations
- 8 U.S.C. § 1421, Naturalization authority

## **Title 10 – Armed Forces**

- 10 U.S.C. § 1408, Payment of retired or retainer pay in compliance with court orders
- 10 U.S.C. § 2207, Expenditure of appropriations: limitation
- 10 U.S.C. § 987, Terms of consumer credit extended to members and dependents: limitations

## **Title 11 – Bankruptcy**

- 11 U.S.C. § 1524, Intervention by a foreign representative
- 11 U.S.C. § 526, Restrictions on debt relief agencies

## **Title 12 – Banks and Banking**

- 12 U.S.C. § 5010, Statute of limitations and notice of claim
- 12 U.S.C. § 4010, Civil liability
- 12 U.S.C. § 2277a-10c, Corporation as conservator or receiver; certain other powers
- 12 U.S.C. § 2277a-6, Overpayment and underpayment of premiums; remedies
- 12 U.S.C. § 1782, Administration of insurance fund
- 12 U.S.C. § 1786, Termination of insured credit union status; cease and desist orders; removal or suspension from office; procedure

- 12 U.S.C. § 1787, Payment of insurance
- 12 U.S.C. § 1817, Assessments
- 12 U.S.C. § 1818, Termination of status as insured depository institution
- 12 U.S.C. § 1820, Administration of Corporation
- 12 U.S.C. § 1821, Insurance Funds
- 12 U.S.C. § 4617, Authority over critically undercapitalized regulated entities
- 12 U.S.C. § 197, Shareholders' meeting; continuance of receivership; appointment of agent; winding up business; distribution of assets
- 12 U.S.C. § 216b, Disposition of unclaimed property
- 12 U.S.C. § 1715z-13, Single family mortgage insurance on Indian reservations
- 12 U.S.C. § 2614, Jurisdiction of courts; limitations
- 12 U.S.C. § 1464, Federal savings associations
- 12 U.S.C. § 3764, Record of foreclosure and sale
- 12 U.S.C. § 5383, Systemic risk determination
- 12 U.S.C. § 5390, Powers and duties of the Corporation
- 12 U.S.C. § 5538, Mortgage loans; rule making procedures; enforcement
- 12 U.S.C. § 5552, Preservation of enforcement powers of States to enforce federal and state consumer protection laws in either state or federal court<sup>26</sup>
- 12 U.S.C. § 5564, Litigation authority

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<sup>26</sup> Enumerated federal consumer laws that may be enforced include by way of definition, (A) the Alternative Mortgage Transaction Parity Act of 1982 (12 U.S.C. 3801 et seq.); (B) the Consumer Leasing Act of 1976 (15 U.S.C. 1667 et seq.); (C) the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.), except with respect to section 920 of that Act; (D) the Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.); (E) the Fair Credit Billing Act (15 U.S.C. 1666 et seq.); (F) the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), except with respect to sections 615(e) and 628 of that Act (15 U.S.C. 1681m(e), 1681w); (G) the Home Owners1 Protection Act of 1998 (12 U.S.C. 4901 et seq.); (H) the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.); (I) subsections (b) through (f) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t(c)-(f))<sup>2</sup>; (J) sections 502 through 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802-6809) except for section 505 as it applies to section 501(b); (K) the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801 et seq.); (L) the Home Ownership and Equity Protection Act of 1994 (15 U.S.C. 1601 note); (M) the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.); (N) the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.); (O) the Truth in Lending Act (15 U.S.C. 1601 et seq.); (P) the Truth in Savings Act (12 U.S.C. 4301 et seq.); (Q) section 626 of the Omnibus Appropriations Act, 2009 (Public Law 111-8); and (R) the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701). See, 12 U.S.C. § 5481 (2021) & 12 U.S.C. § 5552 (2021).

## Title 15 – Commerce and Trade

- 15 U.S.C. § 1122, Enforcement of trademark enforcement against federal and state government
- 15 U.S.C. § 3612, Concurrent State and Federal jurisdiction; venue; removal of cases
- 15 U.S.C. § 1640, Civil liability
- 15 U.S.C. § 1667d, Civil liability of lessors
- 15 U.S.C. § 1681p, Jurisdiction of courts; limitation of actions
- 15 U.S.C. § 1681s, Administrative enforcement
- 15 U.S.C. § 1691c-1, Incentives for self-testing and self-correction
- 15 U.S.C. § 1691e, Civil liability
- 15 U.S.C. § 1692k, Civil liability
- 15 U.S.C. § 1693m, Civil liability
- 15 U.S.C. § 2310, Remedies in consumer disputes
- 15 U.S.C. § 45b, Consumer review protection
- 15 U.S.C. § 45c, Unfair and deceptive acts and practices relating to the circumvention of ticket access control measures
- 15 U.S.C. § 57b, Civil actions for violations of rules and cease and desist orders respecting unfair or deceptive acts or practices
- 15 U.S.C. § 3007, Jurisdiction and venue
- 15 U.S.C. § 3902, Power of state and federal courts to issue injunctions against unlawful solicitation or sale of insurance by risk retention group
- 15 U.S.C. § 80a-43, Jurisdiction of offenses and suits
- 15 U.S.C. § 80b-14, Jurisdiction of offenses and suits
- 15 U.S.C. § 717f, Construction, extension, or abandonment of facilities
- 15 U.S.C. § 1719, Jurisdiction of offenses and suits
- 15 U.S.C. § 3415, Intervention
- 15 U.S.C. § 6309, Enforcement

- 15 U.S.C. § 7244, Insider trades during pension fund blackout periods
- 15 U.S.C. § 3207, Judicial review and enforcement
- 15 U.S.C. § 77d-1, Requirements with respect to certain small transactions
- 15 U.S.C. § 77jjj, Eligibility and disqualification of trustee
- 15 U.S.C. § 77k, Civil liabilities on account of false registration statement
- 15 U.S.C. § 77l, Civil liabilities arising in connection with prospectuses and communications
- 15 U.S.C. § 77p, Additional remedies; limitation on remedies
- 15 U.S.C. § 77v, Jurisdiction of offenses and suits
- 15 U.S.C. § 77www, Liability for misleading statements
- 15 U.S.C. § 77z-1, Private securities litigation
- 15 U.S.C. § 78i, Manipulation of security prices
- 15 U.S.C. § 78p, Directors, officers, and principal stockholders
- 15 U.S.C. § 78r, Liability for misleading statements
- 15 U.S.C. § 78s, Registration, responsibilities, and oversight of self-regulatory organizations
- 15 U.S.C. § 78t-1, Liability to contemporaneous traders for insider trading
- 15 U.S.C. § 78eee, Protection of customers
- 15 U.S.C. § 6309, Private right of action for injuries to professional boxers
- 15 U.S.C. § 6603, Application of chapter
- 15 U.S.C. § 6605, Proportionate liability
- 15 U.S.C. § 6606, Prelitigation notice
- 15 U.S.C. § 6616, Admissible evidence ultimate issue in State courts

## **Title 16 – Conservation**

- 16 U.S.C. § 410aaa-76, Federal reserved water rights
- 16 U.S.C. § 670j, Enforcement provisions

- 16 U.S.C. § 814, Exercise by licensee of power of eminent domain
- 16 U.S.C. § 818, Public lands included in project; reservation of lands from entry
- 16 U.S.C. § 824p, Siting of interstate electric transmission facilities
- 16 U.S.C. § 544m, Enforcement
- 16 U.S.C. § 403c-1, Respective jurisdiction of Virginia and United States over lands in Shenandoah Park
- 16 U.S.C. § 410ff-1, Acquisition of property
- 16 U.S.C. § 423f, Protection of monuments, etc.
- 16 U.S.C. § 425g, Protection of monuments, etc.
- 16 U.S.C. § 426i, Protection of monuments, etc.
- 16 U.S.C. § 428i, Protection of monuments, etc.
- 16 U.S.C. § 429b, Manassas National Battlefield Park
- 16 U.S.C. § 430h, Vicksburg National Military Park
- 16 U.S.C. § 460ccc-8, Water
- 16 U.S.C. § 460ddd, Establishment
- 16 U.S.C. § 460tt, Cross Florida Barge Canal
- 16 U.S.C. § 460y-4, Authority of Secretary
- 16 U.S.C. § 668b, Enforcement provisions
- 16 U.S.C. § 2632, Consumer representation
- 16 U.S.C. § 2633, Judicial review and enforcement
- 16 U.S.C. § 1338, Criminal provisions

### **Title 18 – Crimes and Criminal Procedure**

- 18 U.S.C. § 1388, Prohibition on disruptions of funerals of members or former members of the Armed Forces
- 18 U.S.C. § 2265, Full faith and credit given to protection orders

- 18 U.S.C. § 2511, Interception and disclosure of wire, oral, or electronic communications prohibited
- 18 U.S.C. § 2516, Authorization for interception of wire, oral, or electronic communications
- 18 U.S.C. § 2704, Backup preservation
- 18 U.S.C. § 3122, Application for an order for a pen register or a trap and trace device

## **Title 20 – Education**

- 20 U.S.C. § 1415, Procedural safeguards
- 20 U.S.C. § 1439, Procedural safeguards
- 20 U.S.C. § 9573, Confidentiality
- 20 U.S.C. § 1232g, Family educational and privacy rights
- 20 U.S.C. § 1078, Federal payments to reduce student interest costs
- 20 U.S.C. § 1082, Legal powers and responsibilities
- 20 U.S.C. § 1095a, Wage garnishment requirement

## **Title 21 – Food and Drugs**

- 21 U.S.C. § 880, Administrative inspections and warrants
- 21 U.S.C. § 1603, General requirements; applicability; preemption; biomaterials access assurance

## **Title 22 – Foreign Relations and Intercourse**

- 22 U.S.C. § 1978, Restriction on importation of fishery or wildlife products from countries which violate international fishery or endangered or threatened species programs

## **Title 23 – Highways**

- 23 U.S.C. § 148, Highway safety improvement program
- 23 U.S.C. § 409, Discovery and admission as evidence of certain reports and surveys

## **Title 24 – Hospitals and Asylums**

- 24 U.S.C. § 328, Payment for care and treatment

## **Title 25 – Indians**

- 25 U.S.C. § 3713, Indian agricultural lands trespass
- 25 U.S.C. § 375, Determination of heirship of deceased members of Five Civilized Tribes
- 25 U.S.C. § 232, Jurisdiction of New York State over offenses committed on reservations within State
- 25 U.S.C. § 233, Jurisdiction of New York State courts in civil actions
- 25 U.S.C. § 1911, Indian tribe jurisdiction over Indian child custody proceedings
- 25 U.S.C. § 1913, Parental rights; voluntary termination
- 25 U.S.C. § 1914, Petition to court of competent jurisdiction to invalidate action upon showing of certain violations
- 25 U.S.C. § 1920, Improper removal of child from custody; declination of jurisdiction; forthwith return of child: danger exception
- 25 U.S.C. § 1921, Higher State or Federal standard applicable to protect rights of parent or Indian custodian of Indian child
- 25 U.S.C. § 1951, Information availability to and disclosure by Secretary
- 25 U.S.C. § 403a-1, Sale or partition by owners of interests in allotted lands in the Tulalip Reservation; termination of Federal title, trust, and restrictions
- 25 U.S.C. § 416a, Lease provisions
- 25 U.S.C. § 3106, Forest trespass
- 25 U.S.C. § 5205, Amendment or revocation of charters; suits by and against associations
- 25 U.S.C. § 305e, Cause of action for misrepresentation of Indian produced goods

## **Title 26 – Internal Revenue Code**

- 26 U.S.C. § 6305, Collection of certain liability
- 26 U.S.C. § 6050I, Returns relating to cash received in trade or business, etc.
- 26 U.S.C. § 7448, Annuities to surviving spouses and dependent children of judges and special trial judges

## **Title 27 – Intoxicating Liquors**

- 27 U.S.C. § 207, Penalties; jurisdiction; compromise of liability

## **Title 28 – Judiciary and Judicial Procedure**

- 28 U.S.C. § 4102, Recognition of foreign defamation judgments
- 28 U.S.C. § 594, Authority and duties of an independent counsel
- 28 U.S.C. § 1338, Patents, plant variety protection, copyrights, mask works, designs, trademarks, and unfair competition
- 28 U.S.C. § 1390, Scope
- 28 U.S.C. § 1445, Nonremovable actions
- 28 U.S.C. § 1738, State and Territorial statutes and judicial proceedings; full faith and credit
- 28 U.S.C. § 1738A, Full faith and credit given to child custody determinations
- 28 U.S.C. § 1738B, Full faith and credit for child support orders

## **Title 29 – Labor**

- 29 U.S.C. § 626, Recordkeeping, investigation, and enforcement
- 29 U.S.C. § 2005, Employee Polygraph Protection, Enforcement action in state and federal courts
- 29 U.S.C. § 1024, Filing with Secretary and furnishing information to participants and certain employers
- 29 U.S.C. § 1132, Civil enforcement
- 29 U.S.C. § 1401, Resolution of disputes
- 29 U.S.C. § 1451, Civil actions
- 29 U.S.C. § 216, Penalties
- 29 U.S.C. § 2617, Private right of action in state court to enforce Family and Medical Leave Act
- 29 U.S.C. § 431, Report of labor organizations
- 29 U.S.C. § 501, Fiduciary responsibility of officers of labor organizations
- 29 U.S.C. § 722, Eligibility and individualized plan for employment

## **Title 30 – Minerals and Mining**

- 30 U.S.C. § 122, Patents; reservation in the United States of reserved deposits; acquisition of right to remove deposits; application for entry to disprove classification
- 30 U.S.C. § 85, Patents for lands, with reservation of coal; disposal of coal deposits
- 30 U.S.C. § 88, Disposition of coal by United States
- 30 U.S.C. § 30, Adverse claims; oath of claimants; requisites; waiver; stay of land office proceedings; judicial determination of right of possession; successful claimants' filing of judgment roll, certificate of labor, and description of claim in land office, and acreage and fee payments; issuance of patents for entire or partial claims upon certification of land office proceedings and judgment roll; alienation of patent title
- 30 U.S.C. § 526, Mining and Leasing Act operations
- 30 U.S.C. § 1232, Reclamation fee
- 30 U.S.C. § 1242, Powers of Secretary or State
- 30 U.S.C. § 1276, Judicial review

## **Title 31 – Money and Finance**

- 31 U.S.C. § 3720D, Garnishment
- 31 U.S.C. § 6716, Civil action by a person adversely affected
- 31 U.S.C. § 5317, Search and forfeiture of monetary instruments
- 31 U.S.C. § 6716, Right of private suits in federal or state courts to enforce provisions of local government fiscal assistance fund

## **Title 33 – Navigation and Navigable Waters**

- 33 U.S.C. § 495, Violations of orders respecting bridges and accessory works
- 33 U.S.C. § 519, Noncompliance with orders; penalties; removal of bridge
- 33 U.S.C. § 911, Guardian for minor or incompetent
- 33 U.S.C. § 3, Regulations to prevent injuries from target practice
- 33 U.S.C. § 2717, Litigation, jurisdiction, and venue
- 33 U.S.C. § 1321, Oil and hazardous substance liability
- 33 U.S.C. § 1342, National pollutant discharge elimination system

### **Title 34 – Crime Control and Law Enforcement**

- 34 U.S.C. § 10228, Prohibition of Federal control over State and local criminal justice agencies; prohibition of discrimination
- 34 U.S.C. § 10651, Adult and juvenile collaboration programs
- 34 U.S.C. § 40915, Relief from disabilities program required as condition for participation in grant programs
- 34 U.S.C. § 12251, Authority to make grants
- 34 U.S.C. § 12361, Civil rights

### **Title 35 – Patents**

- 35 U.S.C. § 375, Patent issued on international application: Effect
- 35 U.S.C. § 294, Voluntary arbitration

### **Title 37 – Pay and Allowances of the Uniformed Services**

- 37 U.S.C. § 423, Validity of allowance payments based on purported marriages

### **Title 38 – Veterans' Benefits**

- 38 U.S.C. § 4323, Enforcement of rights with respect to a State or private employer
- 38 U.S.C. § 2413, Prohibition on certain demonstrations and disruptions at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery
- 38 U.S.C. § 6106, Misuse of benefits by fiduciaries
- 38 U.S.C. § 5316, Authority to sue to collect certain debts
- 38 U.S.C. § 7297, Survivor annuities
- 38 U.S.C. § 7332, Confidentiality of certain medical records

### **Title 39 – Postal Service**

- 39 U.S.C. § 3017, Nonmailable skill contests or sweepstakes matter; notification to prohibit mailings

### **Title 41 – Public Contracts**

- 41 U.S.C. § 6705, Violations

## Title 42 – The Public Health and Welfare

- 42 U.S.C. § 7661a, Permit programs
- 42 U.S.C. § 5106a, Grants to States for child abuse or neglect prevention and treatment programs
- 42 U.S.C. § 5106i, Rule of construction
- 42 U.S.C. § 2184, Injunctions; measure of damages
- 42 U.S.C. § 2188, Monopolistic use of patents
- 42 U.S.C. § 8512, State emergency conservation plan
- 42 U.S.C. § 8513, Standby Federal conservation plan
- 42 U.S.C. § 8521, Minimum automobile fuel purchase measures
- 42 U.S.C. § 6272, International voluntary agreements
- 42 U.S.C. § 3613, Enforcement by private persons
- 42 U.S.C. § 3614-1, Incentives for self-testing and self-correction
- 42 U.S.C. § 1592f, Preservation of local civil and criminal jurisdiction, and civil rights; jurisdiction of State courts
- 42 U.S.C. § 14931, Adoptions of children immigrating to the United States
- 42 U.S.C. § 14932, Adoptions of children emigrating from the United States
- 42 U.S.C. § 14942, Documents of other Convention countries
- 42 U.S.C. § 1437d, Contract provisions and requirements; loans and annual contributions
- 42 U.S.C. § 12708, Compliance
- 42 U.S.C. § 8441, Preservation of contractual interest
- 42 U.S.C. § 3058g, State Long-Term Care Ombudsman program
- 42 U.S.C. § 3058i, Prevention of elder abuse, neglect, and exploitation
- 42 U.S.C. § 238q, Liability regarding emergency use of automated external defibrillators
- 42 U.S.C. § 290dd-2, Confidentiality of records
- 42 U.S.C. § 300aa-11, Petitions for compensation

- 42 U.S.C. § 300ff-139, Injunctions regarding violation of prohibition
- 42 U.S.C. § 300j, Assurances of availability of adequate supplies of chemicals necessary for treatment of water
- 42 U.S.C. § 300x-65, Right of action in state court for discrimination in funds provided for substance abuse services by nongovernmental organizations
- 42 U.S.C. § 1452c, Nullification of right of redemption of single-family mortgagors under rehabilitation loan program
- 42 U.S.C. § 1490p-2, Loan guarantees for multifamily rental housing in rural areas
- 42 U.S.C. § 1007, Representative payees
- 42 U.S.C. § 1383, Procedure for payment of benefits
- 42 U.S.C. § 1395ff, Determinations; appeals
- 42 U.S.C. § 1397m-1, Adult protective services functions and grant programs
- 42 U.S.C. § 405, Evidence, procedure, and certification for payments
- 42 U.S.C. § 604a, Services provided by charitable, religious, or private organizations
- 42 U.S.C. § 604a, Services provided by charitable, religious, or private organizations
- 42 U.S.C. § 622, State plans for child welfare services
- 42 U.S.C. § 629h, Entitlement funding for State courts to assess and improve handling of proceedings relating to foster care and adoption
- 42 U.S.C. § 654, State plan for child and spousal support
- 42 U.S.C. § 675a, Additional case plan and case review system requirements
- 42 U.S.C. § 10703, Board of Directors
- 42 U.S.C. § 10705, Grants and contracts
- 42 U.S.C. § 2651, Recovery by United States

### **Title 43 – Public Lands**

- 43 U.S.C. § 1603, Declaration of settlement
- 43 U.S.C. § 423e, Completion of new projects or new division; execution of contract with district as condition precedent to delivery of water; contents of contract; cooperation of States with United States; limitations on sale of land
- 43 U.S.C. § 511, Authority to contract with irrigation district
- 43 U.S.C. § 544, Limitation as to holdings prior to final payment of charges; forfeiture of excess holding

### **Title 46 – Shipping**

- 46 U.S.C. § 60104, Depositing certificates of documentation with consular officers
- 46 U.S.C. § 53207, National security requirements
- 46 U.S.C. § 57103, Donation of nonretention vessels in the National Defense Reserve Fleet

### **Title 47 – Telecommunications**

- 47 U.S.C. § 332, Mobile services
- 47 U.S.C. § 407, Order for payment of money; petition for enforcement; procedure; order of Commission as prima facie evidence; costs; attorneys' fees
- 47 U.S.C. § 409, Hearings
- 47 U.S.C. § 415, Limitations of actions
- 47 U.S.C. § 553, Unauthorized reception of cable service
- 47 U.S.C. § 555, Judicial proceedings
- 47 U.S.C. § 605, Unauthorized publication or use of communications
- 47 U.S.C. § 214, Extension of lines or discontinuance of service; certificate of public convenience and necessity
- 47 U.S.C. § 227, Restrictions on use of telephone equipment

## **Title 48 – Territories and Insular Possessions**

- 48 U.S.C. § 874, Judicial process; officials to be citizens of United States; oath
- 48 U.S.C. § 1406f, Judicial process; title of criminal prosecutions

## **Title 49 – Transportation**

- 49 U.S.C. § 14101, Providing transportation and service
- 49 U.S.C. § 14704, Rights and remedies of persons injured by carriers or brokers
- 49 U.S.C. § 14706, Liability of carriers under receipts and bills of lading
- 49 U.S.C. § 15904, Rights and remedies of persons injured by pipeline carriers
- 49 U.S.C. § 15906, Liability of pipeline carriers under receipts and bills of lading
- 49 U.S.C. § 10709, Contracts
- 49 U.S.C. § 11704, Rights and remedies of persons injured by rail carriers
- 49 U.S.C. § 11706, Liability of rail carriers under receipts and bills of lading
- 49 U.S.C. § 32707, Administrative warrants
- 49 U.S.C. § 32709, Penalties and enforcement
- 49 U.S.C. § 32710, Civil actions by private persons
- 49 U.S.C. § 31706, Enforcement
- 49 U.S.C. § 5125, Preemption

## **Title 50 – War and National Defense**

- 50 U.S.C. § 2011, CIARDS system
- 50 U.S.C. § 4703, Payment of compensation; insurance
- 50 U.S.C. § 4558, Voluntary agreements and plans of action for preparedness programs and expansion of production capacity and supply
- 50 U.S.C. § 1885, Definitions
- 50 U.S.C. § 1885a, Procedures for implementing statutory defenses
- 50 U.S.C. § 3931, Protection of servicemembers against default judgments

# Appendix 2: Relevant U.S. Code Provisions Implicating Funding

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25 U.S.C. § 3210, Indian Child Protection and Family Violence Prevention Program

34 U.S.C. § 10152, Description

34 U.S.C. § 10171, Correctional options grants

34 U.S.C. § 10381, Authority to make public safety and community policing grants

34 U.S.C. § 10401, Program authorized

34 U.S.C. § 10403, Grant eligibility

34 U.S.C. § 10446, State grants

34 U.S.C. § 10461, Grants

34 U.S.C. § 10471, Grant authority

34 U.S.C. § 10479, Mental health responses in the judicial system

34 U.S.C. § 10531, Program authorized

34 U.S.C. § 10611, Grant authority

34 U.S.C. § 10615, Applications

34 U.S.C. § 10651, Adult and juvenile collaboration programs

34 U.S.C. § 10651a, Veteran Treatment Court Program

34 U.S.C. § 11162, Training and technical assistance

34 U.S.C. § 12371, Grants authorized

34 U.S.C. § 12421, Enhanced training and services to end abuse in later life

34 U.S.C. § 12464, Grants to support families in the justice system

34 U.S.C. § 20333, Specialized technical assistance and training programs

34 U.S.C. § 30101, State grant program for training and prosecution of computer crimes

34 U.S.C. § 40301, State grant program for criminal justice identification, information, and communication

34 U.S.C. § 40722, DNA training and education for law enforcement, correctional personnel, and court officers

34 U.S.C. § 40941, Disposition records automation and transmittal improvement grants

34 U.S.C. § 41508, Grants to States for threat assessment databases

42 U.S.C. § 10702, Establishment of Institute; duties

42 U.S.C. § 10705, Grants and contracts

42 U.S.C. § 10706, Limitations on grants and contracts

42 U.S.C. § 1397m-1, Adult protective services functions and grant programs

42 U.S.C. § 18203, Permissible uses of Fund

42 U.S.C. § 629f, Authorization of appropriations; reservation of certain amounts

42 U.S.C. § 629f, Authorization of appropriations; reservation of certain amounts

42 U.S.C. § 629g, Discretionary and targeted grants

42 U.S.C. § 629h, Entitlement funding for State courts to assess and improve the handling of proceedings relating to foster care and adoption



