CIVIL RIGHTS DOCKET FEBRUARY 2021

AFFORDABLE CARE ACT

***California v. Texas*,** 18-840. By a 7-2 vote, the U.S. Supreme Court on 6/16/21 rejected a challenge to the constitutionality of the Affordable Care Act on the ground that neither the private nor state plaintiffs had standing to challenge the provision at issue. The plaintiffs claimed that reducing to zero the amount individuals who don't obtain insurance must pay the government renders the minimum-coverage requirement an unconstitutional individual mandate, and that the rest of the Act is not severable from that provision. The Court ruled that the private plaintiffs could not show traceability or redressability because the minimum-coverage requirement "has no means of enforcement." And the Court concluded that "[t]he state plaintiffs have failed to show that the challenged minimum essential coverage provision, without any prospect of penalty, will harm them by leading more individuals to enroll in these programs." The state plaintiffs also pointed to various costs they must incur directly, but the Court said that "[t]he problem with these claims [ ] is that other provisions of Act, not the minimum essential coverage provision, impose these other requirements."

***NY v. Azar*, #1:20-cv-05583, S.D. NY, filed July 20, 2020:** NY, CA, MA, CO, CN, DE, D.C., HI, IL, ME, MD, MI, MN, NV, NJ, NM, NC, OR, PA, RI, VT, VA and WI challenge a weakening of the ACA Section 1557 allowing for more extensive discrimination against persons on the basis of sexual orientation or identity. The States filed a renewed motion for summary judgment 12/2/20. On 2/10/21 both parties filed a motion for stay.

***California vs. Trump*,** N.D. Cal. (San Francisco/Oakland Division) #17-cv-05895 filed 10/13/17: Complaint seeks declaratory and injunctive relief to compel the president and secretaries of HHS and Treasury to make CSR reimbursement payments in accordance with the ACA. Plaintiffs moved for stay or dismissal without prejudice filed in July 2018, because "silver-loading" policy was keeping subsidies available for consumers without legal action. Judge Chhabria dismissed without prejudice on July 18, 2018. States participating: NY, CA, CT, DE, IL, IA, KY, MD, MA, MN, NM, NC, OR, PA, RI, VT, VA, WA and D.C. The case was dismissed without prejudice 7/18/18.

Maine Community Health Options v. U.S., Moda Health Plan v. U.S., Land of Lincoln Mutual v. U.S., ##18-1023, 18-1028 and 18-1038, filed 9/6/19. Question presented: "Is the federal government required to make the "risk corridors" payments to insurers that Congress mandated in the Affordable Care Act?" Attorneys general from: NY, AK, CA, CO, CT, DE, HI, IL, KY, ME, MD, MA, MN, NY, NJ, NM, NC, PA, RI, VT, VA, WA, WY and D.C. filed the Supreme Court amicus. The attorneys general were amici in the *Moda Health Plan v. United States*, litigation in the D.C. circuit, # 17-1994, filed 8/13/2018. Amicus brief in support of en banc rehearing in Federal Circuit to challenge ruling that congressional riders had the effect of eliminating "risk-corridor" payments under the ACA. Brief argues that this interpretation of Congressional action is mistaken and would disrupt health insurance markets.

City of Chicago v. Azar, #1:20-cv-01566-TJK filed 6/15/20 D.C. District Court: AGs from CA, MI, CN, DE, D.C., HI, MD, MN, NM, NC, OR, PA, RI and VA argue as amici that the Health and Human Services Department (HHS) should expand the special enrollment period for health insurance, given the COVID-19 pandemic. The Court found for plaintiffs and enjoined implementation of the new rule.

Maryland v. United States, D. Md., # 18-2849 ELH (Baltimore Division), filed 11/26/18 included: D.C., PA, CT, DE, HI, IL, ME, MA, NM, NY, NC, OR, RI, VA and WA to support Plaintiff State of Maryland's Motion for Preliminary Injunction, to substitute defendant and to expedite consideration (see ACA, # 18-2849 above), enjoining former chief of staff Matthew Whitaker from acting on the State's Affordable Care Act lawsuit and a declaration that Deputy Attorney General Rod Rosenstein is the proper acting attorney general of the United States. The States conclude that Whitaker's appointment is unlawful as, at a minimum, violating Congress's express and controlling statutory designation of the Deputy Attorney General as Acting Attorney General in the event of a vacancy. On 2/1/19, the District Court held that Maryland did not have standing to bring this action because any harm was premature and uncertain.

Mayor & City Council of Baltimore v. Azar *(HHS), #20-1215 (4th Cir), filed 5/1/20:* Supplemental en banc brief before the 4th Cir., States of CA, NV, CO, CN, DE, HI, IL, ME, MD, MA, MI, MN, NJ, NM, NY, NC, OR, PA, RI, VT, VA, WA and D.C. assert that the revisions to Title X rules have caused States to lose health care providers.

CENSUS

Alabama v. Dept. of Commerce, 3:21-cv-00211-RAH-ECM-KCN, Alabama middle district court, filed 4/13/21: amicus by attorneys general in UT, AK, AR, FL, KY, LA, ME, MS, MT,NE, NM, OH, OK, SC, TX and WV argues that the census bureau's "differential privacy" methods for masking the personal information of census respondents risks undercounting small communities. Case dismissed without prejudice on May 4, 2021.

Nat'l Urban League v. Dept. of Commerce, #20-cv-05799-LHK N.D. CA, filed 8/31/20: AGs of NY, CA, CO,CN, DE, HI,IL MI, MD, MA, MN, NV, NJ, NM, NC, OR, PA, RI, VT, VA, WA, WI, D.C. as well as counties of El Paso, Cameron,Hidalgo and Howard and cities of Columbus and Philadelphia and the U.S. Conference of Mayors challenge the legality of plans to shorten the period during which the U.S. Census would be conducted in 2020. Parties are to submit a case management schedule by 12/18/20. Pres. Biden rescinded Pres. Trump's executive order requiring the bureau not to count noncitizens in the 2020 census.

Trump v. New York, #20-366, the case in which states argued against implementation of President Trump's executive order directing the Census Bureau not to count undocumented persons, was argued in the U.S. Supreme Court 11/30/20. On 12/18/20, the Court by 6-3 vote held that the challenge to that directive to exclude aliens must be dismissed because standing was not shown and the case is not ripe. The Court stated that, "[a]t present, this case is riddled with contingencies and speculation that impede judicial review. Specifically, the Court found that "the policy may not prove feasible to implement": "the record is silent on which (and how many) aliens have administrative records that would allow the Secretary to avoid impermissible estimation, and whether the Census Bureau can even match the records in its possession to census data in a timely manner. Uncertainty likewise pervades which (and how many) aliens the President will exclude from the census if the Secretary manages to gather and match suitable administrative records. We simply do not know whether and to what extent the President might direct the Secretary to 'reform the census' to implement his general policy with respect to apportionment." The States' claims argued that the directive violates the Census Act, the Fourteenth Amendment, or Article I of the Constitution. The Supreme Court mandate issued 1/19/21, remanding the case with instructions to dismiss for lack of jurisdiction.Meanwhile, the original challenge to the census bureau's intent to add a citizenship question to the 2020 census, ***Alabama v. Dept of Commerce***, 2:18-cv-00772, N.D. Alabama, So. Division, was stayed while *Trump v. New York* proceeded. The AGs of CA, CO, CN, D.C., IL, MA, NV, MN, NV, NJ, NM, NY, NJ, NM, and RI on 8/12/19 filed a motion to intervene in the Alabama case. Intervening parties also included counties and cities of Central Falls and Provence RI, Chicago IL, NYC NY, Monterey CA, Philadelphia PA and Seattle WA; the counties of Monterey (CA), Cameron and Hidalgo (TX); and the U.S. Conference of Mayors. The Alabama intervention argued that Secretary Wilbur Ross's decision to add a citizenship question was arbitrary and capricious, contrary to law, violated the APA and was unconstitutional under the Enumeration Clause. Pres. Biden rescinded Pres. Trump's executive order requiring the bureau not to count noncitizens in the 2020 census.

EDUCATION

State of Michigan et al. v. Betsy DeVos et al., # 3:20-cv-04478, filed 7/7/20 in N.D. Cal on behalf of attorneys general in CA, MI, ME, NM, WI and D.C. The States asserted that the secretary of education's decision to include private schools in CARES Act funding dilutes the funding needed by state institutions of higher education. The California district court permanently enjoined DeVos' application of the CARES act and she stated that she would not appeal. As proposed, the rule would have meant more than $13 million in CARES Act funds would have gone to private schools in Michigan alone.

Students for Fair Admissions v. Harvard, #19-2005 (1st Cir. Ct.App.), filed 2/25/20.AGs from MA, CA, CO, DE, D.C., HI, IL, ME, MD, MN, NV, NM, NY, PA, RI and VA assert their compelling interest, aligned with Harvard, in ensuring diversity in higher education.

PA v. Navient, #19-2116,(3d Cir. Ct. App), filed 8/30/19: States of NY, AK, CA, CO, CN, DE, HI, ID, IL, IN, IA, KY, ME, MD, MA, MI, MN, MS, NE, NV, NJ, NM, NC, OR, RI, SD, TN, VT, VA, WA, WI and D.C. support Pennsylvania's challenge to Navient's motion to dismiss for failure to state a claim. Navient, a private, for-profit loan servicer, argued that the Consumer Financial Protection Act precludes concurrent state and federal jurisdiction and that the federal Higher Education Act (HEA) preempts Pennsylvania's Consumer Protection Law (CPL). The Amicus asserts States' interests in protecting residents from unfair and deceptive practices by student loan servicers. The amicus notes that State amici represent the interests of over 23 million borrowers who owe more than $785 billion in outstanding student loan debt. Oral argument held 3/11/20. Nine months before PA filed its suit, in January 2017, the Consumer Financial Protection Bureau and the States of Illinois and Washington filed lawsuits alleging that Navient failed to disclose adequately the availability of Income-Driven Repayment (IDR) programs to federal student loan borrowers. Opinion issued 7/27/20, holding that the plain language of the Consumer Protection Act permitted PA's concurrent state claims against Navient and that the Education Act, while preempting claims based on failures to disclose information, does not preempt claims based on affirmative misrepresentations. The case was not appealed.

ENVIRONMENT

ENDANGERED *SPECIES*

CA v. Bernhardt (Secy of DOI), Ross and U.S. Fish and Wildlife Service, #4:19-cv-06013, N.D.CA, filed 9/25/19: complaint for declaratory and injunctive relief: Attorneys general including NM and CA, MA, MD, CO, CN, IL, MI, NV, NJ, NY, NC, OR, PA, RI VT and WA and City of New York challenge the Trump Administration's rollback of the Endangered Species Act through finalizing three rules that undermine key requirements of the ESA. On 11/19/2020 the court set a briefing schedule for cross motions for summary judgment concluding on 6/25/21 with a hearing on 7/21/21.

CA *v. Bernhardt* (Secy of DOI), Ross and U.S. Fish and Wildlife Service, #4:19-cv-06013, N.D.CA, filed 9/25/19: complaint for declaratory and injunctive relief: Attorneys general including NM and CA, MA, MD, CO, CN, IL, MI, NV, NJ, NY, NC, OR, PA, RI VT and WA and City of New York challenge the Trump Administration's rollback of the Endangered Species Act through finalizing three rules that undermine key requirements of the ESA. On 11/19/2020 the court set a briefing schedule for cross motions for summary judgment concluding on 6/25/21 with a hearing on 7/21/21.

Cal. and New Mexico v. BLM, N.D. Cal., # 17-3804. On 7/5/17, CA and NM brought this challenge to BLM's "delay" of the Waste Prevention Rule under APA section 705. On 10/4/17, the court granted NM and CA's motion for summary judgment, holding that an agency cannot "delay" an already effective rule under section 705. This revived the Waste Prevention Rule until it was 'suspended" in December 2017.

Cal. and New Mexico v. BLM, N.D. Cal., # 17-7186. On 12/19/17, CA and NM filed a challenge to BLM's 12/8/17 suspension of the Waste Prevention Rule. Unlike the APA Section 705 "delay" below, the Suspension rule was subjected to notice and comment, but nonetheless failed to comply with APA requirements for reasoned decision making. On 2/22/18, the court granted NM and CA's motion for preliminary injunction, enjoining the suspension rule and putting the Waste Suspension Rule back into effect. However, this was effectively negated by the Wyoming district court's 4/4/2018 order staying implementation of the rule.

Cal. and New Mexico v. BLM, N.D. Cal., # 18-5712. On 9/18/18, EPA finalized a rule rescinding most of the substantive provisions of the Waste Prevention rule. The same day, CA and NM challenged the action in federal district court in California, as in violation of the APA, the Mineral Leasing Act, and the National Environmental Policy Act. After a year-long briefing period and a hearing on cross motions for summary judgment, on July 15, 2020, the court vacated the Rescission rule, finding that BLM had failed to provide a reasoned explanation for its abrupt reversal on the findings underlying the Waste Prevention Rule and failed to conduct required analyses under the National Environmental Policy Act. Wyoming, BLM, and industry groups have appealed this decision to the 9th Circuit. Briefing is scheduled for completion in April, 2021.

To summarize, after all of the proceedings described above, two cases remain: an appeal in the 10th Circuit of the Wyoming court's vacatur of the Waste Prevention Rule, and

appeal in the 9th Circuit of the California court's vacatur of BLM's 2018 rescission of the Waste Prevention Rule.

CLEAN CARS

California v. Chao, D.D.C. # 19-2826, filed Nov. 15, 2019. Petition for review challenging the National Highway Transportation Safety Administration's (NHTSA's) preemption rule stating that the Energy Policy and Conservation Act of 1975, Pub. L. No. 94-163, 89 Stat. 871 (EPCA) forecloses state emission limits that are more stringent than federal limits. This suit seeks to protect states' rights to set emissions limits for vehicles that are more strict than federal limits. On Feb. 11, 2020, the court stayed the case pending a decision in the D.C. Circuit in the SAFE Part 1 case described below.

California v. Wheeler, DC Cir. #19-1239, filed Nov. 15, 2019. Petition for review challenging EPA's actions in Part 1 of the Trump EPA's Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars. The SAFE rule Part I illegally revokes a Clean Air Act waiver, established by Congress, to allow states to set car emissions limits stricter than federal limits, and unlawfully re-interprets the Clean Air Act to preclude such waivers. This case also protectively challenges NHTSA's preemption regulation due to a jurisdictional dispute in *CA v. Chao*. Briefing concluded on 10/27/2020. Oral argument has not yet been scheduled.

California v. Wheeler, D.C. Cir. # 20-1167, filed May 27, 2020. Petition challenging EPA and NHTSA SAFE Rule Part 2, weakening federal GHG and fuel efficiency standards for model years 2021-2026, which the agencies calculate will result in an increase of 900 million metric tons of GHG emissions, and which is not justified by the Agencies' own error-filled cost-benefit analysis. Briefing scheduled to commence in January 2021 and conclude in June 2021.

CLEAN POWER PLAN

North Dakota v. EPA- D.C. Cir. #17-1014- 1657878, filed 01/27/2017: 18 states, D.C., 5 cities and 1 county-unopposed motion to intervene; on grounds that the states and cities have a compelling interest in the timely implementation of the Clean Power Plan to prevent and mitigate climate change harms to residents and natural resources. Formal comments submitted 1/8/18 on behalf of: CA, CN, DE, HI, IL, IA, ME, MD, MN, NY, NC, NM OR, RI, VT, WA, MA, PA, VA, D.C. and counties of Broward, FLA, cities of Boulder CO, Chicago IL, NY NY, Philadelphia PA and South Miami FL re: EPA's proposed repeal of the Clean Power Plan, 82 Fed. Reg. 48,035 (10/16/17). EPA repealed the Clean Power Plan and replaced it with the Affordable Clean Energy rule on 7/08/2019. 84 Fed. Reg, 32,520.

AFFORDABLE CLEAN ENERGY (ACE)

Amer. Lung. Assoc. v. EPA, D.C. Cir. # 19-1140, filed Aug. 13, 2019. Challenging Trump Administration's pollution-permitting "ACE" rule that replaced the Clean Power Plan. Signatories include NY, CA, CO, CT, DE, HI, IL, ME, MD, MA, MI, MN, NJ, NM, NC, OR, PA, RI, VT, VA, WA, WI, D.C., and the cities of Boulder, Chicago, Los Angeles, New York, Philadelphia, and South Miami, FL. In addition to the lawsuit, we have joined other states in filing a petition for administrative reconsideration with EPA under Clean Air Act section 307(d)(7)(B), 42 U.S.C. § 7607(d)(7)(B). On January 31, 2021 The D.C. Circuit agreed that the new rule was unlawful.Also related is New Mexico's intervention on the side of the EPA in consolidated cases on a single issue: the EPA's authority to regulate greenhouse gases from power plants.

EPA- DESIGNATION DELAY- NY et al v. EPA, American Lung Assn. v. EPA, D.C. Circuit, #17-1185, 17-1172. On 8/1/17, NM and numerous states filed petition for review of EPA rule granting itself a one-year extension to designate every part of the country as in attainment or non-attainment with the 2015 revised standard for ozone. Such designations determine the stringency of applicable regulations. The next day, August 2, EPA withdrew the "extension" rule and subsequently moved for dismissal as moot. The case has been held in abeyance while EPA completed the designations. On 1/2/2019, the case was dismissed as moot given that EPA had completed the designations, which was the action plaintiffs sought. Other petitioner states were NY CA CT DE IL IA ME MA MN PA OR RI WA VT & DC.

COAL MORATORIUM

C*al., New Mexico et al v. Zinke*-D. Montana, CV 17-42. *Citizens for Clean Energy et al. v. DOI-Citizens for Clean Energy et al v. DOI* CV-1730. On 5/9/17, CA, NM, NY & WA filed a challenge to DOI's decision to lift an Obama era moratorium on new federal coal leases without performing environmental review under NEPA. On 4/19/19, the court issued an order granting in part the states' motion for summary judgment. The court found that Secretary Zinke's 2017 order lifting the moratorium triggered NEPA and ordered further briefing on the remedies. On 7/31/2019, the court issued an order postponing a decision on the remedy until after DOI has completed its initial NEPA review, to determine whether an environmental assessment suffices or environmental impact statement is required. On 2/26/2020, BLM issued a Final Environmental Assessment and Finding of No Significant Impact, purporting to find that lifting the moratorium did not necessitate an Environmental Impact Statement. On 5/22/2020, the court held that the issuance of the EA/FONSI, in and of itself, satisfied the court's April 2019 order, and that any challenge to the *sufficiency* of the EA would require a new complaint and the compilation of an administrative record. On 7/23/2020, plaintiff states filed an amended complaint for that purpose. On 10/19/2020, the Court issued a scheduling order under which briefing will be complete by 7/23/21.

Dept. of Interior (DOI) VALUATION RULE

DOI VALUATION RULE- *CA and NM v. Dept of Interior,* N.D. Cal., # 3:17-cv-02376, claim under APA section 705 of delay DOI rules for calculating royalties on federal coal, oil and gas. ("Valuation Rule"). On 8/30/17, the Court granted CA and NM's motion for summary judgment and issued a declaration that DOI had violated the APA by "delaying" an already effective rule. However, the court declined to vacate the delay rule (and thereby resurrect the Valuation rule) because DOI's repeal of the rule was set to come into effect within a few days of the court's decision.

DOI VALUATION RULE II (REPEAL) *CA and NM v. DOI,* N.D. Cal., # 4:17-cv-05948-DOI Valuation Rule II (repeal). On 10/17/17, NM & CA filed a challenge under the APA to DOI's 9/6/17 final rule repealing the Valuation Rule. Summary judgment briefing was completed in September 2018. On 3/29/2019 the court vacated the repeal rule, finding that it was arbitrary and capricious under the Administrative Procedure Act for both substantive and procedural reasons. Accordingly, the Valuation Rule resumed being effective.

DOI VALUATION RULE III (Intervention in Defense) *Cloud Peak Energy v. DOI,* D. WY., # 19-CV-120. After the N. D. Cal. vacated DOI's repeal of the valuation rule, on June 13, 2019 DOI issued a letter to affected lessees requiring compliance with the valuation rule by January 1, 2020. Industry groups then filed a challenge to the Rule in federal court in Wyoming. New Mexico and California intervened to defend the Rule. On October 8, 2019, the court granted a preliminary injunction of the rule with respect to coal provisions, but denied an injunction with respect to oil and gas provisions. On 12/4/2020 petitioners filed their opening brief. On 12/17/2020, the court granted the federal defendants' unopposed motion for extension of time on the remaining briefing, which is now scheduled for completion in March 2021.

EPA METHANE RULE FOR EXISTING OIL AND GAS SOURCES

EPA METHANE RULE FOR EXISTING OIL AND GAS SOURCES: *New York et al v. Pruitt* (D. DC, # 18-0773) In this action filed on 4/5/18, plaintiffs seek to force EPA to comply with a nondiscretionary duty under the Clean Air Act to establish guidelines for limiting methane emissions from existing sources in the oil and natural gas sector, thereby remedying EPA's unreasonable delay in establishing such emission guidelines. NM is joined by States of NY, CA, CN, IL, IA, ME, MD, OR, RI, VT, WA, Commonwealths of MA and PA, the District of Columbia. On 9/27/2019, EPA moved to stay the case pending finalization of EPA's 9/24/2019 proposal to rescind NSPS OOOOa, on the basis that these performance standards are the predicate for the existing source standards the plaintiff seek to compel EPA to issue. On December 2, 2019, the court vacated the briefing schedule in the case. On 11/24/2020, EPA filed a motion to dismiss, arguing the case is moot in light of its rescission of the new source methane rules on 9/14/2020. On 12/23/2020, state plaintiffs filed an opposition to EPA's motion, arguing that the court should not decide the mootness question until the merits of EPA's rescission rule have been decided by the D.C. Circuit, or in the alternative, that the case is not moot under the voluntary cessation exception to mootness (i.e., the case will no longer be moot if the new Administration reverses EPA's decision to voluntarily rid itself of its statutory duty to regulate, or if the D.C. Circuit vacates the rescission rule. Briefing on the motion to dismiss will be complete by 1/15/21.

EPA METHANE RULE FOR NEW OIL AND GAS SOURCES- ***-Defense on the Merits-*** *North Dakota. v. EPA,* D.C. Cir. #16-1242, filed 8/15/2016: New Mexico and 8 other states and the filed a motion to intervene in defense of EPA oil and gas methane rule ("NSPS 0000"). Intervention granted 12/19/16. On 5/18/2017, court granted EPA motion to hold case in abeyance pending EPA's reconsideration of the rule. (CA, CT, IL, NM, NY, OR, RI, VT, MA and Chicago). On 12/10/2020, the court issued an order keeping the case in abeyance pending resolution of challenges to EPA's rescission of the methane rule for new oil and gas sources.

EPA METHANE RULE FOR NEW OIL AND GAS SOURCES ***-Illegal Stay-*** *Clean Air Council et al. v. Pruitt,* D.C. Cir. # 17-1145, filed 6/20/17: New Mexico and 14 other states and cities intervened in support of NGOs challenge to EPA's illegal stay of oil and gas methane rule ("NSPS 0000"). (MA, PA, CT, DE, IL, IA, MD, NM, NY, OR, RI, VT, WA, D.C. and Chicago). The court ruled in plaintiffs' favor and vacated EPA's stay of rule on 7/3/17EPA subsequently proposed to reconsider certain parts of the rule and set a comment deadline of 12/17/2018. On October 15, 2019, EPA proposed rescission of all methane rules for the oil and gas sector. New Mexico joined 19 states and 3 cities in submitting comments opposing the rescission on November 22, 2019. On 9/14 and 9/15 2020, EPA finalized rules to rescind the methane requirements and weaken the remaining requirements. These rules are being challenged in the D.C. Circuit as described below.

EPA METHANE RULE FOR NEW OIL AND GAS SOURCES ***-Unlawful Rescission-*** *Cal. et al. v. Wheeler,* D.C. Cir. # 20-1357. On 9/14/2020, New Mexico along with MA, PA, VA, DC, CA, CO, CT DE, IL ME MD, MI, MN State NJ, NY, NC, OR, RI VT and

WA filed a challenge to EPA's final rule, issued the same day, that rescinded all regulation of methane from new sources in the oil and gas sector, and removed the transmission and storage segments from the sector with respect to all pollutants, as arbitrary, capricious, and unlawful under the Clean Air Act. By EPA's calculations the Rescission will increase methane emissions by the equivalent of 10.1 million tons of CO2, volatile organics by 12,000 tons, and hazardous pollutants by 400 tons. On 9/18/2020, the states filed a motion for emergency stay of the rule, which (unusually and without explanation) was made effective immediately upon its publication in the Federal Register. On 10/27/2020, the court denied the motion. Plaintiff states filed their opening brief on 12/7/2020. Briefing is scheduled for completion by 2/19/21.

Cal. et al. v. Wheeler, D.C. Cir. # 20-1367- ***Technical Revisions Rule-*** On 9/15/2020, the same coalition of states filed a challenge to a related rule issued on that day making certain "technical revisions" to the remaining new source performance standards that will result in annual emission increases of 21,000 tons of volatile organics, 800 tons of hazardous air pollutants, and 77,000 tons of methane. The case has been consolidated with challenges brought by conservation groups. On 11/13/2020 the conservation groups filed a motion of partial stay of the Technical Revisions Rule pending a decision on the merits. That motion is fully briefed and awaiting decision.

LANDFILL EMISSIONS Failure to Enforce:

Calif. et al v. EPA. N.D. Cal, #4:18-cv-03237-Action to compel EPA to fulfill its statutory and regulatory duty to implement and enforce the Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills (Emission Guidelines). Landfills are the third-largest source of methane pollution in the country. Under a final rule issued in August 2016, state plans were due in May 2017, and EPA approval of state plans, or implementation of a federal plan for states failing to submit an approvable plan, was due in November 2017. The incoming Trump administration did not repeal or modify the rule but announced its intent not to enforce it. New Mexico nonetheless timely submitted its plan. Plaintiffs CA IL MD NM OR PA RI and VT filed suit 5/31/18. On 5/6/19, the court found for Plaintiffs, ordering EPA to comply with a schedule based on the time intervals prescribed in federal regulations. EPA began to comply by approving New Mexico's and other submitted state plans, and by proposing a federal plan on 8/22/2019. However, instead of proceeding to finalize the federal plan, EPA issued a "Delay Rule" to give itself an additional two years to act, despite the absence of any evidence that more work was needed to finalize the proposed federal plan, and then moved for relief from the judgment on the basis that it was no longer equitable in light of the Delay Rule. On 9/16/19 the court denied the motion but was subsequently reversed by the 9th Circuit. In the meantime, the delay rule is being challenged the state coalition in the DC. Circuit. *Cal. et al. v. EPA,* No. 19-1227.

MERCURY & AIR TOXICS RULE

Murray Energy v. EPA, D.C. Cir. #16-1127.New Mexico and 14 other state and local governments intervened in defense of EPA's Mercury and Air Toxics rule. Court placed case in abeyance on April 27, 2017, on EPA's motion. (CA, CT, DE, IL, IA, ME, MD, MA, MN, NH, NM, NY, OR, RI, VT, D.C. and Baltimore, Chicago and NYC.) On 8/26/2020, Court ordered that the case remain in abeyance, with motions to govern further proceeding due 2/22/21.

Mass. et al. v. EPA, D.C. Cir. #20-1265. On May 22, 2020, EPA issued a final rule reversing its prior determination (made in 2000 and reaffirmed twice thereafter) that it is "appropriate and necessary" to regulate hazardous air pollutants from power plants. This reversal was made despite the fact that the Mercury and Air Toxics rule has been in effect since 2015 and the industry has successfully complied with rule, and the fact that power plants are the largest sources of air toxics in the nation. EPA now claims it is not appropriate to consider "co-benefits" that result when a control technology targeted at one pollutant also controls other pollutants. Although EPA did not rescind the MATs rule itself, reversal of the "appropriate and necessary" determination may jeopardize the rule. On 7/20/2020, New Mexico joined MA, PA, VA, CT, DE, IL, ME, MD, MI, MN, NJ, NY, NC, OR, RI, VT, WA, WI, DC, Erie County, Baltimore, Chicago, and NYC on a petition for review in the D.C. Circuit. A briefing schedule will be set in early 2021.

White Stallion v. EPA, D.C. Cir. #16-1127.New Mexico and 14 other state and local governments intervened in defense of EPA's Mercury and Air Toxics rule. Court placed case in abeyance on April 27, 2017, on EPA's motion. (CA, CT, DE, IL, IA, ME, MD, MA, MN, NH, NM, NY, OR, RI, VT, D.C. and Baltimore, Chicago and NYC.)

MIGRATORY BIRD TREATY ACT-

New York et al. v. US DOI et al, S. D. NY, # 18-8084. New Mexico and other states challenge a December 2017 opinion of Interior's Office of the Solicitor reinterpreting the Migratory Bird Treaty Act of 1918 as prohibiting only activities that are *intentionally* meant to take or kill birds. (The "Jorjani Opinion"). The Jorjani Opinion reversed an interpretation held by the agency for nearly 50 years that the Act prohibits incidental killings and contravened the protective purpose of the act. Plaintiffs are NM, NY, CA, IL, MD, MA, NJ, and OR. Federal defendant's motion to dismiss was denied 7/31/19. On 8/11/2020, the court granted plaintiffs' motion for summary judgment, holding that "the Jorjani Opinion is contrary to the plain meaning of the MBTA and must be vacated." On October 9, 2020 DOI filed an appeal in the 2nd Circuit.

WATERS OF THE U.S.

Cal. et al. v. Wheeler et al., N. D. Cal. # 20-cv-03005. On April 21, 2020, the EPA and the U.S. Army Corps of Engineers published a final rule redefining the "waters of the United States" to drastically reduce the jurisdictional extent of the Clean Water Act, to a degree not seen in the nearly 50 year history of the Act. Of particular concern to New Mexico, this 2020 rule would eliminate federal protection of ephemeral streams (regardless of whether they are tributaries to jurisdictional waters), which comprise 89% of the state's streams. The rule also severely curtails the Act's coverage of wetlands, subjecting nonjurisdictional wetlands to destruction by dredging and filling without review by the Army Corps. On 5/1/2020, New Mexico joined CA, NY, CT, IL, ME, MI, NJ, NC, OR, RI, VT, WA, WI, MA, VA, D.C., and N.Y.C. in filing a complaint in the N. D. Cal. challenging the 2020 rule as arbitrary, capricious, and unlawful under the Clean Water Act. The State coalition filed a motion for summary judgment on 11/23/2020. Briefing is scheduled to be complete on 5/6/21 with a hearing on cross motions for summary judgment on June 3, 2021.

STATE WATER QUALITY

CERTIFICATIONS OF FEDERAL PROJECTS- *Cal. et al. v Wheeler,* N.D. Cal. #3:20-cv-4869. On July 13, 2020, EPA finalized a rule that unlawfully curtails the authority provided to states by Section 401 of the Clean Water Act to certify compliance with state water quality requirements of projects that require a federal permit. Among other things the rule prohibits states from considering the water quality impacts of the project as a whole (not just discharges into waters of the U.S.); prohibits states from imposing conditions other than discharge permits, contrary to Section 401 which authorizes additional conditions on the activity as a whole; and allows a federal agency to determine a state has waived its authority even if the state has not been provided adequate information to make a certification. On 7/21/2020, New Mexico joined CA, WA, NY, CO, CT, IL, ME, MD, MA, MI, MN, NV, NJ, NC, OR, RI, VT, VA, WI, D.C. in challenging the rule as arbitrary, capricious, and unlawful under the Clean Water Act. A briefing schedule will be set when the contents of the Administrative Record have been determined.

CLEAN WATER ACT

County of Maui, Hawai'i v. Hawai'i Wildlife Fund, # 18-260. Supreme Court amicus supporting the Hawai'i Wildlife Fund and other defendants filed 7/19/19 on appeal from the Ninth Circuit. States joining: CA, CO, IL, MD, MA, ME, MI, NJ, NM, OR, RI, VT, WA, and D.C. SCOTUS granted certiorari on one question: "Whether the CWA requires a [NPDES] permit when pollutants originate from a point source but are conveyed to navigable waters by a nonpoint source, such as groundwater." States asserted interest in protecting navigable waters from pollutants introduced by such point sources. Oral arguments were held in the U.S. Supreme Court on November 6, 2019. On April 23, 2020, the Court issued an opinion consistent with state amici states' position, holding that the Clean Water Act "require[s] a permit if the addition of the pollutants through groundwater is the functional equivalent of a direct discharge from the point source into navigable waters." Thus a facility cannot escape Clean Water Act regulation simply by using groundwater to convey pollutants to a water of the U.S.

U.S. Forest service v. Cowpasture River Preservation, ## 18-1584 and 18-1587, filed in U.S. Supreme Court 1/22/20: VT, CN, DE, HI, IL, MD, MA, MN, NJ, NM, NY, OR, RI and D.C. joined in support of plaintiffs who argued that oil and gas pipelines may not cross the Appalachian Trail, that Congress exempted the National Park System when they otherwise broadly allowed oil and gas pipelines to pass over federal land. In a 7-2 opinion, the high court held on 6/15/20 that the land under the Appalachian Trail is under the jurisdiction of the Forest Service and therefore the Forest Service has authority to issue the permit to build a pipeline. The park service's interest in the Trail is only an easement

California Trout et al. v. Hoopa Valley Tribe, No. 19-257, decided 1/25/19.Amicus supporting petition for certiorari filed September 27, 2019. States joining: OR, CA, CT, DE, HA, ID, IL, IN, ME, MA, MI, MN, MS, NJ, NM, NC, RI, SD, UT, WA, WI. Question presented: Does a State waive its Section 401 certification authority if an applicant withdraws a certification request before the one-year period ends and subsequently resubmits one? States supported petition for cert. to review the D.C. Circuit's holding that states waive their 401 certification authority in those circumstances. The pleadings were submitted for review by all justices 12/13/19. No opinion has issued as yet.

CA v. EPA, D.C. Ct. App, # 18-1192. States' Petition for Review and Summary Vacatur of EPA's July 6, 2018 Conditional No Action Assurance Regarding Small Manufacturers of Glider Vehicles." Case #18-1192 filed 7/19/18, D.C. Circuit Court of Appeals. States joining: CA, DE, IL, ME, MD, MA, NJ, NY, NC, OR, PA, RI, VT, WA and D.C. The California Air Resources Board, Minnesota Pollution Control Agency, and Pennsylvania Department of Environmental Protection are also part of the coalition. On 7/26/18, EPA withdrew its "No Action Assurance." The case was subsequently dismissed as moot.

HEALTH, NUTRITION

Air Transport Assn. v. Washington, #19-35937 (9th Cir.), amicus filed May18, 2020 on behalf of these AGs: MA, CA, CN, DE, D.C., IL, ME, MD, MI, MN, NMV, NJ, NM, NY, NC, OR, PA, VT and V. Appeal from W.D. Washington, #3:18-cv-05092-RBL asserts the states' interest in enforcement of state sick leave laws, especially in the era of the COVID-19 pandemic. The appeal to the 9th circuit was stayed 11/19/20 pending the result in *Ward v. United Airlines,* at which time the parties shall file supplemental briefs.

D.C. v. USDA, #1:20-cv-00119 (D.C. District court), Motion for preliminary Injunction filed 1/16/20 on behalf of 19 attorneys general: In September 2020, the case was consolidated on appeal with *Bread for the City*, No. 20-CV-127 and private plaintiffs. The defendants were the United States Department of Agriculture and related federal entities (collectively, "USDA"). Reply brief in support of motion for preliminary injunction or stay pending judicial review filed 2/19/20: D.C. and states of NY, CA, CO, CN, HI, IL, ME, MD, MA, MI, MN, NV, NJ, NM, OR, PA, RI, VT, VA and City of New York argue that new time restraints on "able bodied" SNAP recipients (ABAWD) are procedurally and substantively unlawful. The new rules would limit eligibility even where jobs are unavailable and people are well under federal poverty levels. New Mexico joined the litigation in an amended complaint, but was not included in the caption. In August, the D.C. Circuit issued a show-cause order asking the parties to address the briefing format in the appeal of the preliminary injunction. Our response filed 9/8/20. On 10/18/20 Judge Beryl Howell vacated the rule after criticizing USDA for seeking to upend decades of practice regarding able bodied adults without dependents during the pandemic. DC Ct.App. dismissed as moot (#20-5136) on 11/5/20. On 1/15/21 USDA withdrew the categorical eligibility rule.

N.Y. v. USDA, *#1:19-cv-02956-ALC, SDNY, filed 6/3/20:* Court agreed to voluntary dismissal without prejudice after USDA agreed not to appeal a related case in the U.S. District Court of Maryland raising the same issues (No. 19 Civ. 1004 (GJH)), in which the Court on 4/13/20 vacated the 2018 lowering nutrition standards for school and other subsidized meals Attorneys General from NY, CA, IL, MN, NM, VT and D.C. filed the amicus.

IMMIGRATION

Sanchez v. Wolf, #20-315 US Supreme Court, filed 2/28/21: Massachusetts and D.C. along with CA, CN, HI, IL, ME, MD, MI, MN, NV, NJ, NM, NYU, OR, PA, NY, OR, PA, RI, VT, VA and WA argue that a grant of temporary protected status ("TPS") authorizes eligible noncitizens to obtain lawful-permanent-resident status under federal law. The 3d Circuit (below) held that TPS holders who initially entered the country without being inspected and admitted—which is the vast majority of TPS holders—are categorically ineligible for adjustment of status. Although the 6th and 9th Circuits had previously concluded the opposite, see *Flores v. USCIS*, 718 F.3d 548 (6th Cir. 2013); *Ramirez v. Brown*, 852 F.3d 954 (9th Cir. 2017), the 3d Cir. held that this result was dictated by the text, structure, context, and purpose of the INA. For one, the definition of "admission" requires a physical element of entry, but TPS is not a "program of entry." Additionally, other provisions in the INA draw distinctions between "admission" and "lawful status," therefore leading to the conclusion that TPS's conveyance of "lawful status" cannot on its own also satisfy the "inspection and admission" requirement. And, by its very terms, the TPS program was designed to be temporary—to shield aliens already in the United States from the disasters at home; Congress did not intend the program to convey permanent status.

BORDER WALL- CA vs. Trump, *#19-cv-00872, HSG N.D. Cal,* filed 2/18/19 by Attorneys General from CA, CO, CN, DE, HI, IL, ME, MD, MI, MN, NV, NJ, NM, NY, OR and VA. Complaint for declaratory and injunctive relief in response to Pres. Trump's declaration of an emergency using law enforcement funds to build a border wall despite Congress' denial of funding. Amended complaint, adding MA, VT and WI attorneys general and raising National Environmental Policy Act (NEPA) claims filed 3/13/19. On 4/8/19, Attorneys General filed a motion for preliminary injunction in order to preserve their stake in federal law enforcement funds including ("TFF" funds) and to protect environmental and natural resources. NM's NEPA claims focused on the lack of environmental review and the lack of Congressional approval for construction. Judge Haywood S. Gilliam Jr. on 5/24/19 enjoined the construction of the wall in a lawsuit filed by Sierra Club on grounds the emergency declaration violated separation of powers through an improper transfer of Sec. 8005 funds. The government appealed the Sierra Club injunction and sought a motion for a stay pending appeal to the 9th circuit. In *Sierra Club v. Trump*, 19-cv-00897 HSG, the Court ordered the *CA v. Trump* plaintiffs to submit a letter as to the impact of proceedings in *Sierra Club*on our case. On 6/11/19 we joined an amicus in the *Sierra Club* case in the 9th circuit (# 19-16102), in support of the PI, stating NM's interest in its outcome since Judge Gilliam did not grant a separate PI on behalf of state AGs. Judge Gilliam issued a permanent injunction in the States' case as well as in that of Sierra Club on 6/28/19, which was appealed to the 9th Circuit. CA and NM filed cross-appeal and an amicus in the Sierra Club case 7/18/19. NM and CA dropped their TFF claims without prejudice on 7/24/19. On 7/26/19 the U.S. Supreme Court lifted the 9th Circuit permanent injunction 5-4 on grounds that Sierra Club did not have standing to challenge the use of law enforcement funds, allowing construction of the wall to proceed. On 7/29/19 California and NM (as appellees/cross-appellants) with Appellees Sierra Club filed a joint motion to expedite merits briefing in the consolidated appeals.

(Border cont'd) CA and NM appealed Judge Gilliam's district court's case #4:19-cv-872 to the 9th Circuit. The State plaintiffs filed a motion for partial summary judgment re: Sec. 2808 and NEPA and opposed Defendants' motion for partial summary judgment in the district court on 11/1/19. On 12/16/19 we filed an amicus in the 9th circuit. The Trump administration again diverted military and drug interdiction funds--over $7 billion-- for Fiscal 2020 although the first legal challenge remained unresolved. On 2/20/20 plaintiffs sought a stipulated agreement on considering new military diversions within the existing litigation. Oral argument was held 3/10/20 in the 9th Circuit, emphasizing the damage to states of diverting funds intended for the national guard, especially during the coronavirus crisis. The district court on 4/17/20 granted partial summary judgment. The Supreme Court on 7/31/20 by a vote of 5-4 denied a motion for stay in *Trump v. Sierra Club*, effectively allowing border construction to continue while the issues of uses of emergency funds continue in litigation. On 10/17/20, the Court agreed to address the merits of whether the "court of appeals correctly held that the Defendants-Petitioners may not divert $2.5 billion through Defense Department accounts for the purpose of widespread wall construction across the length of the U.S.-Mexico border, in contravention of Congress's decision to appropriate only $1.375 billion for more limited wall construction projects limited to the Border Patrol's Rio Grande Valley sector." The Court will also address whether the plaintiffs have standing. We have agreed to extend timelines for further activities.

Based on changes of policy by the Biden administration, the Court on 2/1/21 granted motions to hold further briefing in abeyance and remove from the February argument calendar *Biden v. Sierra Club*, #20-138. At issue was whether the Trump administration validly diverted $2.5 billion through Defense Department accounts to use for border wall construction, even though Congress appropriated only $1.375 billion for wall construction projects limited to the Border Patrol's Rio Grande Valley sector. The Court was also set to address whether the plaintiffs had a cognizable cause of action to obtain review of that transfer of funds. On 2/19/21 Judge Gilliam issued an order directing the parties in 20:-cv-01563 to file a joint status report on the effect of Pres. Biden's 1/20/21 executive order terminating the national emergency declared by Trump's Proclamation 9844 and pausing work on construction projects on the southern border by 4/15/21. On 4/15, the parties filed a joint status report requiring the government to report information on the Biden administration's plans for moving forward, but no later than 5/14/21. On 4/21/21 the Court ordered the matter stayed.

PUBLIC CHARGE- Washington et al. v. DHS, *#4:19-cv-05210 RMP,* E.D. Wash, Richland, filed 8/14/19 by AGs from WA, VA, CO, DE, HI, IL, MD, MA, MI, MN,NV, NJ, NM and RI and alleged that the Public Charge rule violates APA, and is arbitrary, capricious--an abuse of discretion because it reversed an established, consistent policy without reasoned analysis; that the expansion of the public charge standard will harm the States by causing persons to forego needed benefits in order to avoid risking their potential for citizenship and, therefore, increase ACA benefits costs to the States. A conflict among the courts was set up by the differing opinions in the 2nd and 7th Cir. Courts of Appeal. Based on the joint motions of the parties, the Supreme Court on 3/10/21 dismissed the federal government's appeals of the preliminary injunctions in our public charge case and the 2nd and 7th Circuit cases. In addition, the federal government moved to dismiss its appeal of the N.D. Il. order entering partial summary judgment and granting nationwide vacatur of the public charge rule. The 7th Cir. granted the motion and concurrently issued its mandate. Shortly thereafter, the Department of Homeland Security issued a statement confirming that following the 7th Cir. dismissal, "the final judgment from the Northern District of Illinois, which vacated the 2019 public charge rule, went into effect. As a result, the 1999 interim field guidance on the public charge inadmissibility provision (i.e., the policy that was in place before the 2019 public charge rule) is now in effect." The Trump administration's 2019 public charge rule was permanently blocked, nationwide. On 3/10/21 the Arizona attorney general's office sought intervention in the case in the 9th circuit, which our coalition opposed. In a joint report to the court, the parties requested that the case be held in abeyance until (1) the Supreme Court rules on the pending Application (20A15)), and (2) Arizona's time to seek review of theNinth Circuit's denial of the motion to intervene elapses, or the Supreme Court rules on any such appeal. The parties propose to file a further status report in 90 days and in 90-day increments thereafter until these conditions are satisfied.

PUBLIC CHARGE-Mayor and City of Baltimore v. Trump, U.S. Dist Ct., Baltimore Division, #1:18-cv-03636-ELH. CA, D.C., NM, CO, CT, DE, IL, IA, MA, MI, MN, NV, NY, OR, VT, VA and WA are amici in opposition to the Trump Administration's change to the definition of "public charge" that would bar many people from immigrating to the United States. Original complaint for declaratory and injunctive relief (#1:18-cv-03636) filed 11/28/18. Amicus filed 3/22/19 supporting the Baltimore mayor's and city council's opposition to the government's motion to dismiss. As home to millions of immigrants from across the world, the amici states have a compelling interest in the health, well-being and economic security of their residents. The number of suits challenging implementation of the rule have resulted in complicated procedural history. After filing for summary judgment, Plaintiffs on 12/7/20 filed a Notice of Supplemental Authority informing the Court of recent developments, including the 4th Circuit's 12/3/20 grant of a rehearing en banc *CASA de Maryland, Inc. v. Trump*, and the N.D. Ill.'s grant of a nationwide injunction against implementation of the rule. See *Washington v. DHS*.

TEMPORARY PROTECTED STATUS- Sanchez v. Mayorkas (formerly Wolf) #20-315, U.S. Supreme Court, filed 2/26/21: AG merits-stage amicus on behalf of D.C., MA, CA, CN, HI, IL, ME, MD, MI, MN, NV, NJ, NM, NY, OR, PA, RI, VT, VA and WA takes the position that Temporary Permanent Status (TPS) holders occupy critical roles in our economies and communities—which makes it important to have a pathway to lawful permanent residency. The question presented is whether a grant of temporary protected status ("TPS") authorizes eligible noncitizens to obtain lawful-permanent-resident status under federal law. Our amicus brief takes the position that it does. The Supreme Court ruled in June 2021 that "a grant of TPS does not constitute an 'admission' into the United States," as required by §1255 to obtain LPR status." Temporary Protected Status affords an immigrant humanitarian relief and permission to remain and work in the United States while the dangerous conditions remain in their home country. Foreign nationals who enter the United States illegally are generally allowed to receive TPS, but legal permanent residency (LPR) requires lawful admission, which was lacking here.

CHILD SEPARATION- ***CA v. Mayorkas*** (formerly McAleenan Wolf or Gaynor (DHS), Azar (HHS), U.S. Customs and Border Protection, ICE and Office of Refugee Resettlement), U.S. Dist. California, Central Dist., Western Div., CA, et al. v. Mayorkas #2:19-cv-07390 filed 8/26/19, (closed briefly) Reopened on 1/15/21: CA, MA, CN, DE, D.C., IL, ME, MD, MI, MN, NV, NJ, NM, NY, OR, PA, RI, VT, VA and WA challenge joint federal rule, "Apprehension, Processing, Care, and Custody of Alien Minors and Unaccompanied Alien Children," 84 Fed. Reg. 44,392 (Aug. 23, 2019) that purports to implement the Flores settlement agreement that establishes "nationwide policy for the detention, release, and treatment of minors in [immigration] custody" established in 1997. District court granted preliminary injunction 9/27/19. The same day, the district court issued an order to show cause why the case should not be moot under the related case, Flores v. Barr. Both sides agreed to a stay, which issued 10/7/19. On 12/29/20, in Flores v. Rosen, 19-56325, the Ninth Circuit Court of Appeals affirmed in part and reversed in part the district court's judgment in Flores v. Barr,# 2:85-cv-04544-DMG (AGRx) allowing implementation of some parts of the rule. On 1/15/21 the district court set a briefing schedule for the reopened Flores v. Barr litigation under which the parties will file supplemental briefs and argument is set 3/19/21 on a narrowed preliminary injunction motion. NOTE: The government appealed Flores v. Barr, to the 9th Cir., #19-56326, and the States of CA, CN, DE, D.C., IL, ME, MD, MA, MI, MN, NV, NJ, NM, NY, OR, PA, RI, VT, VA and WA filed an amicus in support of Flores plaintiffs on 1/28/20. That case was set for argument 4/23/20, but the Court vacated that hearing based on COVID-19. Jenny Flores v. William Barr was set for oral argument May 18, 2020. The states also filed an amicus in support of a temporary restraining order against the administration's announced decision to withhold educational and recreational support for children in Office of Refugee Resettlement programs because of budget challenges. The case was argued 5/19/20 and has not been decided. Meanwhile, in December 2020 the U.S. government in the related A.C.L.U. case, Miss L. v. ICE, 3:18-cv-00428-DMS-MDD (S.D. CAL) reportedly acknowledged that it continued separating families even after Judge Gee's Order and that it actually had information that could have been used to unite families during the time that it pled that it could not heal families because it lacked contact information. State AGs also filed an amicus in Flores on the issue of the federal government's decision not to fund educational programs for detained immigrant children. On 2/12/21 Judge Dolly Gee has granted two extensions of time to defendants for filing a supplemental opposition brief. Defendants' opposition brief is now due on June 11, and our reply brief is due on June 25. The hearing has been reset for July 9 at 10 a.m.

CHILD SEPARATION- *Washington v. U.S. DHS, ICE, CBP, Citizenship & Immig. Services, DHHS, ORR, and Jeff Sessions)* 19-cv-05210-RMP, filed 6/27/18 in U.S. Dist. Ct., WD Wash, transferred to S.D. California 8/23/18 as 18-cv-01979: (State parties: WA, MA, CA, MD, OR, NM, PA, NJ, IA, IL, MN, RI, VA and D.C.) On 4/29/19 Judge Dana Sabraw found that the case could be decided without oral arguments. The allegations include: ICE is not following its established process; DOJ knew it was planning to separate families months ago; the Executive Order "Affording Congress an Opportunity to Address Family Separation" offers only illusory relief; the EO is an attack on state sovereignty; separation causes devastating harm to children and parents; the (separation) policy uses traumatized children to deter migration for political leverage; policy targets immigrant families based on their national origin; and the policy harms sovereign interests of states. On 6/20/18, Pres. Trump issued an executive order stating that families should be kept together. On 6/26/18 Judge Dana Sabraw, U.S. Dist. Ct. for S. California, ruled that migrant families separated at the border must be reunited (in *Ms. L v. ICE*, #18-cv-0428 DMS MDD) and issued a nationwide injunction against separating migrant families at the border. The ruling specified that children under the age of five held in federal shelters should be returned to their parents within 14 days, and children older than the age of five should be returned within 30 days. On 9/14/18, Judge Sabraw approved "in concept" an agreement between DOJ and the separated families, established that parties should submit weekly updates on progress of reunifying families and told families separated at the border that they can start moving forward on the asylum process. Pres. Biden issued an executive order correcting for the Trump policy and announcing a priority for reuniting children from their separated families. On 4/21/21 the Court issued an order granting the parties' joint providing **Court grants the parties' joint request to extend the stay in this matter. Accordingly, this matter shall remain stayed until: (1) the United States Supreme Court rules on the pending Application for Leave to Intervene for a Stay of Judgment Issued by the United States District Court for the Northern District of Illinois, see ECF No. [298] at 2; and (2) the time remaining for the State of Arizona to seek review of the United States Court of Appeals for the Ninth Circuit's denial of Arizona's motion to intervene expires, see ECF No. [297]. Once those two events occur, or by July 21, 2021, whichever is earlier, the parties shall file a joint status report and shall indicate in that report whether they are ready to proceed to a trial scheduling conference. In light of the ongoing stay, the Plaintiff States' Motion to Compel Documents Withheld under Deliberative Process Privilege, ECF No. [255], is DENIED WITH LEAVE TO RENEW when the stay in this matter is lifted. This text-only entry constitutes the Court's ruling on this matter. Case Management Deadline set for July 22, 2021. Signed by Judge Rosanna Malouf Peterson. (LTR, Case Administrator)**

DACA- *N.Y. v. Trump, E.D. NY* #1:17-cv-05228 filed 10/4/17, *Vidal v. Nielsen*. #16-CV-4756. U.S. Supreme Court. Oral argument held 11/12/19 for the consolidated cases ##18-587, 588 *Trump v. NAACP* (on cert before judgment to the D.C. court of appeals and 589; *Wolf, Acting Secretary of Homeland Security, et al.* v. *Batalla Vidal et al.*, (on cert before judgment to the 2nd Cir. Ct App). *SCOTUS* on 6/18/20 decided *DHS v. Regents of California;* returning the case to DHS for lack of a legitimate reason for implementing the changes to policies, writing that the DHS secretary's acceptance of Attorney General Jeff Sessions' conclusion that the Obama policy was "illegal" as to both benefits and forbearance treated a rationale applicable to only part of a policy as sufficient to rescind the entire policy. *NY v. Trump* began as a complaint for declaratory and injunctive relief joined by NY, MA, CO, CT, DE, HI, IL, IA, NM, NC, OR, PA, RI, VT, VA. Amended complaint being filed August 2020. On 11/14/20 the E.D.- NY invalidated the DHS July 28, 2020 suspension of the DACA program on grounds that the *acting* head of DHS, Chad Wolf, had no authority to enter such an order.

DACA-TX v. US, Perez and NJ *(*defendants-intervenors), #1:18-cv-00068 filed in TX S. Dist 7/21/18: amicus opposing Plaintiffs' Motion for preliminary injunction to block DACA, on behalf of these states: NY, CA, CT, DE, HI, IL, IA, ME, MD, MA, MN, NM, NC, OR, PA, RI, VA, VT, WA and D.C. Arguments: granting prelim. injunction harms state institutions, fiscs, residents and economies, would injure states as employers, providers of health services and proprietors of public universities and cause them to lose millions of dollars in tax revenues. Also, issuing a P.I. would conflict with at least two existing injunctions issued by other federal courts. On 8/31/18 judge certified the case for interlocutory appeal, found that DACA violated the APA but denied the motion for preliminary injunction because of Plaintiffs' delay in seeking one.

DACA-*Inland Empire Immigrant Youth Collective v. Nielsen,* #5:17-cv-02048-PSG-SHK, filed 12/21/18 in 9th Cir. Unlawful termination of DACA grants inflicts serious and irreparable harm on DACA recipients and states. These states joined: CA, NM, CT, DE, HI, IL, IA, MA, MD, MN, NY, RI, VT and WA.

EXPEDITED REMOVAL- Make the Road NY v. Wolf, #19-5298 filed 1/23/20 in D.C. circuit on appeal from the D.C. district court, #19-cv-2369 on behalf of these states: CA, CO, CN, DE, HI, IL, ME, MD, MA, MI, MN, NV, NJ, NM, NY, OR, PA, RI, VT, VA, WA, WA and D.C. as home to hundreds of thousands of immigrants against expansion of a summary deportation process, "expedited removal". *Make the Road NY v. Pompeo*, #19-cv-11633-GBD amicus and motion in support of plaintiffs' preliminary injunction filed 2/6/20 on behalf of: NY, CA, CO, CN, DE, HI, IL, ME, MD, MA, MI, MN, NV, NJ, NM, OR, PA, RI, VT, VA and WA plus D.C., County of Santa Clara, cities of NY, Chicago, LA, Oakland, Philadelphia and Seattle to halt implementation of three fed actions: two interpreting public charge too broadly and one using the presidential proclamation to bar applicants from receiving immigrant visas without proof of health insurance. Petition to the D.C.Cir.Ct. App. for rehearing en banc filed 9/4/20.

IMMIGRANT DRIVER LICENSES-NY v. Wolf, 1:20-cv-0112, S.D. NY, filed 7/17/20: States support New York in its challenge to the federal government's attempt to block its "Green Light" rule by which all NY resident drivers, whether U.S. citizens or not, are required to possess of a driver license. AGs from NJ, CN, DE, IL, MD, MA, MN, NV, NM, OR, VT, VA, WA and D.C. object to the federal action on APA grounds as well as because the federal attempt is commandeering.

ASYLUM-SEEKERS-OA v. Trump, #19-5272 (D.C. Ct. App) filed 8/3/20; change to ***OA v. Biden*** (same number) 2/1/21: Challenge to Trump rule refusing asylum seekers who enter the U.S. between formal border checkpoints. AGs from these jurisdictions filed the amicus on behalf of OA: CA, CO, CN, DE, HI, IL, ME, MD, MA, MI, MN, NV, NJ, NM, NY, OR, PA, RI, VT, VA, WA and D.C. In addition, on 8/20/20 additional amici filed on behalf of OA, including City of Albuquerque. On 2/3/21, the D.C. court, on its own motion, ordered the parties to file supplemental briefs addressing the mootness of the appeal in light of Pres. Biden's Executive Order on Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border, issued February 2, 2021. Case held in abeyance through 2/24/21 Order.

ICE ARRESTS-Ryan v. ICE, #19-1838 (1st Cir.) filed 5/__/20 on in May. On appeal the 1st Cir. Ct. App. found against the States' position. On 10/23/20, the States filed for rehearing en banc: AGs from NY, CN, IL, MD, MN, NJ, NM, OR, PA, RI, VT, VA, WA and D.C. noted that "[t]hree different federal courts (the district court here, and two district courts in New York) have now held that ICE's arrest policy violates the Immigration and Nationality Act (INA), because that statute incorporates the longstanding common-law privilege against civil arrests at or near state courthouses. The conflicting conclusion of the panel here warrants further review."

ICE ARRESTS-US v. California, # 18-16496 (9th Cir.) arguing against ICE courthouse enforcement. AGs joining: CN, DE, IL, MD, MA, NJ, NM, NY, OR, RI, VT and WA. Case below was motion for preliminary injunction #18-cv-490 (E.D. Cal.) with attorneys general from CN, DE, HI, IL, NJ, NM, OR and WA joining.

ICE ARRESTS-Washington v. ICE #2:19-cv-02043-TSZ (D-Wash), filed 1/17/20 on CN, IL, MD, MA, MN, NJ, NM, OR, PA, RI, VT, VA and D.C. asserting the States' interests in keeping access to lawful process in courthouses even for non-citizens and therefore asserting their interest in keeping ICE from arrests of undocumented immigrants in and around courthouses. Vermont, Virginia, and the District of Columbia

ICE ARRESTS-State v. ICE, No. 19-cv-8875 (JSR), SD NY, Amici states WA, CN, IL, MD, MA, MN, NJ, NM, OR, PA, RI. VT, VA and D.C. support plaintiffs' motion for summary judgment.

'SAFE THIRD COUNTRY'-U.T. v. Barr, 1:20-CV-00116 EGS, filed 3/6/20: AGs for: CA, CN, DE, D.C., HI, IL, ME, MD, MA, MI, MN, NM, NJ, NM, NY, OR, RI, VT, WA filed an amicus brief on behalf of plaintiffs, whose motion for summary judgment and permanent injunction was before the D.C. district court. Plaintiffs are noncitizens who came to the U.S. seeking asylum and were subsequently removed to Guatemala pursuant to the new "safe third country" policy. On 12/8/20, Plaintiffs filed a motion to supplement the administrative record with a previously undisclosed memorandum from Chad Wolf, head of DHS, acknowledging that only Costa Rica had a functioning asylum program that could provide protection for plaintiffs. The memorandum was disclosed only in response to a freedom of information act request and directly contradicted DHS description of the third country program as "robust" in Guatemala.

SAFE THIRD COUNTRY-East Bay Sanctuary Covenant v. Trump, # 18-17274 9TH Cir. amicus filed 5/15/19: CA, CO, CT, DE, D.C., HI, IL, IA, ME, MD, MA, MI, MN, NV, NJ, NM, NY, OR, PA, RI, VT, VA and WA support plaintiffs seeking injunction against application of rule refusing those fleeing persecution from applying for asylum in the U.S. if they pass through a third country. 9th Cr. Appeal filed 10/15/19. The policy implements the "Migrant Protection Protocols." The U.S. Supreme Court stayed an injunction pending proceedings currently before the 9th Circuit. On 2/1/21 the Supreme Court in *Mayorkas v. Innovation Law Lab*, 19-1212, held the case, on the legality of a former Department of Homeland Security Migrant Protection policy, which required aliens who departed from a third country and transited through Mexico to reach the United States to return to Mexico during the pendency of their removal proceedings in abeyance based on the change of policy in the White House.

ASYLUM RULES CHALLENGES- FILED 12/23/20 (AWAITING FILED COPY)

IMMIGRANT DETENTION- Padilla v. ICE*, #2:18-cv-00928 (9th Cir.) appeal from WD Wash Dist Court; filed 9/5/19 in 9th Cir. (#19-35565):* Amici states WA, CA, CO, CN, DE, D.C., HI, IL, MD, MA, MI, MN, NV, NJ, NM, OR, RI, VT and VA argue on behalf of a class including Padilla and other asylum-seekers denied a constitutionally adequate bond hearing to determine whether incarceration is justified. The U. S. Attorney General has held that Plaintiffs must be detained without a bond hearing unless DHS grants discretionary release on parole. Plaintiffs are persons apprehended after entering the U.S. and who have been determined to have a credible fear of persecution or torture.

IMMIGRANT DETENTION-Velasco Lopez v. Decker *#19-2284, filed July, 2020):* 2d Cir. appeal of Southern District NY. States of CN, HI, IL, MN, OR, NM, WA support Velasco Lopez, a former DACA recipient held for 15 months until the district court granted habeas relief assert the states' interests in ensuring that non-citizens who pose no demonstrable danger to society or risk of flight are not subject to erroneous or unnecessary detention. The 2nd Circuit affirmed the district court's grant of habeas corpus relief. The government has moved for an extension of time to file an appeal and the Court granted that motion through 1/25/21.

IMMIGRANT DETENTION- Padilla Raudales v. Decker *(*2d Cir), filed 2/28/19: amicus arguing that the burden of proof should not be on an immigrant to prove by clear and convincing evidence that the immigrant is NOT a danger and therefore eligible for release from detention. The Court granted Padilla Raudales' writ of habeas corpus and the case was closed 11/7/19.

IMMIGRANT DETENTION-Reid v. Donelan*, ##19-1787, 19-1900, 1st Cir., filed 2/19/20. States: Issue: a*re there limits to indefinite detention of immigrants facing removal because of criminal convictions? Alien habeas petition.

TURN-BACK POLICY- Al Otro Lado v. Nielsen, (now Al Otro Lado v. Chad Wolf, Acting Secretary of Homeland Security) #3:17-cv-02366 BAS-KSC (S.D. Calif), filed 2/21/19: States as amici against the Turnback policy. States joining: CA, HI, DE, NJ, MN, MI, OR, VA, WA, CT, MD, NV and NM. The district court granted Plaintiffs' Motion for Preliminary Injunction and Provisional Class Certification 11/19/19 and the government appealed to the 9th Circuit 12/5/19 (#3:17-cv-2366). Plaintiffs moved for a temporary restraining order prohibiting the application of the asylum cooperative agreement rule to provisional class members on 1/6/20. Amicus on behalf of CA, CN, DE, HI, IL, ME, MD, MA, MI, MN, NV, NJ, NM, NY, OR, PA, RI VT, VA, WA and D.C. filed 2-11-20 defending issuance of the injunction.

TRAVEL BAN- Washington v. Trump*,* 9th Cir. #17-35105; filed 2/7/17: amicus brief supporting Washington and Minnesota's challenge to Travel Ban 1.0. In order following government's emergency Motion for Stay, D.C. # 2:17-cv-00141, Court held that the government did not show a likelihood of success on the merits of its appeal or that failure to enter a stay would cause irreparable injury. On 2/5/17, the Court issued an Amended Order after the Trump administration issued a new travel ban executive order.

TRAVEL BAN- Darweesh and People of NY v. Trump, E.D. N.Y. #1:17-cv-00480-CBA Doc. #128, filed 2/16/17: amicus brief supporting continued injunctive relief blocking implementation of Travel Ban 1.0 (MA, IL, CA, CT, DE, IA, ME, MD, NM, NC, OR, RI, VT, VA, WA AND D.C.) supporting continuing preliminary relief from application of the travel ban.

SANCTUARY CITIES- J.A.G. FUNDING- Providence v. Barr, 1st Cir. Ct. App, #19-1802, amicus supporting Rhode Island, filed November 13, 2019: Amicus on behalf of 16 attorneys general supporting brief indicating that new conditions placed on funding from JAG are illegal and unconstitutional. State AGs: NY, RI, CA, CO, CN, DE, IL, MD, MA, MI, MN, NV, NM, OR, VT, WA and D.C.

SANCTUARY CITIES -City and County of San Francisco v. Sessions, N.D. Cal., #17-cv-4642 and *State of California v. Sessions*, #17-cv-4701. The issues are: DOJ's authority to impose three conditions for receipt of JAG funding: (1) The "access condition" requires States and localities to ensure that, upon request, federal agents have access to correctional facilities to question suspected aliens about their right to remain in the United States; (2) the "notice condition" requires States and localities to ensure that their officers respond, as quickly as possible, to any formal written request from the Department of Homeland Security to a correctional facility seeking advance notice of a particular alien's scheduled release date; (3) the "certification condition" imposes a number of requirements relating to 8 U.S.C. § 1373, which prohibits States and localities from restricting their officials from communicating with federal immigration authorities regarding the citizenship or immigration status of any individual. In 10/5/18, the district court at 2018 WL 4859528 held that the challenged conditions violated the separation of powers and that the DOJ exceeded its Spending Power and therefore violated the Constitution. It granted a nationwide injunction. The court reasoned that Congress inappropriately delegated its spending power to the executive, and that even if validly delegated, the conditions were too ambiguous and unrelated to their goal for the DOJ to validly exercise the delegated power. The court also held that the conditions were arbitrary and capricious under the APA, because the DOJ did not give adequate reasons for imposing the conditions and it did not consider important problems with its conditions. Finally, the court held that California and San Francisco's laws comply with the federal conditions anyway under the court's interpretation of Section 1373 "limiting it to information relevant to citizenship or immigration status not including release date information" and not requiring "state and local governments to share contact information and release status information with federal immigration officials."

SANCTUARY CITIES- *City of Chicago v. Whitaker,* #18-2885 (7th Cir., filed 11/15/18). Amicus supports the City of Chicago's challenge to immigration-related conditions imposed by DOJ on law-enforcement grants made to state and local governments under the JAG grant program. The Northern District of Illinois enjoyed application of the conditions on grounds that they were not authorized by federal law and the DOJ appealed. AGs joining: NY, CA, CT, DE, IL, IA, MD, MA, NJ, NM, OR, RI, VT, WA and D.C. The case was consolidated with others ?????

SANCTUARY CITIES- *County of Santa Clara,* N.D. CA, #3:17-cv-00574, filed 2/3/17, Motion to dismiss was denied 4/25/17. Argued on Separation of Powers, 5thAmendment due process and 10th Amendment grounds that the federal government cannot withhold grant funding from sanctuary cities. CA, CT, DE, D.C., IL, MD, MA, NM, NY, OR and WA filed amicus brief supporting Plaintiffs

SANCTUARY CITIES *-City and County of San Francisco and County of Santa Clara*, 9th Cir. Ct. App., Amicus filed 2/12/18; appeal from N.D. California, #3:17-cv-00485. Argued against DOJ's ability to withhold JAG grant funding to sanctuary cities on grounds commandeering is unconstitutional attempt to control state and local governments and creating uncertainty causes harm (CA, CT, HI, WA, D.C., NM)

SANCTUARY CITIES- *City of Philadelphia v. Sessions,* # 17-cv-3894 (E.D. Pa). Amicus brief filed in opposition to DOJ's motion to dismiss filed 2/16/18. In a prior decision, *City of Philadelphia v. Sessions*, 2017 WL 5489476 (E.D. Pa. 11/15/17), the City sought to enjoin the DOJ from imposing three conditions on the Edward Byrne Memorial Justice Assistance Grant (JAG) (see above). The district court granted the preliminary injunction, but declined to resolve whether DOJ had authority to impose the certification condition under the JAG statute. On 1/16/18, DOJ appealed the district court ruling to the 3rd circuit; briefing on that appeal has not yet started. On 2/2/18, DOJ moved to dismiss the entirety of the amended complaint.

SANCTUARY CITIES- *US v. California,* #2:18-cv-00490-JAM-KJN, E.D., CA filed 5/18/18. Concerns similar JAG Grant conditions as above cases. Amici states opposed Plaintiff's motion for preliminary injunction, as States and their political subdivisions have adopted varying approaches to policing. Amici states are: D.C., CT, DE, HI, IL, NJ, NM, OR and WA.

SANCTUARY CITIES- *US v. California*, #18-16496 filed 11/13/18 in 9th Cir. Court of Appeals, asserting the right and duty of attorneys general to create law enforcement policy. AGs joining: DC, CT, DE, IL, MD, MA, NJ, NM, NY, OR, RI, VT and WA.

SANCTUARY CITIES- *US v. NJ,* No. 20-cv-1364 (D.N.J.), filed 6/25/20 on behalf of: D.C., CA, CN, DE, IL, MD, MI, MN, NM, NY, OR, RI, VT and WA. defending a New Jersey directive that limits when and how local law enforcement can cooperate with federal immigration authorities. The Trump administration is trying to block a 2018 directive issued by the New Jersey Attorney General that bars local law enforcement officers from sharing certain information about detainees with immigration authorities or participating in federal immigration enforcement in most cases. In a friend-of-the-court brief filed in the U.S. District Court for the District of New Jersey, the coalition argues that the court should uphold New Jersey's directive because states have the responsibility and authority to protect public safety, regulate law enforcement, and decide how to use their limited resources.

IMMIGRANT PROTECTION-*Grace v. Sessions, DC (Dist Ct),* # 18-1853 (EGS), filed 9/28/18. Amicus brief argued that States (AGs in D.C. and the States of CA, HI, IA, MD, NY, NM, NY, RI, VT and WA) have an interest in ensuring that asylum-related protections continue to exist for individuals relocating to the States based on a well-founded fear of persecution due to domestic or gang-related violence.

TEMPORARY PROTECTED STATUS-*Centro Presente v. Trump,* U.S. Dist. Court for Massachusetts, #1:18-cv-10340-DJC, filed 6/22/18: Amicus brief filed in opposition to federal government's motion to dismiss. Amici argue that hundreds of thousands of TPS permit-holders will be deported, denying them constitutional protections, that changes in interpretation of TPS status is a misreading of the authorizing statute and a pretext for deportations, and that deportations will inflict broad and systemic harm on the public including on the economy and workforce of the amici states of MA, CA, CT, DE, IA, ME, MD, MN, NJ, NM, NY, OR, RI, VT, VA and WA (plus D.C.) Brief argues that the Court should review especially since the administrative action involves constitutional claims and applies generally to all terminations—not individual cases.

TPS-*Moreno v. Nielsen*, US Dist. Ct, (E.D. N.Y.) # 1:18-cv-01135 (RRM). Brief argues that Citizenship and Immigration Services' (USCIS) policy of requiring TPS residents to leave the country before traveling back and reapplying for legal permanent residency is an incorrect reading of the immigration laws. The brief also argues that requiring TPS holders to jump through such hoops would be burdensome—if not impossible in many cases—without any rationale. States would suffer, as families are disrupted, economies are harmed, and law enforcement efforts are thwarted. States joining: NM, CA, CT, HI, IA, MD, NJ, OR, RI and WA. In a separate case, #1:18-cv-01599-WFK-ST, *Saget v. Trump*, ED NY Judge Wm. F. Kuntz issued a preliminary injunction on 4/11/19 stopping termination of TPS for Haiti.

TPS-*Ramos v. Nielsen*, N.D. Cal., #3:18-cv-01554-EMC, Filed August 30, 2018 by CA, D.C., MA, CT, DE, HI, IL, IA, ME, MD, MN, NJ, NM, NY, OR, RI, VT and WA in support of Plaintiff's motion for preliminary injunction--against DHS's decision to revoke temporary protected status (TPS) for some 275,000 foreign nationals from El Salvador, Haiti, Nicaragua and Sudan. Judge granted Plaintiff's motion for preliminary injunction on 10/3/18. State amicus on behalf DC, MA, CT, DE, HI, IL, IA, ME, MD, MI, MN, NV, NJ, NM, NY, NC, OR, RI, VT, VA AND WA filed 2/7/2019 in the 9th Cir. Court of Appeals (#18-16981) supporting a nationwide injunction. The Amicus mentions that Amici constitute 7 of the top 10 states of residents for TPS recipient and over 58% of the total.

LGBTQ DISCRIMINATION

Fulton v. City of Philadelphia, Pa., 19-123, U.S. Supreme Court. Without dissent, the Court on 6/17/21 held that Philadelphia violated the Free Exercise Clause by excluding Catholic Social Services (CSS) from its foster-care program because CSS won't certify same-sex couples as foster parents. Under *Employment Division v. Smith,* 494 U.S. 872 (1990), a law of general applicability that incidentally burdens religion does not violate the Free Exercise Clause. A six-Justice majority held that *Smith* does not govern here because "'where the State has in place a system of individual exemptions, it may not refuse to extend that system to cases of 'religious hardship' without compelling reason.'" The Court held that was the case with respect to the contractual provision barring discrimination based on sexual orientation. The Court further ruled that a citywide Fair Practices Ordinance that bars discrimination based on sexual orientation does not apply to CSS because it applies only to public accommodations, and "foster care agencies do not act as public accommodations in performing certifications." The Court therefore applied strict scrutiny and concluded that the city did not satisfy it. On the city's claimed interest in "equal treatment of prospective foster parents and foster children," the Court stated that the "creation of a system of exceptions under the contract undermines the City's contention that its non-discrimination policies can brook no departures." (A three-Justice concurring opinion would have overruled *Smith*.)

Evans v. Georgia Regional Hospital, U.S. S. Ct. #17-370 amicus filed 10/22/17, U.S. Supreme Court denied cert 12/11/17. Issue: Amici argued that Title VII of the Civil Rights Act bars discrimination based on sexual orientation in its prohibition of discrimination on the basis of sex. (NY, CA, CT, DE, HI, IL, IA, MD, MA, MN, NM, OR, PA, RI, VT, VA, WA and D.C.).

Masterpiece Cakeshop v. Colorado Civil Rights Commission, SCOTUS # 16-111 amicus brief filed 10/30/17 supporting respondent: (MA, HI, CA, CT, DE, IL, IA, ME, MA, MN, NM, NY, NC, OR, PA, RI, VT, VA, WA and D.C.) Argument 12/5/17, decision 6/4/18. Amici states argued that discrimination on the basis of sexual orientation violates individuals' constitutional right to equal protection and that laws preventing discrimination do not violate businesses' First Amendment rights. The New Mexico Supreme Court held similarly in the *Elane Photography* case. SCOTUS held that the Commission's actions in this case violated the Free Exercise Clause, showing "clear and impermissible hostility" to the baker's sincerely held religious beliefs. However, the Court's decision may be limited to the factual record of bias by the Commission.

303 Creative v. Elenis, #19-1413 filed 4/29/20 : MA, CO, CA, CN, DE, D.C., HI, IL, ME, MD, MN, NV, NJ, NM, NY, NC, PA, OR, RI, VA AND WA affirm the States' interest in ensuring that businesses open to the public are not permitted to discriminate on the basis of sexual orientation.

Horton v. Midwest Geriatric Management*, E.D. MO, 8th Cir. #18-1103* Amicus supporting the proposition that Title VII protects persons on the basis of sexual orientation in employment discrimination cases. In particular, at stake is whether federal employment law (Title VII of the Civil Rights Act) protects people against discrimination on the basis of sexual orientation. States of IL, IA, MN, CA, CT, HI, MD, MA, NJ, NM, NY, OR, VT, VA, WA and D.C. filed amicus 3/14/18. Under New Mexico law, such protection exists, but it's an open question under federal law.

Greater Philadelphia Chamber of Commerce v. City of Philadelphia and Philadelphia Commission on Human Relations (3d Cir., #18-2175, filed 9/28/18) State AGs participating: MA, CT, DE, D.C., IL, NJ, NM, NY, OR, Puerto Rico, VT, VA and WA. Supports States' interests in combating sex discrimination in the workplace through supporting statutes such as Philadelphia's equal pay ordinance, which prohibits employers from relying on salary history alone in establishing wages for a woman, arguing that collecting a salary history is not a gender-neutral measure of a person's potential value because it locks in past discrimination as a measure for future pay.

Fulton v. City of Philadelphia*,* # 19-123 (SCOTUS). (cases below:*Fulton v. City of Philadelphia,* 922 F.3d 140 (3d Cir. 2019) *Fulton v. City of Philadelphia*, 320 F. Supp. 3d 661 (E.D. Pa. 2018), filed 8/20/20 on behalf of ME, CA, CO, CN, DE, D.C., HI, IL, ME, MD, MI, MN, NV, NJ, NM, NY, NC, OR, RI, VT, VA, WA and WI supporting Philadelphia, arguing that a government does not violate the First Amendment by conditioning a religious agency's ability to participate in the foster care system on taking actions and making statements that directly contradict the agency's religious beliefs. The City required compliance with its anti-discrimination ordinances, which protected LGBTQ persons.

REPRODUCTIVE RIGHTS

Bristol Regional Women's Center v. Slatery, (appeal from 6th Cir) #20-6267 to be filed April 2021: Amicus supporting plaintiffs arguing the constitutionality of a Tennessee statute that requires women seeking abortions to attend two in-person appointments with providers no fewer than 48 hours apart.

Memphis Center for Women's Reproductive Health vs. Slatery, 20-5969 (6th Cir) filed 12/22/20: Amici states IL, CA, CO, CN, DE, D.C., HI, MD, MA, MI, MN, NV, NJ, NM, NY, OR, RI, VT, VA and WA supporting the center against enforcement of Tennessee's two-pronged pre-viability ban on abortion. The Tennessee law criminalizes an abortion performed after a heartbeat can be detected in a fetus and an abortion performed by a provider who "knows" the termination is because of sex, race, "a prenatal diagnosis, test, or screening indicating Down syndrome."

Whole Woman's Health v. Paxton, #17-5106, 5th Cir.Ct.App. en banc, amicus filed 1/11/21: AGs of NY, CA, CO, CN, DE, HI, IL, ME, MD, MA, MI, MN, NV, NJ, NM, OR, PA, RI, VT, VA, WA and D.C. joined to articulate their commitment to promoting the health and safety of all women seeking abortion services by assuring the proper consideration of undue burdens placed on a woman's right to terminate a pregnancy prior to viability. The litigation challenges the Texas restriction abortion through the D&C procedure after 15 weeks. By doing so, the Texas law restricts access to pre-viability abortion in violation of Roe v. Wade and endangers the lives of women seeking reproductive health care by removing the possibility of getting the most widely accepted, safest, most common method of abortion.

Planned Parenthood Center for Choice v. Abbott (Sup. Ct. Dkt. 19A 1019), was ultimately resolved in the lower courts when on 4/17/20 Texas Governor Greg Abbott modified his 3/22/20 order to halt abortions not "immediately medically necessary" during the pandemic. The 5th Cir. in a 4/6/20 Order allowed medication abortions to go forward during the pandemic--the same relief that Planned Parenthood had sought in appealing the 5th Cir's opinion to the Supreme Court. The Texas governor's ban on abortions expired 4/21/20. On 1/22/21 the high court ordered the 5th circuit decision vacated and the case dismissed as moot.

DeOtte v. Azar, N.D. TX, # 4:18-cv-00825-O, filed 5/24/19. Amicus on behalf of 21 states (MA, CA, CO, CT, DE, D.C., HI, IL, ME, MD, MI, MN, NJ, NJ, NY, NC, OR, PA, RI, VT, VA & WA) opposing the government's motion for summary judgment and permanent injunction and supporting Nevada's motion to intervene in a case challenging the ACA's contraceptive mandate. *The States* oppose argument that the ACA contraceptive mandate violates the Religious Freedom Restoration Act and argues that such a reading endangers women who rely on preventive care and comprehensive coverage for contraception.

South Wind Women's Center v. Still, #20-6045, 10th Cir., filed 4/13/20 on behalf of: NY, CA, CO, CN, DE, HI, IL, ME, MA, MN, NV, NM, OR, PA, RI, VT, VA, WA and D.C. asserts women's reproductive rights remain even in the pandemic against Oklahoma's intent to close access to abortions as nonessential during the pandemic..

Pre-term -Cleveland, PP of SW Ohio v. Himes and Joseph T. Deters, #18-3329 (6th Cir. Ct. Ap appeal to Supreme Court). Attorneys General from these states filed the amicus 2/19/20:

EMW Women's Surgical Center and Planned Parenthood of IN & KY v. Meier, #18-6161 State Amicus on behalf of 19 attorneys general filed 9/16/19: availability of abortion in neighboring states is not relevant when applying the undue burden standard; States may not use general health regulations to impose an undue burden on a woman's right to abortion. #19-5516 states joining: NM, CA, CO, CN, DE, HI, IL, MD, MA, MI, MN, NV, NY, OR, PA, VT , VA, WA and D.C. Oral argument is scheduled for 1/29/20.

Whole Woman's Health*, #19-2051, 7th Cir. Ct. App., filed 8/21/19:* States of NM, IL, CA, CN, DE, D.C.,HI, ME, MD, MA, NV, NY, OR, PA, VT and WA join in this amicus on appeal from the S.D. Indiana (2018-cv-1904), arguing that the States have a substantial interest in ensuring that courts strike a proper balance between respect for policy judgments and a substantive review of abortion law; in ensuring the health and safety of their residents through regulations that promote safe access to abortion. The plaintiff-appellees won below, and the government appealed to the 7th Cir.. SCOTUS notified the 7th Cir. 12/11/19 that it placed the case on its docket at No. 19-743.

June Medical Services LLC v. Russo, #18-1323 Supreme Court appeal of 5th Cir. opinion challenging the Unsafe Abortion Protection Act ("Act 620") requiring abortion providers to have admitting privileges at a hospital within 30 miles of the clinic where they perform abortion. States joining in amicus filed 12/2/19: NY, CA, CO, CN, DE, HI, IL, ME, MD, MA, MI, MN, NJ, NM, NV, OR, PA, RI, VT, VA, WA and D.C. By a 4-1-4 vote, the Courton 6/25/20 invalidated a Louisiana law requiring physicians who perform abortions to have admitting privileges at a local hospital. In *Whole Woman's Health v. Hellerstedt*, 136 S. Ct. 2292 (2016), the Court held that an identical Texas law unconstitutionally burdened women's right to seek abortions. The plurality here (Breyer, Ginsburg, Sotomayor, and Kagan) "examined the extensive record carefully and conclude[d] that it supports the District Court's findings of fact. Amici were filed by (among others) constitutional law scholars, 197 members of Congress, Whole Woman's Health and Whole Woman's Health Alliance, tort law scholars, Lawyers for Reproductive Justice, the Feminist Marjotiy Foundation, Catholics for Choice, Planned Parenthood as well as by Legal Center for the Defense of Life, Eagle Forum, Louisiana Family Forum, American Assn. of Pro-life Obstetricians and Gynecologists and the National Right to Life Committee.

ACOG (American College of Obstetricians and Gynecologists) v. FDA, #20-1824 (4th Cir. Ct. App), AGs from NY, CA, CO, CN, DE, HI, IL, ME, MD, MA, MI, MN, NV, NJ, NM, NC, OR, PA, RI, VT, VA, WA and D.C. support plaintiffs re lifting an injunction on requiring in-person visits (during the COVID-19 pandemic) for women seeking to terminate a pregnancy and instead, authorize the administration of mifepristone. 8:20-cv-01320-TDC, Filed 9/8/20 in SCOTUS: Attorneys general filed amicus on behalf of the gynecologists opposing the government's request to stay and judgement of the trial court in Maryland. After a change in the executive administration in January 2021, the FDA informed ACOG on 4/13/21 that it will exercise enforcement discretion and will not enforce the in-person dispensing requirement (and any associated in-person requirements relating to the completion of the patient information form) for mifepristone during the current federal Public Health Emergency. Attorneys general had filed amicus briefs in district court, the Supreme Court, and the Fourth Circuit and now expect that appeals of the original preliminary injunction will be withdrawn.

NY v. HHS and Azar, S.D. NY, #1:19-cv-04676 PAE, (consolidated with 19 Civ. 5435 PAE and 19 Civ. 5433 (PAE)); 19-4254 (2nd Cir.Ct.App.),Complaint for declaratory and injunctive relief on behalf of 19 attorneys general filed 5/21/19 against new rule expanding types of employees permitted to object to medical procedures on basis of conscience, arguing that States regulate health providers AND serve as health care providers, but new federal rules would give every entity and individual the categorical right to deny medically necessary treatment and services. The Court postponed the effective date of the Final Rule, and requested the Parties meet and propose a way forward on 7/10 and ordered Defendants to produce the administrative record by 7/22/19. They did not produce a complete record, so on 8/15/19 plaintiffs filed a joint letter motion to compel completion of the administrative record. The parties challenge the expansion of nearly 30 federal statutory provisions that would compel them to grant individual health providers the categorical right to deny lawful, medically necessary treatment, services and information to patients based on the provider's own personal views. The Court postponed the effective date of the Final Rule to 11/22/19. After oral argument on 10/18/19, the district vacated the new rule on 11/6/19. HHS appealed to the 2nd Cir. on 1/3/20. States' brief at the 2nd Cir. (#19-5434) was filed July 28, 2020 on behalf of the 19 states. On 2/4/21, with the change of administration, the 2nd Cir.Ct. App. ordered the case held in abeyance for 90 days and required HHS to submit a status report every 30 days.

PA & NJ v. Trump, **19-431 and 19-454, U.S. Supreme Court (filed 4/8/20)** ***Little Sisters of the Poor v. Pennsylvania*****, 19-431;** ***Trump v. Pennsylvania*****, 19-454 decided 7/7/20 by SCOTUS**: By a 5-2-2 vote, the Court upheld regulations that exempt employers who have religious and moral objections from complying with the Affordable Care Act's mandate that health plans provide coverage for women's contraceptives. The Court held that the ACA authorizes the exemption. And it held that the federal agencies that issued the regulations complied with the Administrative Procedure Act. The Court therefore instructed the Third Circuit to dissolve the nationwide preliminary injunction the district court had issued which had prevented the regulations from taking effect. States of MA, CA, D.C., HI, IL, ME, MI, NM, NY, OR, RI, VT and WA supported PA and NJ to assert a compelling interest in supporting the health and wellbeing of women to use the full range of USDA-approved contraceptives that should be covered under the ACA.

House v. Price, D.C. Circuit, #16-5202 filed 5/18/17 (previously *House v. Azar* 1:14-cv-01967-RMC), appeal of final order to dismiss, motion in support of joint motion to remand filed April 2018: Intervention in House of Representatives' suit against Secretaries of Health and Human Services (HHS) and Treasury against changes to the Affordable Care Act (ACA) for stopping Cost-Sharing Reduction (CSR) payments. The motion was filed by NM, CA, CT, DE, HI, IL, IA, KY, MD, MA, MN, NY, PA, VT, WA and D.C. The States intervened in this lawsuit to defend the constitutionality of CSR payments against the House's challenge. 5/18/18: Dist. Court vacated the order that had enjoined pending (federal) appropriation for cost-sharing reductions, closing the *House v. Azar* case. *Azar* is now over, and the

NY v. U.S., **#1:20-cv-05583, S.D. NY, filed July 20, 2020:** NY, CA, MA, CO, CN, DE, D.C., HI, IL, ME, MD, MI, MN, NV, NJ, NM, NC, OR, PA, RI, VT, VA and WI challenge a weakening of the ACA Section 1557 allowing for more extensive discrimination against persons on the basis of sexual orientation or identity. Defendant HHS filed a Motion to Dismiss, and States filed a renewed motion for summary judgment 12/2/20. The federal government then requested a stay. The parties sent a joint status report requesting another 90 day-extension on 5/13/21 reflecting HHS's review of the rulemaking proceedings required (that had not been done).

OR v. Azar**,** Eugene Dist., OR, #6:19-cv-00317-MC, filed 3/5/19 on behalf of OR, NY, CO, CT, DE, D.C., HI, IL, MD, MA, MI, MN, NV, NJ, NM, NC, PA, RI, VT, VA and WI as well as the AMA, OR Medical Assn., Planned Parenthood, Planned Parenthood of Southwestern OR, Planned Parenthood Columbia Willamette, Thomas Ewing and Michele Magregian.. SCOTUS (2021) #20-429 consolidated with #20-454, and 20-539, *Oregon v. Cochran*. Other cases were: *CA v. Azar,* D.C. # 3:19-cv-01184 EMC, *Essential Access Health v. Azar*, #3:19-cv-01195 and *State of WA v. Azar*, ##1:19-cv-03040 and 03045. 9th Cir. opinion appeal was entered 2/24/20 under #19-15974. Three district courts in three states entered preliminary injunctions against HHS enforcement of the "gag" rule prohibiting under Title X a counselor from referring for or encouraging abortion. Defendants appealed the injunctions in *OR v. Azar* to the 9th circuit, moving the district Court to stay proceedings pending appellate review of the injunction. Private parties appealed to the U.S. Supreme Court 10/1/20, and attorneys general filed an amicus 10/5/20. These states are parties to the petition for writ in the Supreme Court: OR, NY, CO, CN, DE, D.C., HI, IL, MD, MA, MI, MN, NV, NJ, NM, NC, PA, RI, VT, VA and WA. CA's case was consolidated with this one. Cert petition requesting consideration of this case (#20-429 in SCOTUS) and #20-539 (the States' appeal of the 9th Cir. decision on grounds it directly conflicts with the 4th Cir.'s #20-454, *Azar v. Mayor of Baltimore)*, was filed 11/4/20 with the same states participating plus CA and D.C. On 12/21/20 the same states filed an amicus on behalf of Oregon. SCOTUS granted cert. The Biden administration filed an executive memo directing HHS to consider repealing the government's position in support of the rules change. On 3/9/21 Ohio and 18 other states filed a motion to intervene or file an

amicus entitling them to oral argument. We will oppose 3/18/21. Case dismissed June 2021?
EMC, Essential Access Health v. Azar, #3:19-cv-01195 and ***State of WA v. Azar,*** ##1:19-cv-03040 and 03045. 9th Cir. opinion appeal was entered 2/24/20 under #19-15974. Three district courts in three states entered preliminary injunctions against HHS enforcement of the "gag" rule prohibiting under Title X a counselor from referring for or encouraging abortion. Defendants appealed the injunctions in OR v. Azar to the 9th circuit, moving the district Court to stay proceedings pending appellate review of the injunction. Private parties appealed to the U.S. Supreme Court 10/1/20, and attorneys general filed an amicus 10/5/20. These states are parties to the petition for writ in the Supreme Court: OR, NY, CO, CN, DE, D.C., HI, IL, MD, MA, MI, MN, NV, NJ, NM, NC, PA, RI, VT, VA and WA. CA's case was consolidated with this one.
CA v. US Department of Health and Human Services and Little Sisters of the Poor Jeanne Jugan Residence and March for Life Education and Defense Fund**,** #19-15072, 19-15118 and 19-15150; filed 4/22/19 in the 9th Circuit. Amicus states—MA, IA, ME, NJ, NM and PA—support plaintiff states CA, CT, DE., D.C. HI, IL, MD, MN, NY, NC, RI, VT, VA and WA in arguing that the ACA contraceptive mandate plays a critical role in securing access to affordable contraception. Since most women receive health care coverage through employer-based health plans and 29 states require employer-based plans to cover contraception, federal law pre-empts state regulation of self-insured plans. On 7/7/20, SCOTUS found the exemption for religious parties objecting to ACA mandate for reproductive health coverage.
Natl Family Planning v. Azar, Washington v. Azar, # 19-35394, filed 4/8/20: AGs from Washington and Oregon (ADD STATES) petitioned for rehearing en banc in the 9th Cir. after the court lifted preliminary injunction.
Azar v. Garza, #18-5093, filed 8/6/18 in D.C. Court of Appeals. Oral Argument was scheduled 9/26/18: Amicus on behalf of AGs in NY, CA, CT, DE, HI, IL, IA, ME, MD, MA, NJ, NM, NC, OR, PA, VT, VA, WA and D.C. plus 40 other medical, legal and not-for-profit groups including Planned Parenthood and NARAL, arguing that unaccompanied illegal immigrant minors also have a constitutional right to abortion, not subject to the approval of DHS.

***Ca. v. Hargan**, N.D. Cal,* #4:17-cv-5783-HSG, Oakland Division, filed 12/7/17: Supports plaintiffs California's motion for preliminary injunction filed after HHS on 10/6/17 issued two Interim Final Rules authorizing employers with religious or moral objections to contraception to block employees and their dependents from receiving health insurance coverage for contraceptive care and services. Arguments: the rules (i) violate the ACA's requirement that regulated employer-sponsored group health plans provide women with coverage for preventive services; (ii) reflect a substantial departure from prior agency reasoning and determinations without adequate justification; (iii) violate the Establishment Clause; (iv) discriminate against women in violation of the Fifth Amendment; and (v) were issued without the required notice and comment rulemaking process, in violation of the Administrative Procedure Act ("APA").*CA vs. Azar* (same case number) Amicus in support of Plaintiff's Motion for a preliminary injunction was filed 1/7/19 on behalf of MA, IA, ME, MI, NV, NJ, NM, PA and OR. *CA v HHS*(9th Cir. April 2019 party filing on behalf of 21 attorneys general plus AMA, three Planned Parenthood entities and some private medical providers), State interest in preserving strong, robust regulatory regime making contraceptives widely available and affordable. 9th Circuit summarized on 6/20/19 that it granted a stay pending appeal of three preliminary injunction orders issued by district courts in three states enjoining the Title X regulations pertaining to pre-pregnancy family planning services from going into effect. #19-15072, 15118 and 15150. District Court ## 19-cv-00317 MC and 19-cv-00318 MC.

***Planned Parenthood of Wisconsin v. Azar**,* #18-5218, D.C. Circuit, filed 7/31/18: Amicus filed 8/2/18 supports the plaintiffs Planned Parenthoods of WI, Greater Ohio and Utah's motion for an injunction pending appeal--noting that HHS's new grant criteria that excludes providers who provide abortions without meeting onerous restrictions, implemented without notice and comment, will disrupt the Title X provider network, have an impact on states' most vulnerable residents, undermine the ability of states to ensure accurate and timely healthcare and risk public health dollars. Other AGs joining: CA, CT, DE, HI, IL, IA, ME, MD, MA, MN, NJ, NM, NY, OR, PA, RI, VT, VA, WA AND D.C.

Planned Parenthood v. Hodges, (6Th Cir., # 16-4027, on behalf of 16 attorneys general originally filed 8/30/18.) Amicus brief in support of Planned Parenthood's challenge to Ohio law defunding Planned Parenthood based on provision of abortion services, even though no state funds were used for abortions. *Planned Parenthood of Greater Ohio v. Himes* (6th Cir. Amicus on behalf of 18 attorneys general filed Sept. 4, 2018) challenged Ohio law against funding for providers that may counsel abortion. 6th Cir. reversed following a rehearing, allowing Ohio to de-fund Planned Parenthood, holding that even though Ohio's law does impose conditions on funding, Planned Parenthood affiliates do not have a due process right to continued government funding even though no state funds were used for abortions. #16-4027.Opinion issued 3/12/19.

EMW Women's Surgical Center and Planned Parenthood of Indiana & Kentucky. v. Meier.#18-6161, 6th Cir. Ct. App. Filed 4/4/19. State amicus opposing Kentucky's argument that the Court should consider the availability of abortion of neighboring states when applying the undue-burden standard and thus close Kentucky's only abortion provider's clinic. States argue that adopting a "cross border analysis" violates the undue-burden standard in *Women's Medical Professional Corp. v. Baird*, 438 F. 3d 595 (6th Cir. 2006). States joining: NM, NV, CA, CT, DE, HI, IL, IA, ME, MD, MA, MI, MN, NY, NC, OR, PA, VT, VA, WA and D.C. Case appealed to 6th Circuit, #19-5516 with these states joining: NM, CA, CO,CN, DE, HI, IL, MD, MA, MI, MN, NV, OR, PA, VT , VA, WA and D.C. on 9/16/19.

West Alabama Women's Center v. Miller, *#2:15-cv-00497, M.D. Alabama, No. Division, filed 10/26/17.* The district court entered a permanent injunction against implementation of two Alabama laws. Defendants appealed to the 11th circuit 11/22/17 which upheld the district court on 8/22/18. New Mexico was among 16 states filing an amicus 5/1/17 urging the appeals court to affirm the district court. (#17-15208). The 11th Circuit affirmed the judgment of the district court 9/20/18 that the Alabama Unborn Child Protection from Dismemberment Abortion Act constituted an undue burden on abortion access and is therefore unconstitutional.

Pre-term Cleveland; Planned Parenthood of SW Ohio (etc) v. Himes**,** (6th Cir), # 1:18-cv-00109, filed 8/30/18. States: CA, CT, DC, DE, HI, IL, MA, ME, NM, NY, OR, and WA argue that Ohio law banning pre-viability access to abortions for Down Syndrome children even where an unborn child has not reached viability and without an exception for the health of the life of the woman is unconstitutional and that advancing rights of persons with disabilities should not come at expense of reproductive rights. #18-3329 amicus in 6th Cir.

Pennsylvania v. Trump- E.D. PA, #17-cv-04540-WB, filed 11/28/17. Massachusetts-authored amicus supporting Pennsylvania's challenge to the Interim Final Rules issued on 10/6/17 that provide broader exemptions for employers who object to the ACA's contraceptive mandate on religious and/or moral grounds. Amicus filed 1/7/19 in 3d Cir, #17-cv-04540, supporting motion for a preliminary injunction on behalf of 22 attorneys general (MA, CA, CN, DE, D.C., HI, IL, IA, ME, MD, MA, MI, MN, NV, NM, NY, NC, OR, RI, VT, VA and WA). District court issued a nationwide permanent injunction; government appealed. On appeal. 3d Cir. upheld the injunction on 9/3/19.. On behalf of MA, CA, CT, DE, D.C., HI, IL, IA, ME, MD, MA, MI, MN, NV, NM, NY, NC, OR, RI, VT, VA and WA. Appellate amicus ##s17-3752, 18-1253, 19-1129 and 19-1189, filed 3/25/19

NY v. HHS and Azar, S.D. NY, # 1:19-cv-04676, complaint for declaratory and injunctive relief filed 5/21/19. Brief challenges final HHS rules authorizing employers with religious or moral objections to block employees from receiving contraceptive coverage. States and cities joining: NY, City of NY, CO, CT, DE, D.C., HI, IL, MD, MA, MI, MN, NV, NJ, NM, OR, PA, RI, VT, VA, WI, City of Chicago and Cook County IL.

Jackson Women's Health vs. Currier, #18-60868, 5th Cir. (CA, NM and attorneys general for the states of CO, CT, DE, HI, IL, IA, ME, MD, MA, MI, MN, NV, OR, PA, RI, VT, VA, WA and D.C.) amicus brief in support of plaintiffs arguing that Mississippi's ban on abortion after 15 weeks' gestation (with very limited exceptions) is plainly unconstitutional under existing precedent; and amici states have other ways of promoting women's health that are not unconstitutional, such as prenatal care and health screenings. Oral argument held 10/7/19. . Oral argument held 10/7/19.5thCircuit on 12/13/19 found for plaintiffs.

TRANSGENDER RECOGNITION AND RIGHTS

Hecox & Doe v. Little, #20-35813(L) (9th Cir), filed 12/21/20:Attorneys General from NY, HI, CA, CO, CN, DE, IL, ME, MD, MA, MN, NV, NJ, NM, NC, OR, PA, RI, VT, VA, WA and D.C.challenge Idaho's Fairness Women In Sports Act, which prohibits transgender women from competing in sports as female without, among other things, examination of their reproductive anatomy or genetic testing.

Doe v. Shanahan**,** (originally *Doe v. Trump*) D.-D.C., #17-cv-01597-CKK, filed 10/16/17: Amicus supporting Plaintiffs' application for preliminary injunction, 15 AGs (NM, MA, CA, CT, DE, HI, IL, IA, MD, NY, OR, PA, RI, VT and D.C) in support. On October 30, 2017, the D.C. court held for plaintiffs and enjoined the transgender military ban. Amicus filed 10/26/18. The Trump administration filed a cert petition "before judgment" asking the Supreme Court to hear argument and decide its position on the ban on transgender service members on 11/23/18 in *Doe*, *Karnoski* (below) and *Trump v. Stockman* (9th Cir.). On 1/3/19 the D.C. Court of Appeals (#18-5257) issued an unpublished opinion vacating without prejudice the preliminary injunction and denying the government's motion to stay.

***Adams v. Sch. Bd. of St. Johns County*, 18**-13592 (11th Cir.), filed 2/28/19. Appealed from the US Dist. Court for the middle district of Florida. New York and Washington led a coalition of state Attorneys General including NM, CA, CT, DE, HI, IL, IA, ME MA, MD, MI, MN, NJ, OR, PA, RI, VT and VA and D.C. to support the U.S. District Court for the Middle District of Florida in its ruling that a school board's policy barring transgender boys and girls from using common restrooms violates Title IX of the Education Amendments of 1972 and the federal Equal Protection Clause. The 11th Cir. on 8/7/20 (a Friday) held that Adams's school board violated Title IX and equal protection by barring transgender students from using common restrooms consistent with their gender identity. On 8/10/20 the same court withheld the mandate.

***Karnoski v. Trump*,** 9th Cir., # 18-35347, government appeal of lower court's decision prohibiting the Trump administration from banning service in the armed forces of transgender soldiers. The appeal centers on whether and to what extent the ban should be allowed deference by the Court and whether the ban survives strict scrutiny. States intervened 7/2/18 in the 9th Circuit arguing on behalf of Attorneys General in CA, CT, DE, HI, IL, IA, ME, MD, MA, NJ, NM, NY, NC, OR, PA, RI, VA, VT and D.C. that the ban prohibiting participation of some 150,000 active-duty transgender service members is discriminatory and unconstitutional, undermines the effectiveness of states' emergency and disaster response efforts and reduces states' ability to respond to crises because of a reduction in force. The Trump administration on November 23, 2018 argued via a cert petition "before judgment" in the U.S. Supreme Court that the issue of the ban on transgender service members is so important and time sensitive that the high court should consider *Karnoski*, as well as *Doe* (above) and *Stockman* (9thCir., with respondents including private parties and the State of California) without waiting for decisions from the federal courts of appeals, thereby allowing for oral argument and issuance of a decision before the current Supreme Court term ends next June. On 1/22/19, the Supreme Court stayed the district court injunctions that blocked the new policy pending a ruling in the 9thCircuit, but did not review the legality of the new policy, as requested by the Trump administration.

Grimm v. Gloucester County School Board, #19-1952, filed 11/25/19 in the 4th Cir. Ct. App. supporting Plaintiff after the school board appealed the E.D. Virginia district court's final judgment of 8/9/19: States of NY, WA, CA, CO, CN, DE, HI, IL, ME, MD, MA, MI, MN, NV, NJ, NM, NC, OR, PA, RI, VT, VA and D.C. support plaintiff Grimm, arguing that the States have an interest in ensuring that transgender persons are protected against discrimination and noting that amici states have adopted policies to protect transgender people against such discrimination. Background: This case was filed in 2015 and originally, the U.S. Supreme Court announced it would review the 4th Circuit's decision in that earlier litigation. However, a few weeks before SCOTUS could hear the case, the Trump administration rescinded the Department of Education's previous guidance re: transgender student rights under Title IX. SCOTUS then sent Grimm's case back to the 4th Circuit to be reconsidered. Grimm was graduated, and the school board filed a motion to dismiss on that basis in the E.D. VA court on 5/22/19, which was denied 8/9/19 and subsequently appealed. The 4th Circuit then found for Grimm on the merits. On 6/28/21 SCOTUS denied the school board's request to hear the case, leaving in place the 4th Circuit's finding in favor of Grimm.

VOTING, ELECTIONS

Brnovich v. DNC, 19-1257 (SCOTUS 2021), filed 1/19/21: AGs of D.C., CA, CO, CN, HI, IL, ME, MD, MA, NV, NJ, NM, NY, OR, RI, VT, VA and WA support the DNC in a case brought by the Arizona attorney general that seeks to invalidate Arizona's ballot collection law and allowing out-of-precinct voting on the basis of Sec. 2 of the Voting Rights Act and the 15th Amendment. The Supreme Court ruled six to three on 6/30/21 that both restrictions on voting were valid under Sec. 2 of the Act. Elena Kagan wrote the dissent.

TX v. PA, No. 20-0155, filed 12/10/20. Amicus supporting the election integrity of four states--Georgia, Michigan, Pennsylvania and Wisconsin- challenged by Texas, whose electoral college votes could sway the presidential election to Donald Trump, overturning the election of Joe Biden. Some 17 Republican states, led by Missouri, as well as some 120 Republican members of congress, joined Texas in an amicus sent to the U.S. Supreme Court under its original jurisdiction. The progressive AGs in the following states joined the amicus on behalf of the states whose elections were challenged by Texas: D.C., NM, CA, CO, CN, DE, Guam, HI, IL, ME, MD, MA, MN, NV, NJ, NUY, NC, OR, RI, VT, VA, WA and U.S. Virgin Islands. On 12/11, 20 SCOTUS declined to take the case.

Washington v. DeJoy, #1:20-cv-03127 (E.D. WA) filed 8/18/20: Attorneys general from WA, CO, CN, IL, MD, MI, MN, NV, OR, RI, VT, VA, NM and WI challenged changes to post office administration that should have been approved by the federal postal commission, especially as they affect the ability to vote by mail during the COVID-19 pandemic. On 8/27/20 the judge granted our request for expedited discovery. Nationwide injunction issued 9/18/20, ordering reversal of the changes DeJoy made in post office administration and enjoining changes going forward. On 10/30/20 Washington Judge Stanley Bastion ordered the Washington USPS to use "extraordinary measures" including sending by priority express mail ballots directed to the battleground states of Wisconsin and Michigan to ensure that ballots arrive before 8 p.m. local time on Election Day. Washington monitors are authorized at post offices to ensure compliance.
People First v. Merrill, No. 20A 67, filed 10/19/20: Opposing the emergency application for a stay of Alabama's statute permitting curbside voting, these Attorneys General filed an amicus in the U.S. Supreme Court: D.C., CA, CN, DE, HI, IL, MD, MI, MN, NV, NM, NY, OR, RI, VT, VA and WA. On 10/21/20 SCOTUS ruled against curbside voting.
Parham v. Watson, 3:20-cv-00572-DPJ-FKB,(N.D.Miss), filed 10/7/20: AGs from D.C., CA, CN, DE, HI, MD, MA, MN, NV, NM, NY, OR, RI, VT, VA and WA challenge state's requirement for absentee voters to have ballots notarized twice. Plaintiffs withdrew their challenge after the state SOS changed the rule to allow for notification to voters of problems with ballots.
Moore v. Circosta and Wise v Circosta, #20-CV-911 (M.D. N.C.), appealed to SCOTUS, #20-2062. Application for stay denied 10/28/20. North Carolina SOS/BOE agreed, through consent decree, to extend its absentee ballot receipt deadline. Republican state lawmakers sued to enjoin the SOS/BOE from enforcing the extension. The district court denied injunctive relief on Purcell grounds, the en banc fourth circuit denied the emergency application for an injunction, then the Supreme Court denied the emergency application for injunctive relief.
Jones v. DeSantis, #20-12003 (11th Cir.Ct. App., en banc), appeal from N.D. FLA dist court, #4:19-cv-300-RH/MJF, filed 8/3/20. Amici states challenge Florida's policy of disenfranchising felons until any fines and/or fees owed the state are paid. Jurisdictions include: D.C., IL, CA, CO, CN, DE, HI, MD, MA, MI, MN, NV, NJ, NM, NY, OR, PA, VT, VA and WA.

Texas v. Hollins, # 20-0729 (Tex.), filed 9/25/20: opposes State of Texas's attempt to block one of its county clerks from sending vote-by-mail applications to all registered voters ahead of the November election.

TX LULAC v. Hughs, #20-50867, 5th Cir., (on appeal from W.D. TX) filed Oct. 12, 2020: AGs from D.C., CA, CN, DE, HI, MD, MA, MI, MN, NV, NM, NY, OR, PA, RI, VT, VA and WA challenge the legality of the Texas secretary of state's decision to limit each Texas county to a single drop box for absentee voters noting that there is no evidence of widespread voter fraud and limiting voting in this way puts persons at risk of COVID-19 contagion. The 5th Circuit granted Texas' emergency petition to stay enforcement, finding that the SOS change of rules, read together with another rule, expanded voting rights.

Lambert v. Benson (Mich. S.Ct. #162185; Ct. App. #355266). Attorneys general from MA, D.C., CA, CN, DE, IL, MD, MN, NJ, NM, NY, OR, VT and VA support action prohibiting guns at polling places in Michigan.

Hotze v. Hollins- 5th Cir. Whether nearly 127,000 votes cast via drive-through voting during the early voting period in Harris County, Texas, violate state election laws and should be invalidated. Suit dismissed by federal district court and appeal denied by 5th Circuit; Officials to close most drive-through sites on Election Day out of precaution. Republicans went to federal court, arguing that votes cast using the drive-through sites should be tossed out because the Harris County clerk did not have the power to order drive-through voting.

Martel v. Condos, No. 5:20-cv-131 (D. Vt.) filed 9/14/20: response to challenge to VT's expanded mail-in voting procedures.

Andino v. Middleton, No. 20A55, filed 10/5/20: Attorneys general from CA, CN, DE, HI, IL, MD, MA, MI, MN, NV, NM, NY, OR, RI, VT, VA and WA filed amicus in SCOTUS supporting challengers of South Carolina's extreme "absentee excuse" policy requiring a separate person to notarize the signature of an absentee voter. The Republican Party had appealed to SCOTUS to lift a stay on enforcement of the requirement, arguing that the "Purcell principle" forbids the Supreme Court from entering an election law dispute close to a nationwide election. SCOTUS denied cert (reversing the stay on enforcement of the strict requirements) on 10/5/20.

MISCELLANEOUS

Wage Theft-Madison Equities, Inc. v. Office of the Attorney General, #A-20-0434, Minnesota Supreme Court. Question presented is whether a state AG's presuit civil

investigative demand was overbroad for seeking information regarding subsidiaries of the company as the AG sought to investigate whistleblower complaints from security guards that the company avoided paying overtime wages. Filed May 6, 2021 on behalf of attorneys general of D.C., AK, CA, CN, HI, IL, IN, MD, MA, MI, NJ, NM, NY, OR, RI, SC, VT and WA.
NY v. DOL, **#** 1:21-cv-00536 (S.D. NY) **,** filed 1/21/12: Attorneys general from the States of NY, CA, CO, CN, D.C., IL, MA, MI, MN, NV, NJ, NM, NC, PA and VT detail harms to the States from implementation of a new Department of Labor rule, 85 Fed. Reg. 79,324 (Dec. 9, 2020) implementing Executive Order 11,246, that weakens anti-discrimination protections for workers,prompting an increase in employment discrimination and its attendant effects. With the change of presidential administration, DOL has proposed to extend the effective date on the independent contractor rule until May 7 and has requested comments about its proposal to delay by Feb. 24 (https://public-inspection.federalregister.gov/2021-02484.pdf). The government announced that it would rescind the rule. The Court issued a stay 4/13/21.
Free Speech- FCC v. Prometheus Radio Project and ***National Assn. of Broadcasters v. Prometheus Radio Project,*** *##s* 19-1231, 19-1241, U.S. Supreme Court, filed 12/23/20: Amici AGs from D.C., CA, CO, CN, DE, HI, IL, ME, MD, MA, MI, MN, NV, NJ, NM, NY, NC, OR, PA, RI, VT, VA and WA support responden. The question presented is: Whether the Third Circuit correctly deferred to the Federal Communications Commission's consistent interpretation that ownership diversity is an important aspect of the public interest served by its broadcast ownership rules and correctly held that the Commission acted arbitrarily and capriciously in repealing most of those rules without any reasoned analysis of ownership diversity.The case concerns the FCC's decision to change regulations regarding TV and radio ownership so that the rules no longer consider minority and/or female ownership as part of the "public interest" considerations for evaluation of broadcast media ownership. The 3rd Circuit struck down the FCC rule change; amici support the radio project now before the U.S. Supreme Court. The brief explains that broadcast media that is minority and women-owned better reaches diverse communities, which both serves public engagement in democracy and is important in natural emergencies and other situations where disseminating news is critical. The brief also argues that by not considering the "public interest" element of the laws, the FCC will no longer value local ownership as a factor too. It explains that local ownership of media better serves the public by informing them of local news than national conglomerates that recycle the same news around the country.

Free speech- Americans for Prosperity v. Rodriguez, ##19-251 and 19-255, US Supreme Court, filed 4/1/21: Issue is whether the First Amendment prohibits a state from requiring charitable organizations to submit to the State's attorney general—on a nonpublic basis and for the purpose of enforcing state charities law—the same schedule identifying the organizations' major donors that the organizations provide annually to the Internal Revenue Service. Attorneys general from NY, CO, CN, HI, IL, ME, MD, MA, MI, NV, NJ, NM, OR, PA, RI, VA and D.C. argue that they regulate charities and need the information, and that the request is not burdensome for charities, as they must submit the same information to the IRS.

Free speech --Exxon v. Healey, #18-1170, filed 10/12/18 in 2nd Circuit Court of Appeals. Amici states support the substantial and compelling interests of attorneys general in maintaining their traditional authority to investigate fraud and protect consumers and challenge Exxon's right to make misleading and deceptive statements on climate change unchallenged. Amici state that immunizing Exxon from speech challenges allows for an overbroad reading of the 1st Amendment and will detrimentally affect investors, consumers and financial markets. AGs joining: MA, DE, OR, CA, CT, HI, IL, IA, ME, MD, MN, MS, NJ, NM, NC, PA, RI, VT, VA, WA and D.C

Consumer Rights Oversight-- Leadership of CFPB --Lower East Side Credit Union v. Trump, S.D. NY #17-cv-9530 (PGG) brief filed December 2017 challenging legality of appointing Mick Mulvaney director of CFPB. States: CA, DE, HI, IL, IA, ME, MD, MA, MN, NM, NY, OR, PA, RI, VT, WA and D.C.

Consumer Protection --English v. Trump & Mulvaney, #18-5007, filed 2/6/18 in D.C. Court of Appeals. States argue that the successor provisions in the law establishing the Consumer Financial Protection Bureau must be effective in order to preserve the independence of the agency and that the law is in harmony with the Federal Vacancies Reform Act. AGs joining: DC, CA, CT, DE, HI, IL, IA, ME, MD, MA, MN, NM, NY, OR, RI, VT and WA

Online Merchants Guild v. Cameron (KY's AG), No. 20-5723, 6th Circuit Ct. of Appeals, amicus filed September 25, 2020 advocating for state regulation of online sales and help in avoiding price gouging. Attorneys General from AK, AR, CO, CN, DE, HI, ID, IA, ME, MA, MI, MN, NM, OH, OR, RI, TN, TX, WA and WI.

Fair Labor laws --State of NY v. Scalia (Dept. of Labor) , #1:20-cv-01689-GHW (S. D. NY, appealed to 1st Cir.) filed 5/21/20: States of NY, PA, CA, CO, DE, D.C., IL, MD, MA, MI, MN, NJ, NM, OR, RI, VT, VA and WA challenge *Joint Employer Status Under the Fair Labor Standards Act*, primarily because new definitions of "contractor" and "employee" would injure states based on their inability to collect for workers compensation for traditional workplace roles. Opposition to motion to dismiss filed 5/21/20. District court denied motion to dismiss 6/1/20. Appealed 11/6/20.

Gerrymandering --Rucho v. Common Cause et al, argued 3/26/19 and decided 6/27/19. SCOTUS #18-422, on appeal from the D-N.C. States of CA, NM, DE, HI, IA, MA, MI, MN, NV, OR, WA and D.C. as amici argue that the Equal Protection Clause of the U.S. Constitution forbids an extreme partisan gerrymander such as that in North Carolina. The amici argued that any test for unconstitutional partisan gerrymandering should require proof of both invidious intent and the actual effect of extreme partisan entrenchment that is likely to endure through multiple election cycles and is inexplicable by neutral considerations. On 6/27/19 the high court by a 5-4 vote held that political gerrymandering is a non-justiciable political question. The Court explained that "[t]here are no legal standards discernible in the Constitution for" determining when partisan considerations have gone too far, "let alone limited and precise standards that are clear, manageable, and politically neutral."

Gun Safety --Duncan v. Becerra, #19-055376, 9th Cir., filed 7/22/19: attorneys general from D.C., CT, DE, HI, IL, MD, MA, MI, MN, NJ, NM, NY, OR, PA, RI, VT, VA and WA filed an amicus supporting the authority of States to respond to threats to public safety through enacting their own law—in this case, limiting the manufacturing, import and sale of large-capacity magazines. Appeal for rehearing en banc filed 9/8/20.

Guns- Open Carry- Young v.Hawaii, 12-cv-00336- HG-BMK, 9th Cir. On 3/24/21, the 9th Cir. upheld Hawaii's public carry law by 7-4.

Guns- 2nd Amendment --Jones v. Becerra (9th Cir. # 20-56174), filed 1/26/21: Amicus supports California's statutory limitations on sales of handguns to persons under age 21.

Guns- 2nd Amendment --Rhode v. Becerra, #20-55437, 9th Cir., filed 6/19/20 on behalf of IL, CN, DE, D.C., HI, MD, MA, MI, NM, NM, NU, OR, PA, RI, VA and WA, arguing that California's requirements for sales of ammunition do not violate the 2nd amendment.

Guns- 2nd Amendment-- Vermont v. Misch, amicus in Vermont Supreme Court #2019-266 filed 10/14/19; Attorneys general representing D.C., CA, CN, DE, HI, IL, MD, MA, MI, MN, NJ, NM, NY, OR, PA, RI, VA and WA support appellant and assert the States' interest in protecting their prerogative to enact and implement sensible legislation that promotes public safety and reduces incidence and lethality of gun violence. The Vermont statute at issue bans large-capacity magazines that hold more than 10 rounds of ammunition for long guns and more than 15 rounds for handguns.

Ghost Guns-City of Syracuse v.ATF, #20-cv-06885-GHW (S.D. NY), filed 12/16/20: Attorneys General from D.C., CO, DN, DE,HI, IL, MD, MI, MN, NJ, NM, NY, NC, OR, RI, VT, VA, WA and WI joined as amici in favor of the City, seeking to stop the manufacture and sale of handgun frames and semi- automatic receivers that lack any identifying and traceable marks and can be fully operational shortly after receipt.

Indian Child Placement --Brackeen v. Bernhardt *(originally Zinke, secy. of U.S. Department of Interior) and Cherokee Nation, intervenors-defendants), #4:17-cv-00868-O, (N.D. Dist. TX, Ft. Worth Division).* Amicus filed 5/25/18 by NM, CA, AK, MT, OR, UT and WA. The district court on 10/4/18 granted summary judgment 10/4/18 on grounds that the Indian Child Welfare Act (ICWA) (1) impermissibly establishes a racial classification based on eligibility for membership in a Tribe; (2)improperly delegates Congressional legislative authority; (3) constitutes commandeering under the 10th Amendment;and (4) violates the Administrative Procedure Act by exceeding BIA's authority and/or defendants are not entitled to Chevron deference. On appeal to the 5thCircuit, states filed amicus against the position of the states of Indiana, Louisiana and Texas. On 8/9/19 the 5th Cir. reversed the district court holding, #18-11479, that ICWA is unconstitutional. Amicus in support of the U.S. and intervenor tribes, requesting reversal, filed 1/14/19 on behalf of CA, AK, AZ, CO, ID, IL, IA, ME, MA, MT, MS, NJ, NM, OR, RI, UT, VA, WA and WI (which together are home to 85% of the tribes in the United States). The 5th Circuit held that ICWA is constitutional (among other issues) as based on a political—not a racial—classification. We filed a 5th Circuit amicus on rehearing on 12/13/19 in league with: CA, AK, AZ, CO, CN, ID, IL, IA, ME, MA, MI, MN, MS, MT, NJ, (NM), NY, OK, OR, RI, UT, VA, WA, WI and D.C.

***National Monuments --Wilderness Society v. Trump*, #** 17-cv-02587 (TSC) consolidated with *Grand Escalante Staircase Partners v. Trump*, # 17-cv-02591 (TSC), D.C. Dist., filed 11/19/18. Amicus on behalf of WA, CA, HI, ME, MD, NM, NY, OR, RI, VT, and MA supports Plaintiffs' opposition to federal defendants' motion to dismiss, arguing that (1) the President's reduction of acreage in national monuments for the first time in U.S. history oversteps his authority,(2) the reduction upends the purposes of the Antiquities Act; and (3) the unlawful expansion of executive authority over national monuments harms Amici by weakening important federal-state resource management relationships. On 1/11/19, the Court granted intervention into the consolidated proceedings to the State of Utah, County of San Juan and the American and Utah Farm Bureau Federation. We filed an amicus brief in response to the government's motion to dismiss on 3/1/19. On 3/20/19 the Court granted leave to file amici to members of Congress, archaeologists and professors but denied leave to file for the other parties. However, we filed our amicus pursuant to Local Civil Rule 7(o)(1), which does not require consent of the parties or leave of the court.

Net Neutrality--***N.Y. v. FCC***-D.C. Court of Appeals, Protective Petition for Review, #17-18-1013 filed 1/16/18: State parties request that the Court hold unlawful, vacate, enjoin and set aside the FCC Declaratory Ruling, Report and Order, WC Docket # 17-108, FCC 17-166 (released on 1/4/18) as arbitrary, capricious and an abuse of discretion within the meaning of the Administrative Procedures Act (APA), as violating federal law and the federal constitution, conflicting with rulemaking requirements and as otherwise contrary to law. (NY, CA, CT, DE, HI, IL, IA, KY, ME, MD, MA, MN, MI, NM, NC, OR, PA, RI, VT, VA, WA and D.C.) On 2/22/18, NM and 23 attorneys general petitioned U.S. Court of Appeals for the D.C. Circuit for review of FCC's rollback of net neutrality, asking after the FCC published the final rule rolling back net neutrality in the Federal Register. 8/21/18 the same parties asked the D.C. Court of Appeals to vacate and reverse the FCC's order to repeal the net neutrality rules.

American Cable Assn. v. Becerra, #2:18-cv-02660-JAM-DB, (E.D. Ca.), filed 10/1/20. States filed an amicus brief supporting California's opposition to pre-emption by federal net policy and a challenge to the State's net neutrality law. AGs included those from: NUY, CT, DE, HI, IL, ME, MD, MA, MI, MN, NJ, NM, OR, PA, RI, VT, WA, WI and D.C. On 2/23/21 the California district court denied ISP's request for preliminary injunction finding there was no likelihood of success on the merits and no irreparable injury, that the public interest would be undermined by a preliminary injunction and closed by urging Congress to act on net neutrality instead. The government withdrew its action with the change of presidential administrations.

Opioid policy --U.S. v. Safehouse, E.D. PA #19-cv-0519, filed 7/10/19 argues that the States' traditional state function in ensuring public health allows states and local governments to establish safe injection sites like that in PA, which allows for the medically supervised consumption of opioids. States include: D.C., CO, DE, MI, MN, NM, OR and VA. Our amicus was among 13 filed by 132 organizations and individuals, including current and former prosecutors and law enforcement officials, 8 states and six cities. On 10/2/19, the judge found Safehouse's purposes legitimate.

Presidential subpoena --Trump v. Vance, #*19-635*, filed xxxxx at U.S. Supreme Court; 941 F.3d 631 (2d Cir. 2019) cert granted 2019 WL 6797730 (affirming dist. court decision denying motion to enjoin recipients from complying with state grand jury subpoena) to the U.S. Supreme Court. States as amicus: VA, CA, HI, IL, MI, NV, NM, OR. QUESTION PRESENTED: Whether presidential immunity bars the enforcement of a state grand jury subpoena directing a third party to produce material involving the President's unofficial and non-privileged conduct.

Sexual Harassment, Title IX PA & NJ v. DeVos, 20-cv-01468, D.C. District Court, filed June 4, 2020, opinion denying our motion for preliminary injunction issued 8/12/20. AG s from CA, CO, DE, D.C., IL, MA, MN, NM, N.D., OR, RI, VT, VA, WA and WI joined as parties against the Department of Education's effective date of 8/24/20 for proposed rules that would weaken enforcement of Title IX harassment incidents--for instance, limiting proceedings to harassment that occurs only on campuses--and notes that there is no way universities and K-12 schools can properly implement the changes while complying with state law requirements for notice and hearings. Hearing was 7/24. Supplemental briefs from Plaintiff states due 7/29; from Defendants, 8/1. In denying Plantiffs' motion for injunction, the Court found we were unlikely to succeed on the merits and failed to demonstrate injury. In New Mexico, University of NM and Santa Fe Public Schools submitted declarations as to their injuries. The challenged rule goes into effect 8/24/20.

Women's Rights-ERA- Virginia v. Ferriero*, 1:20-cv-242-RC, D.C. District Court, filed 6/29/20:* States of NY, CO, CN, DE, HI, ME, MD, MA, MN, NJ, NM, NC, OR, PA, RI, VT, WA and WI plus governor of KS and D.C. support the Equal Rights Amendment. The last state required for ratification of the ERA passed the measure, but in the intervening years, Congress added time limit for passage. The amicus argues that congress had no authority to impose that limitation and that the voice of the people of the United States should be heard.

Attorneys General letters
2021

Letter to policymakers sent 4/21/21: Statement in support of "clean slate" initiatives, ensuring that persons with criminal records get a fresh start after serving their time. NM Attorney General Hector Balderas was one of 80 elected prosecutors and attorneys general and law enforcement leaders who signed.

Letter to Congress, sent 4/13/21: Letter supporting the National Opposition to Hate, Assaults, and Threats to Equality (NO HATE) Act, which provides grants for improving law enforcement reporting of hater crimes. Some 35 attorneys general signed.

Letter to the Department of Labor, sent 4/12/21: Letter supporting the rescission, 86 Fed. Reg. 14,038 (Mar. 12, 2021) of the 2020 joint employer rule, signed by attorneys general in NY, PA, CA, CO, DE, D.C., IL, MD, MA, MI, MN, NJ, NM, OR, RI, VT, VA and the Washington State Department of Labor & Industries.

Letter to Department of Labor, sent 4/12/21: Letter supporting rulemaking, 86 Fed. Reg. 14,027 (Mar. 12, 2021), withdrawing prior to its effective date the department's independent contractor rule, authored by Attorneys General of PA, NY, CA, CO, CN, DE, HI, IL, ME, MD, MA, MI, MN, NJ, NM, NC, OR, RI, VT, VA and D.C. and, in addition, the Minnesota Department of Labor and Industry, the Pennsylvania Department of Labor and Industry, and the Washington State Department of Labor and Industries.

Letter to Secretary of Education, sent 4/5/21: Attorneys general from NY, CA, CO, CN, DE, HI, IA, IL, MA, MD, MN, NC, NJ, NV, NM, OR, PA, VA, VT, WA, WI and D.C. urge Secretary Miguel Cardona to implement additional reforms to ease the process of paying student loans, as well as to protect student loan borrowers from paying back debt to for-profit and now defunct colleges.

Letter to the Senate, sent 4/7/21: Attorneys General from D.C., HI, MN, NV, NM, OR and VA support the George Floyd Justice in Policing Act.

Letter to ebay, twitter and shopify, sent 4/1/21: 46 attorneys general express concern that the companies have allowed distribution of fraudulent cards with a false CDC logo purporting to provide documentation of COVID-19 vaccination.

Letter to Merrick Garland, sent 3/22/21: Urging Attorney General Merrick Garland to direct Alcohol, Tobacco and Firearms (ATF)to expedite rulemaking re: ghost guns. Attorneys general signing were: CN, DE, D.C., HI, IL, IA, MA, MI, NJ, NM, NY, NC, OR, PA, RI, VT and WA.

Letter supporting Keeping All Students Safe Act, sent 3/16/21 to Congressional leaders: The Act would ban elementary and secondary schools receiving federal funds from using harmful practices like isolated time out and dangerous forms of restraint.

Letter comment filed 2/24/21: AGs in CA, CO, CN, DE, D.C., HI, IL, ME, MD, MA, MI, MN, NJ, NM, NC, NY, PA, OR, RI, VT, VA and WA commented in support of the Department of Labor's proposed rule delaying implementation of the joint employer rule.

Letter comment to FCC, sent 2/23/21: Attorneys General CO, AL, NE, CN, DE, D.C., GUAM, HI, ID, IL, IA, ME, MD, MA, MI, MN, NV, NH, NJ, NM, NY, NC, OR, PA, RI, UT, VT, VA, WA and WI advocate that the Federal Communications Commission (FCC) allow

the use of E-Rate funds to support remote learning during the COVID-19 pandemic. The proposal was included in the American Rescue Act passed in the Senate 3/6/21 and funded a $7.6 billion Emergency Connectivity Fund which can be used by schools and libraries to cover internet service, hot spots, and other devices to use at home by teachers and students for remote learning.

Letter to President Biden, sent 1/25/21: Fair and Just Prosecution letter including 100 law enforcement persons, current and former attorneys general urged the president to do all he can to end the federal death penalty.

Letter to Acting Attorney General Jeff Rosen, sent 1/13/21: Attorneys general from AK, AZ, CO, DE, D.C., FL, GA, Guam, HI, ID, IL, IA, KS, ME, MA, MD, MI, MN, NE, NV, NM, ND, N. Mariana Islands ,OK, OR, PA, RI, TN, UT, VT, VA, Virgin Islands, WV, WA and WY commit to repairing damage done to America's institutions and the republic itself as a result of the January 6, 2021 capitol insurrection.

2020

Letter to White House Counsel, sent 12/16/20: Attorneys general from NY, CN, DE, D.C., HI, IL, IA, MD, MA, MI, MN, NM, OR, VA and WA reminded counsel of the president's obligation to retain records.

Letter to Department of Health and Human Services (HHS) and the Health Resources and Services Administration (HRSA), sent 12/11/20: The letter urges these federal agencies to promulgate long-overdue regulations, and provide swift regulatory and enforcement action to protect safety-net healthcare providers, such as community health centers and clinics and hospitals serving low-income patients across the United States.

Letter to Azar (HHS) opposing SUNSET ("Securing Updated and Necessary Statutory Evaluations Timely") regulations change, December 4, 2020: Attorneys general from CA, CO, CN, DE, HI, IL, IA, ME, MD, MA, MI, MN, NV, NJ, NM, NY, NC, OR, PA, RI, VT, VA, WA, WI and D.C. oppose a proposed rule that would allow all HHS regulations to sunset through inaction, terming the regulations as "a misguided and dangerous attempt at deregulation."

Letter to U.S. Attorney General William Barr, Nov. 13, 2020: Attorneys general from 23 states wrote Barr to object to his reversal of 20 years of USDOJ policy against interfering in elections when he encouraged his department to investigate voter fraud. Participating states were: MN, MD, CA, CO, DE, D.C., HI, IL, IA, ME, MA, MI, NV, NJ, NM, NY, OR, RI, VT, VA, WA and WI.

Letter to Azar re: National Institute of Health Board, Oct. 26, 2020: Attorneys general oppose limiting research on drugs that could help fight COVID-19 because of inclusion of fetal tissue.

Letter to Eugene Scalia, DOL, Oct. 26, 2020: Attorneys general from 24 states--NY, MA, PA, CA, CO, CN, DE, D.C., HI, IL, IA, ME, MD, MI, MN, NJ, NM, NC, OR, RI, VT, VA, WA and WI plus cities of Philadelphia and Pittsburgh, as well as the New York City Department of Consumer and Worker Protection and the Office of Labor Standards for the City of Chicago-- wrote formal comment against the NPRM on independent contractors.

Letter to Congressional leaders, Oct. 10, 2020: AGS from these states urged that financial relief for airlines be contingent on the industry's adoption of consumer protections: AZ, CA, CO, CT, DC, DE, GU, HI, IA, ID, IL, IN, KY, MA, MD, ME, MI, MN, MO, MP, MT, NC, ND, NE, NH, NJ, NM, NV, NY, OH, OK, OR, PA, PR, RI, SD, VA, VT, WA, WI.

Letter to Fish & Wildlife, formal NPRM comment, Oct. 8, 2020: AGs from these states wrote to express concerns over rule changes on protecting wildlife and plants: CA, MD, MA, CN, IL, MI, NV, NJ, NM, NY, NC, OR, PA, RI, VT, WA and WI plus the City of NY.

Letter to DHS Oct. 5, 2020: requesting an extension of time for comment regarding changes to visa rules for immigrant students. Attorneys general from D.C., MA, CA, CO, CN, DE, HI, IL, IA, MD, MI, MN, NV, NJ, NM, OR, RI, VT, VA, WA and WI signed.

Fair and Just Voting Rights statement Sept. 3, 2020: statement on behalf of 80 law enforcement leaders and prosecutors opposing U.S.Postal Service changes that undermine voting.

Letter to Congress supporting the Victims of Crime Act (VOCA), sent August 24, 2020: All 56 attorneys general signed in support of the letter.

Letter to congressional leaders, sent August 10, 2020: AGs from 44 jurisdictions (and therefore, NAAG officially) wrote in support of Edith's Bill, supporting amendments to the Crime Victims Compensation Act to allow defrauded senior citizens reimbursement under the Act.

Letter to Facebook, sent August 5, 2020: AGs from 20 jurisdictions request that Facebook aggressively enforce its hate speech policies and have third-party oversight of hate content.

Letter comment to CFPB, sent August 4, 2020: Formal comment on rulemaking proposed by the consumer financial protection bureau regarding the collection of time-barred debt. AGs do not find that the proposed rules protect consumers adequately.

Letter to Senate Committee on Environment and Public Works, sent Aug. 3, 2020: AGs from 24 jurisdictions endorse the Driving for Opportunity Act, which seeks to prohibit states from withholding driver licenses for persons who owe fines.

Letter to Pres. Trump, filed July 28, 2020: AGs urge Trump to withdraw directive to move data collection on COVID-19 from CDC elsewhere, on grounds the data will become inaccurate. Issues regarding reports of COVID-19 data should be addressed by increasing support for CDC, not by circumventing the nation's top public health experts. AGs joining: VA, CA, CN, D.C., DE, HI, IL, IA, ME, MD, MA, MI, MN, NV, NM, NY, NC, OR, PA, RI, VT and WA.

Letter to Dept. of Education filed July 17, 2020: AGs from NY, CO, CN, IL, IA, MD, MA, MI, MN, NJ, NM, NV, OR, PA, VT, VA, WA, WI and D.C. urge removal of the restriction on CARES Act funding that refuses support for DACA supporters from emergency relief grants.

Letter comment re: Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear, filed July 15, 2020: Attorneys general of CA, CO, CN, DE, HI, IL, IA, ME, MD, MA, MI, MN, NV, NJ, NM, NY, OR, PA, RI, VT, VA, WA and D.C. urge withdrawal of the sweeping changes to asylum rules that would deny entry to valid asylum-seekers without a hearing.

Letter to the Senate, July 14, 2020: Attorneys general encourage the Senate to include funding to improve the country's childcare system under new CARES Act funding.

Letter to HUD July 9, 2020: protesting implementation of a rule that would prevent people living in immigrant households to benefit from CARES Act funding. Attorneys general writing were from:D.C., NY, CA, CO, CN, IL, IA, MA, MI, MN, NJ, NM, NV, OR, PA, RI, VT, VA and WA.

Letter to USDA and FNS, July 10, 2020: AGs from D.C., CA, CO, CN, HI, IL, ME, MD, MA, MI, NV, NM, OR, PA, RI, VT, VA, WA, and WI urge USDA and the Food and Nutrition Service (FNS) to reconsider recent denials of requests by state SNAP agencies for waivers of SNAP operating procedures during the ongoing COVID-19 pandemic.

Letter to Attorney General Barr, July 2, 2020: asking the U.S. Attorney General to explain why the Denaturalization Section has been created, and noting that its creation has triggered anxiety in immigrant populations over new streamlined ways to deport people.

Letter to the Veterans Administration, July 1, 2020: Protesting the elimination of veterans service officer (VSO) review of claims, especially during the COVID-19 pandemic. States signing were: AK, American Samoa, CA, CO, CN, DE, D.C., Guam, ID, IL, IA,ME, MD, MA, MI, MN, MO, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, Puerto Rico, RI, SC, SD, UT, VT, VA, WA and WI.

Letter to Congress, June 30, 2020: endorsing S. 2563, the "Improving Laundering Laws and Increasing Comprehensive Information Tracking of Criminal Activity in Shell Holdings" (ILLICIT CASH) Act, updating the federal framework for fighting money laundering and terrorism financing.

Letter to Congress, June 4, 2020: advocating amendments to federal law to empower State Attorneys General with the same authority granted to the U.S. Attorney General by the Violent Crime Control and Law Enforcement Act of 1994 to"acquire data about the use of excessive force by law enforcement officers." 34 U.S.C. § 12602, and to clarify that data obtained under this provision may be used for pattern-or-practice investigations. AGs of CA, DE, HI, ME, MD, MA, MI, MN, NV, NJ, NM, NY, OR, PA, RI, VT and VA joined.

Letter to Congress, May, 2020, supporting provisions in the HEROES that block appropriations for the USDA final and proposed rules that impose restrictions on access to SNAP.

Letter to Congress, May21, 2020, urging more funding to states and to FCC for improved broadband access especially with the advent of teleschools, telehealth and other online services necessary during the pandemic. Some 39 AGs signed: AK, CO, CN, DE, D.C., NE, FL, Guam, HI, ID, IL, IA, KS, ME, MD, MA, MI, MN, MO, MT, NC, NV, NJ, NM, NY, OK, OR, PA, Puerto Rico, RI, SD, TN, UT, VT, VA, WA, WV, WI, Am. Samoa.

Letter to Congress, May 21, 2020, supporting Safeguarding America's First Responders Act of 2020, which would establish the presumption that a first responder who contracts COVID-19 did so on the job--for purposes of providing coverage for the first responder.

Letter to Congress May 19, 2020, supporting the SAFE Banking Act, which would lead to increased access to standard banking practices for marijuana-related businesses-- an important development during the COVID-19 pandemic.

Letter to Congress May 6, 2020, suggesting particular structural revisions to the PPP/CAREs act legislation's funding for small businesses. OR, HI, DE, CO, PA, IL, IA, MN, WA, VT, NM, MI, NC, VA, RI, NV, CA, WI, DC, CT, NY, and MA.

Letter to U.S. Senate May 4, 2020: supporting renewal of the Violence Against Women Act through passage of H.R. 1585 and the Senate companion, S. 2843. Attorneys General joining in the letter: CA, WA, CO, CN, DE, D.C., HI, IL, IA, ME, MA, MI, MN, NV, NJ, NM, NY, NC, OR, PA, RI, VT, VA and WI.

Letter to U.S. Telecomm sent May 1, 2020: repeating the request for leadership in reducing robocalls that plague consumers across the country. All 52 attorneys general signed onto the letter.

Letter to Congress to be sent: requesting funding from the COVID-19 stimulus package for state attorneys general consumer protection efforts.

Letter to HHS, Alex Azar, April 30, 2020: opposing changes to "Nondiscrimination in Health and Health Education Programs or Activities," (Section 1557 Rule or Rule) of the ACA during the COVID-19 pandemic and urges HHS to suspend rulemaking during this era.

Letter to Credit Reporting Agencies (CRAs) sent 4/29/20: NY, PA, CA, CO, DE, HI, IL, IA, ME, MD, MA, MI, MN, NV, NJ, NM, NC, RI, VA, WA, WI and D.C.Attorneys General remind CRAs that consumer protections should remain in place during the COVID-19 pandemic.

Letter to Federal Housing Finance Authority (FHFA) and HUD April 23, 2020, advocating better protections for borrowers during the COVID-19 crisis. Each letter urges that the agency revise forbearance programs so that suspended payments are automatically placed at the end of the loan or enter some other loan modification or mitigation option; that the agency expand eligibility of modification programs for borrowers emerging from forbearance plans related to COVID-19; and that it ensure that the current foreclosure and eviction moratorium applies to all aspects of the foreclosure and eviction process.

Letter to HHS April 22, 2020, submitting public comment on Section 209 of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act," 85 Fed. Reg. 16,372 (March 23, 2020), encouraging maintenance of adequate blood supplies during COVID-19 crisis—by loosening restrictions on blood donations from persons with HIV.

Letter to USDA April 22, 2020, rulemaking comment against weakening the requirements for nutritious school meals. AGs joining: NY, CA, CT, DC, DE, IL, IA, MA, MD, ME, MI, MN, NM, NC, OR, PA, RI, VA, VT, WI.

Letter to Congress urging it to fix prices of medical supplies and equipment needed by hospitals, as it did to protect the economy during World War II (in the Emergency Price Control Act of 1942), April 21, 2020. AGs joining: MI, CN, DE, IA, ME, MA, NN, NV, NM, NY, OR, VT and WA.

Letter to USDA (rulemaking comment) April 21, 2020, requesting that it postpone rules changes on SNAP eligibility during the COVID-19 crisis.

Letter to Health and Human Services (Secy Alex Azar) April 14, 2020: urging HHS to develop an outreach plan for people who are terminated during the COVID-19 pandemic, to ensure that they are aware of the special enrollment period for health coverage under ACA—for health coverage available to them through Healthcare.gov and state-based marketplaces (follow up on April 3 letter below)

Letter to Azar April 3, 2020: urged HHS to open a special enrollment period to allow all uninsured individuals to obtain coverage due to the unprecedented circumstances of the COVID-19 pandemic.

Letter request to US Treasury April 10, 2020: to exempt COVID-19 payments from garnishment or debt collection. April 10, 2020

Letter to Veterans Administration April 2, 2020: urging it to suspend claims deadlines and freeze collection efforts for VA loans during COVID-19 crisis.

Letter to all agencies, through Office of Management and Budget (OMB) sent March 30, 2020: requesting that all agencies freeze the rulemaking process during the COVID-19 crisis.

Letter to Department of Labor, March 30, 2020: urging the suspension of enforcement of joint employer rule during COVID-19 crisis. The legality of DOL's changes to the Joint Employer rule is also being challenged by us in State of New York, et al. v. Eugene Scalia, et al., 1:20-cv-01689-GHW (So. Dist., NY). The case was closed at the district court in our appeal for inaccurate filing--but will be appealed .

Letter to Amazon and Whole Foods, March 25, 2020: encouraging them to pay employees more than their standard two weeks of sick leave during the COVID-19 crisis.

Letter to Department of Education, March 23, 2020: urging it not to capitalize forbearance on student loans as provided by the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Letter to Department of Homeland Security (DHS) March 18, 2020: urging it to reject enforcement of the public charge rule during COVID-19 pandemic. Immigrants in crowded conditions are at greater risk of infection.

Letter to the Consumer Financial Protection Bureau March 10, 2020: requesting that it withdraw its recent guidance that it will no longer enforce many of the requirements of the Fair Credit Reporting Act (FCRA) during the COVID-19 crisis.

Letter to Kathy Kraninger, director of Consumer Financial Protection Bureau, sent ___: Attorneys general urge the director to continue enforcing the Fair Credit Reporting Act even during the Coronavirus crisis.

Letter to Sec. of State Mike Pompeo and Attorney General Wm. Barr , sent 4/10/20: States of WA, NM request federal government to protect against distribution of instruction for making 3D guns as an end-run around limitations on gun possession.

Letter to Azar, HHS, sent 4/4/20: States of NC, CA, CO, CN, DE, D.C., HI, IL, IA, MD, MA, MI, MN, NV, NM, OR, PA, RI, VT, VA and WA request that Azar allow extra time for persons to sign up for health care exchanges during the coronavirus pandemic.

Letter to Russel Vought, acting director of OMB sent 3/31/20: States of CN, DE, D.C., NHI, IA, ME, MD, MA, MI, MN, NV, NC, NM and VT ask that all agencies cease rulemaking activity during the coronavirus.

Letter to Scalia, Secretary of the Department of Labor, sent 3/30/20: All attorneys general signed on to the letter requesting that DOL immediately suspend enforcement of the joint employer rule, which radically alters a 60-year-old provision in labor law, during the coronavirus crisis.

Letter to Trump and Azar sent 3/27/20: States of CA, CN, HI, IA, NM and MI request that access to abortion be protected during the COVID-19 pandemic. Specifically urges USDA to waive its risk evaluation and mitigation strategy (REMS) designation for Mifeprex, a medical abortion prescription drug.

Letter to Betsy DeVos, education secretary, sent 3/27/20: States of PA, CA, CO, CN, DE, D.C., HI, MD, MA, MI, MN, NV, NM, NY, NC, RI, VT and VA request secretary not to implement changes to Title IX regarding sex discrimination during the COVID-19 crisis.

Letter to Betsy DeVos, education secretary, sent 3/26/20: States of NY, PA, CA, CO, CN, DE, HI, IL, IA, ME, MD, MA, MI, MN, NV, NJ, NM, NC, OR, RI,VT, VA, WA, WI, D.C. and Puerto Rico urged the U.S. Department of Education ("Department") to implement emergency measures to protect federal student loan borrowers in the wake of the COVID-19 crisis.

Letter to Wm. Crozer, Deputy Director of Intergovernmental Affairs, White House, sent 3/26/20: NY, CN, D.C., HI, MI, NM, NC and VT criticize the federal government for failing to defend the Affordable Care Act before the U.S. Supreme Court, especially during the coronavirus pandemic.

Letter to Aaron Santa Anna, acting general counsel for Housing and Urban Development (HUD) sent for the rulemaking portal) 3/16/20: Attorneys general including CA, NY, IA, ME, MA, MI, NJ, NM and PA oppose new rule that would loosen standards for fair housing, allowing for greater discrimination in housing programs.

Letter to Wolf (DHS acting secretary) and Cuccinelli (Senior Official Performing the Duties of the Director, USCIS) sent 3/6/20: Urging the agencies to stop implementation of the public charge rule in the wake of the COVID-29 coronavirus, on grounds the agencies failed to consider the importance of the outbreak of highly communicable diseases . AGs signing: WA, CA, CN, DE, D.C., HI, IA, MA, MI, MN, NV, NM, NJ, NY, OR, PA, VT\ and VA.

Letter to Congressional leaders sent 2/xx/20: urging Congress to bring to the floor bipartisan measure removing ratification deadline that could apply to the Equal Rights Amendment (ERA).

Letter to HHS Sec. Azar, efiled comment on proposed rule, sent 2/18/20: States of CA, CN, DE, D.C., HI, IL, IA, ME, MD, MA, MI, MN, NV, NJ, NM, NY, NC, OR, PA, VT, VA, WA and WI assert that the proposed HHS rule, "Ensuring Equal Treatment of Faith-Based Organizations" eliminating requirement that faith-based providers receiving federal funds notify patients of their rights, will inflict harm on States and their residents--particularly LGBTQ persons, women, women of color, and low-income persons and lead to direct costs on the states. In addition, the proposed rule violates the mandate that all Title X family planning projects be "nondirective" because it allows some providers to opt out of providing ANY referrals.

Letter to Dept. of Ed. Sec. DeVos, efiled comment on proposed rule sent 2/18/20: States of CA, CO, DE, HI, IL, ME, MD, MA, MI, MN, NJ, NM, NY, NC, OR, PA, VT, VA and D.C. express strong opposition to the Title IX rule published by Department of Education on 1/17/20, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Direct Grant Programs, State Administered Formula Grant Programs, Developing Hispniac Serving Institution Programs and Strengthening Institutions Program*, that substantially expands criteria for granting a religious exewmption to the anti-discrimination requirements of Title IX of the Education Amendments of 1972.requirements of

Title IX of the Education Amendments of 1972 (Title IX). The letter asserts that Title IX protects students from sex discrimination, sexual harassment and sexual violence, but the proposed rule could allow the programs and activities of educational institutions to support discrimination.

Letter to Congressional leaders filed 2/10/20 advocates passage of the Women's Health Protection Act (WHPA) that would protect the right to abortioni by creating a safeguard against medically unnecessary restrictions that target abortion providers (TRAP laws).

Letter to Senator Durbin and Rep. Lee re Department of Education's Borrower Defense Rule changes, sent 1/14/20: MA, CA, DE, D.C., HI, IL, IA, ME, MD, MI, MN, NJ, NM, NY, NC, OR, PA, VT, VA and WA wrote a letter of support for the legislators' resolution of disapproval of the rule which reverses recent progress the Education department made in protecting students from fraud and abuse.

2019

Letter to DHS Acting Secretary Chad Wolf and USCIS Chief Deshommes, filed 1/13/2020 through federal rulemaking portal: 21 attorneys general--those from NJ, D.C., CO, NM, DE, HI, IL, IA, MD, MA, MI, MN, NV, NM, NY, OR, PA, RI, VT and WA-- oppose changes to the asylum application and work authorization processing announced in 84 Fed. Reg. 62,374 (11/14/19).

Letter to U.S. Immigration Service, filed 12/19/19: urging the agency to withdraw its Interim Final Rule (KIFR) regarding "safe third country" agreements. AGs joining: NM, CA, CN, DE, HI, IL, IA, ME, MD, MA, MI, MN, NV, NJ, NY, OR, RI, VT, WA and D.C.

Letter to Secretary of Labor Eugene Scalia, filed 12/5/19: opposing a 30-day period for comment on new rules exempting health care providers from legal requirements including those prohibiting discrimination and supporting affirmative action obligations, and arguing that under the Administrative Procedures Act a minimum of 60 days should be allowed for public comment. Attorneys general signing: NY, IL, PA, CA, CO, CN, DE, D.C., HI, MD, MA, MN, NV, NM, NY, NC, OR, VT AND WA.

Letter to US Citizenship and Immigration Services, (USCIS and DHS), filed 11/14/19: commenting on proposed DHS rule that would allow DHS to require an interview with a child after removal from a family and add a variety of barriers to a child's attainment of special immigrant juvenile status for unaccompanied children who arrive in the U.S. The 17 attorneys general signing were: CA, CN, DE, D.C., IL, MD, MA, MI, MN, NV, NJ, NM, NC, OR, PA, VT and WA.

Letter to Congress supporting veterans's court services sent 11/12/19: Led by Attorney General Balderas and Florida Attorney General Ashley Moody, 41 attorneys general encouraged Congress to support HB 866 for veterans courts (Attorneys general signing also included AL, AK, American Samoa, AZ, CA, CO, DE, D.C., Guam, HI, ID, IL, IN,

IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MT, NE, NV, NH, NJ, NY, NC, OK, OR, PA, RI, SC, SD, TX, VT, VA, WA, WV and WI) .

Letter to Kevin McAleenan, Acting DHS Secretary 11/8/19: Attorneys General opposed removing a 30-day deadline for processing employment authorization documents (EADs) for immigrants seeking a work authorization. With elimination of the deadline, DHS would have an indefinite amount of time to adjudicate a simple work permit application.

Letter to Housing & Urban Development (Anna Maria Farias), 10/18/19: 22 attorneys general opposing changes to the fair housing "disparate impact" standard to make the legal test more complex, weakening the standards for lenders.AGs signing: CA, CN, CO, D.C., DE, IL, IA, ME, MD, MI, MA, NC, NV, NM, NJ, NY, OR, PA, RI, VT, VA, WA.

Letter to leaders of the U.S. House of Representatives, 9/24/19: expressing support for the National Origin-Based Antidiscrimination for Nonimmigration (NO BAN) Act (H.R,2214/ S.1123), (the NO BAN Act), in response to the Supreme Court's decision to uphold the Muslim ban. The NO BAN Act will 1) repeal the three versions of the Muslim ban, 2) strengthen the Immigration and Nationality Act to prohibit discrimination on the basis of religion, and 3) restore the separation of powers by limiting overly broad executive authority to issue future travel bans. The Act broadens Sec. 202 (a) of the Immigration and Nationality Act to prohibit discrimination on the basis of religion, applying anti-discrimination language to non-immigrant visas, entry into the U.S. and approval or revocation of any immigration benefit. AGs signing: MN, CA, CO, CN, DE, D.C., HI, IL, IA, MD, MA, NV, NM, NY, OR, RI, VT, VA and WA.

Letter comment re: rule change to SNAP eligibility, submitted 9/23/19: AGs from D.C., NY, CA, CO, CN, DE, HI, IL, KY, ME, MD, MA, MI, MN, NV, NJ, NM, NC, OR, PA, VT, VA, WA and WI objected to rules regarding "categorical eligibility" for SNAP benefits on grounds the proposed rule would leave millions of individuals and families to lose critical nutrition assistance.

Letter to Consumer Financial Protection Bureau (CFPB) 9/24/19, urging revision of its proposed debt collection rule to put interests of consumers ahead of those debt collectors. State AGs participating: NY, CA, CO, CN, DE, ID. HI, IL; IA, KY, ME, MD, MA, MI, MN, NV, NJ, NM, NC, OR, PA, RI, VT, VA, WA, WI and D.C.

Letter to DHS filed 9/23/19 opposing expedited removal rule expansion allowing deportation without due process for persons apprehended anywhere within the U.S. rather than only within 100 miles of a land border. Attorneys joining the letter were: NM, CA, CN, DE, HI, IL, IA, ME, MD, MA, MI, MN, NV, NJ, NY, OR, PA, VT, WA and D.C.

Letter to Congress re: support for Jamie's Law, sent 9/20/19, advocating background checks for purchase of ammunition, to ensure that the purchaser is not banned from gun ownership. Attorneys general supporting included: PA, NM, CA, CO, CN, DE, D.C., HI, IL, IA, MD, MA, MI, MN, NJ, NM, NY, OR, RI, VA and WA.

Letter to USCIS and ICE sent 9/4/19. Attorneys general of NY, MA, CA, CO, CN, DE. D.C., DE. IL, ME, MD, MN, NV, NJ, NM, OR, PA, RI, VT, VA and WA protest the unilateral

end of the medical program that at one time allowed people seeking medical aid and their families to live in the U.S. States protest changes to the medical deferment policy for immigrants who suffer life-threatening medical conditions and requesting clarification as to: (1) whether all consideration of deferred action for non-military requests submitted after 8/7/19 is terminated;(2) how foreign nationals can attain deferred status going forward;(3) whether new policies and/or procedures will be put in place; and (4) whether new policies or procedures will change deferred action for serious medical conditions in the future and requested a response by 9/10/19.

Letter to Congressional leaders re AutismCARES Act support, sent 8/26/19: Attorneys general of AK, AR, CN, DE, D.C., FL, HI, IL, IN, KS, KY, ME, MT, MD, MA, MI, MN, MS, NB, NV, NM, NY, NC, ND, OH, OR, PA, RI, SC, VA and WI plus American Samoa, Guam and Puerto Rico and N. Mariana Islands urge Congress to support S.428 and H. 1058, especially since the current law sunsets on 9/30/19.

Letter to HUD re disparate impact in housing 8/20/19: Attorneys general of NC, CA, D.C., IL, IA, ME, MD, MA, MN, NJ, NY OR, PA, RI, VT, VA and WA urge reconsideration of the Housing and Urban Development (HUD) disparate impact standard. Liability for disparate impact is a key way to combat housing and lending discrimination.

Letter to EPA opposing illegal pesticide reviews, 8/15/19: NM, CA, MD, MA, NJ, NY, OR, PA, WA, VT and D.C. accuse EPA of attempting to use blatant falsehoods and scientific sleights of hand to disregard potential effects of pesticides on endangered species and to circumvent statutorily required consultation with the U.S. Fish & Wildlife Services to see whether listed species are threatened by pesticide approvals.

Letter to DHS and DOJ urging withdrawal of the interim final rule, Asylum Eligibility and Procedural Modifications 8/15/19: Attorneys General from CA, MA, CN, DE, D.C., HI, IL, IA, ME, MD, MI, MN, NV, NJ, NM, NY, OR, PA, RI, VT, VA and WA protest that requiring asylum-seekers to request asylum in a country they pass through on the way to the United States puts asylum-seekers at physical risk; and that the rulemaking process violated APA.

Letter comments to EPA opposing the proposed rule to reconsider the risks to endangered species from pesticides, 8/15/19: Attorneys General of NM, CA, MD, MA, NJ, NY, OR, PA, WA, VT and D.C. filed letter comment against " Draft Revised Method for National Level Endangered Species Risk Assessment Process for Biological Evaluations of Pesticides", 84 Fed. Reg. 22,120 (5/16/19).

Letter to DHS opposing rule to eliminate anti-discrimination protections in the Affordable Care Act, 8/13/19. Attorneys general of NM, CN, DE, HI, IL, IA, KY, MD, MI, MN, NV, NJ, NY, NC, OR, PA, VT, VA, WA, WA and D.C. argue that changes would reverse protections against discrimination for (1) women on the basis of pregnancy, (2) LGBTQ persons based on sex stereotyping and gender identity; (3) persons with limited English proficiency based on a reduction of language assistance; and (4) persons living with disabilities.

Letter to streaming company chief executive officers 8/6/19: from attorneys general in 43 states and jurisdictions urges the company to protect young viewers from tobacco imagery streamed videos. AGs participating: AK, AR, CA, CN, CO, D.C., DE, FL, HI, ID, IL, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MT, NB, NV, NH, NJ, NM, NY, OH, OR, PA, RI, TN, UT, VT, VA, WA, WV, WI, Guam, N. Mariana Islands, Puerto Rico and U.S. Virgin Islands.

Letter requesting that congress remove federal barriers to treating opioid use disorder, 8/5/19. Attorneys general from 38 states signed on: AK, AR, CA, CO, CN, DE, D.C., FL, HI, ID, IL, IA, LA, ME, MA, MI, MN, MS, MT, NE, NC, NV, NH, NC, NM, NY, ND, OH, OK, OR, PA, RI, SD, TN, UT, VT, VA, WA and WI.

Letter supporting contact lens rules that protect consumers, 7/29/19. Attorneys general from 27 jurisdictions joined the letter of support for consumer protective rules: AR, CT, DE, D.C., FL, HI, ID, IA, ID, ME, MI, MA, MN, NE, NC, NV, NH, NM, OR, PA, RI, TN, WI, UT, VT, VA, and Puerto Rico.

Letter requesting meeting regarding changes to the public charge rule sent to the Office of Management and Budget, 7/24/19: Attorneys general joining: VA, WA, CA, D.C., DE, IA, IL, MD, MA, MI, MN, NV, NJ, NM, NV, OR, PA and RI.

Letter to Ben Carson, Housing & Urban Development (HUD), proposed rulemaking, 7/9/19: Amendments to *Housing and Community Development Act of 1980: Verification of Eligible Status*, 84 Fed. Reg. 20,589 (May 10, 2019) (to be codified at 24 C.F.R. pt. 5), RIN 2501-AD89. Attorneys General object to the NPRM on grounds that beginning to track mixed citizenship status in housing will injure states' interests and eliminate housing assistance for more than 100 thousand persons, including at least 55,000 children, many of whom are U.S. citizens. Attorneys General signing: NY, D.C., CA, CO, CT, DE, HI, IL, IA, ME, MD, MA, MI, MN, NV, NJ, NM, OR, PA, RI, VT, VA and WA.

Letter to Kathleen Kraninger, Director, Consumer Financial Protection Bureau (CFPB), 7/1/19: Attorney General Balderas joined 24 other attorneys general (NY, HI, CA, CO, DE, D.C., IL, IA, KY, ME, MD, MA, MI, MN, MS, NV, NC, NJ, OR, PA, RI, VT, VA AND WA plus HI's executive director of Office of Consumer Protection) to endorse the effectiveness and fairness of the CFPB overdraft rule, noting that there is no evidence that the rule has economically harmed small financial institutions and finding that the rule has reduced overdrafts and overdraft fees.

Letter to Ben Carson, Housing & Urban Development (HUD), 6/28/19: Attorneys General (cite which) protest planned rescission of the 2016 amendments to the Equal Access Rule that protects transgender and gender nonconforming persons by requiring shelters accommodate persons in accordance with their gender identity and by requiring installation of separations for bathrooms and bathing areas. The proposed rule allows shelters to exclude transgender persons based on religious objections.

Letter to Office of Management and Budget, 6/21/19: Attorneys General (IL, NY, NM, CA, CT, DE, D.C., HI, KY, MD, MA, MI, MN, NV, NJ, NC, OR, RI, VT, VA and WA) detail

concerns about federal proposal to change measures of the federal poverty level ("Consumer Inflation Measures Produced by Federal Statistical Agencies," 84 Fed. Reg. 19,961, May 7, 2019). Acknowledging that the Official Poverty Measure (OPM) is too low, the attorneys general object that proposed as an alternative are also flawed.

Letter to Congress, 6/18/19: expressing concern for the integrity of America's elections, specifically requesting grants, security standards and bipartisan election security legislation to address persistent threats. States participating include: attorneys general of CA, CO, CT, DE, HI, IL, IA, MD, MA, MI, MN, MS, NV, NY, N.C, RI, VT.

Letter to Federal Trade Commission (FTC) Hearings on Competition and Consumer Protection in the 21st Century, sent 6/7/19: Attorneys General analyzed and discussed issues surrounding the intersection of data collection, marketing and privacy concerns.

Letter to Betsy DeVos 5/24/19: Urging Department of Education to enforce existing law that mandates education loan forgiveness for totally and permanently disabled American veterans. States signing: AK, AR, CA, CO, CT, DE, D.C., FL, Guam, HI, ID, IA, KS, KY, LA, ME, MI, MN, MS, NV, NJ, NM, NY, UT, VT.

Letter to Department of Labor, 5/21/19: Attorneys General from NY, PA, CA, CT, DE, IL, MD, MA, MN, NJ, NM, RI, VA, WA and D.C. object to proposed Department of Labor (DOL) change in the salary threshold test for the obligation to pay overtime.

Letter to Congressional Leadership 5/8/19: Supporting the SAFE Banking Act of 2019 (H.R. 1595). New Mexico was one of 38 states whose Attorney General signed the letter of support for the Act, which would allow states and territories that have legalized certain marijuana uses to include transactions affecting marijuana in commercial banking systems. The SAFE Banking Act would provide a safe harbor for depository institutions that provide financial products or services that ensure accountability in the marijuana industry.

Letter to U.S. House and U.S. Senate Appropriations Committee, 4/29/19: Urges Congress to fund Legal Services Corporation (LSC) "robustly." States in support include NM, MT, MA, MA, CA, CO, CT, DE, D.C., FL, HI, ID, IL, IN, IA, KY, ME, MD, MI, MN, MS, MO, NE, NV, NH, NJ, NY, NC, OK, OR, PA, RI, TN, VT, VA, WA, WI. Guam, American Samoa and the Northern Mariana Islands.

Letter to Congress, 4/17/19: Urging Congress to provide permanent protection and a path to citizenship for Dreamers and beneficiaries of programs such as Temporary Protected Status (TPS). AG Balderas was joined by Attorneys Generals of CO, CT, DE, D.C., HI, IL, MD, MN, NV, NJ, NY, NC, OR, PA, RI, VT, VA, WA. Signatories also included 10 governors, 74 mayors, and 134 state legislators.

Letter to Food and Nutrition Service (letter comment) 4/3/19 opposing proposed changes to the Supplemental Nutrition Assistance Program (SNAP). AGs signing: NM, D.C., CA, CT, Guam, HI, IL, IA, KY, MD, MA, MI, MN, NV, NJ, NY, OR, PA, RI, VT and WA.

Letter to HHS 4/1/19: expressing concern about a proposal to "rely solely on the judgment of providers regarding the dose and duration of opioid treatment" while moving away from

CDC guidelines for prescribing opioids. Attorneys General signing: AK, CO, CT, DE, D.C., FL, Guam, ID, IL, IA, KY, ME, MD, MA, MN, MS, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, Puerto Rico, RI, SC, SD, UT, VT, VA, WV, WA and WY.

Letter to Attorney General William Barr, 3/21/19: Attorney General Balderas along with attorneys general from AK, AZ, AR, CO, CT, DE, D.C., ID, IL, IN, IA, KY, LA, MI, MS, NC, ND, OK, PA, SD, TN, TX, VA AND WV expressed serious concerns regarding the Office of Legal Counsel's recent opinion, "Reconsidering whether the Wire Act applies to non-sports gambling," reversing the Justice Department's 2011 interpretation of the Wire Act that assured States that the Act prohibits only interstate transmission of information regarding sporting events or contests. With the new interpretation, interstate transmissions related to *all* bets or wagers even where clearly authorized under relevant state law are cast into doubt—including multi-state lottery games such as Powerball and MegaMillions, even though the majority of States participate in them.

Letter to Consumer Financial Protection Bureau (CFPB), 3/19/19: Attorney General Balderas and 24 others attorneys general expressed concerns about delays in implementation of regulations designed to protect consumers from payday loan, car title and other high-cost consumer lending industry practices. Currently, 90% of loan fees comes from consumers who borrow seven more times in the course of a single year. Another 20% of payday loan transactions end in default and 33% of single payment auto title loans end in default. The letter noted that in 2017, CFPB announced a new rule that would help protect borrowers and ensure they'd have the ability to repay loans while also prohibiting lenders from using abusive tactics when seeking repayment. The rule went into effect in early 2018, but compliance was delayed to Aug. 19, 2019, to give lenders time to develop systems and policies. CFPB has now proposed to further delay compliance to Nov. 19, 2020, more than three years after the regulation was finalized. At the same time, CFPB is reviewing another rule that would altogether rescind this one. Signatories included Attorney General Balderas as well as the attorneys general in: CA, CO, CT, D.C., DE, HI, IA, IL, ME, MD, MA, MI, MN, NJ, NY, NV, NC, OR, PA, RI, VT, VA, WA and WI.

Letter to Senate Committee on Commerce, Science and Transportation, 3/5/19: Attorneys general from 54 jurisdiction wrote supporting the enactment of the Telephone Robocall Abuse Criminal Enforcement and Deterrence ("TRACED") Act, which offers steps to abate the rapid proliferation of illegal and unwanted robocalls. The TRACED Act requires voice service providers to participate in call authentication, affirms the authority of a voice provider to block a call and creates a safe harbor for inadvertent blocking of legitimate calls.

Letter to Federal Trade Commission (FTC), 2/13/19: from 31 attorneys general (OR, AK, CA, CO, CT, DE, D.C., IL, IA, KY, ME, MD, MA, MI, MN, MS, NE, NV, NJ, NM, NC, OK, PA, RI, TN, UT, VT, VA, WA and WI plus the HI Office of Consumer Protection (an

agency not part of the AG's office)), responding to request for comment on whether modifications should be made to the Red Flags Rule and Card Issuers Rule issued by the FTC in 2007, 16 CFR Sec. 681. The AGs supported continued existence for the rules (as repealing them would leave consumers more vulnerable to identity theft), and requested an amendment to Appendix A to highlight current best practices.

2018

Letter to Congressional leaders, 12/20/18: Supporting the 1st Step Act (criminal law reform), mentioning bipartisan support and support from both criminal defense and prosecutorial bars. Signed by 38 attorneys general: D.C., FL, NC, TX, CA, UT, CO, CT, DE, HI, IL, IN, IA, KY, ME, MD, MA, MI, MN, MS, NJ, NV, NM, NY, ND, OK, OR, PA, RI, SC, SD, TN, VT, VA, WA, WV, WI.

Letter to Catherine E. Lhamon, chair of U.S. Commission on Civil Rights, 12/17/18: Expressing the concerns of attorneys general over decreased federal enforcement of federal civil rights claims and issues, including by the U.S. Department of Justice (DOJ), EEOC, HUD, HHS, Education and DOL. The letter notes that State Attorneys General increasingly are responsible for addressing needs and concerns of people whose interests the federal government no longer represents—among them transgender individuals, asylum-seekers, sexual assault victims, and consumers with mortgages in danger of foreclosure--and must respond to the divisive, nationalistic and racially-charged rhetoric of the federal administration and its top executive that continues to trigger hate crimes and hate speech problems in States, towns and neighborhoods. States include OR, NM.

Letter to Acting EPA Administrator Andrew Wheeler, 12/11/18: calling on the EPA to immediately withdraw its proposals to roll back rules limiting emissions of climate change pollution from power plants and cars. 29 signatories included AGs of NY, CA, CT, DE, HI, IL, IA, ME, MD, MA, MN, NJ, NM, NC, OR, PA, VT, VA, WA and D.C. plus county attorney of Broward FL and city attorneys of Boulder CO, Chicago IL, Los Angeles CA, NY NY, Oakland CA, Philadelphia PA, San Francisco CA and South Miami FL.

Letter/comment to Samantha Deshommes, chief of Department of Homeland Security (DHS) regulatory coordination division, 12/10/18: Attorneys General from 24 States, led by NM AG Balderas and Virginia AG Mark Herring, protest the drastic revisions and expansion of the "public charge" rule allowing Immigration and Customs Enforcement (ICE) to determine whether immigrant families should be rejected for citizenship on the basis of the possibility they may need a form of government assistance. The formal comment on the DHS rule also was joined by: CA, D.C., CT, DE, HI, MA, IL, MN, IA, NJ, MD, NY, VT, OR, WA, PA and RI.

Letter to Nancy Berryhill, Social Security Administration, 12/7/18: Expressing the concerns of 43 attorneys general of increasing identity fraud and encouraging the acting commissioner to act upon Section 215 of S.2155 (directing the social security administration to facilitate verification of consumers' information when requested by a

certified financial institution with the consumer's consent). Letter requests that she evaluate and modify the SSA database to protect further against identity fraud.

Letter to Joseph M. Otting, Comptroller of Currency, 11/19/18: Expressing concern that proposed regulatory changes will weaken the obligation of banks to ensure robust investment in and fair treatment of local communities, lead to disinvestment in low- and moderate-income communities and the loss of up to $101 billion dollars of investment and lending activity nationally over the next five years. AGs signing: NM, CA, IL, IA, MA, MD, MN, NJ, NC, NY, PA, OR, VA and D.C.

Letter to Alex Azar (Secy. Department of Health and Human Services) and Betsy DeVos (Secy. Of Education), 11/19/18: Attorneys General express concern that the two departments contemplate adoption of a narrow definition of "sex" that would have the purpose and effect of excluding transgender and gender nonconforming people from federal legal protections. The new regulations would define "sex" as an immutable, binary biological trait determined by or before birth, although such a narrow definition is "inconsistent with current medical consensus," which instead encourages education on the "medical spectrum of gender identity." The letter on behalf of Attorneys General in NM, MA, CA, CT, DE, D.C., HI, IA, IL, MD, MN, NJ, NY, NC, OR, PA, RI, VT, VA, and WA, cites *Romer v. Evans* (U.S. S.Ct. 1996), noting that "Laws singling out a certain class of citizens for disfavored legal status or general hardships are rare" and a law declaring that in general it shall be more difficult for one group of citizens than for all others to seek aid from the government is itself a denial of equal protection of the laws in the most literal sense.

Letter to Alex Azar (Secy. Department of Health and Human Services) and Kirstjen Nielsen (Secy. of Homeland Security, 11/15/18: AGs write that Office of Refugee Resettlement (ORR) memorandum of agreement (MOA) with ICE and Customs and Border Protection (CBP) requiring prospective sponsors of unaccompanied migrant children to submit to fingerprinting and a background check "exposes the true motive for collecting and sharing this information--to detain and deport prospective sponsors rather than find loving homes for children."Notice of Modified System of Records, which states that the new policy is to "identify and arrest" prospective sponsors of immigrant children "who may be subject to removal." The letter also expresses concern about the traumatic impact of prolonged detention and family separation on migrant children as well as noting that a new policy of family detention violates the 1997 settlement agreement in *Flores v. Reno*, # 85-cv-4544 (C.D. Cal, Jan. 17, 1997) and the Trafficking Victims Protection Reauthorization Act. AGs signing: MA, CA, DE, D.C., IL, NJ, NM, NY, OR, VT, VA, WA.

Letter to Acting Attorney General Matthew Whitaker, 11/8/18: As chief law enforcement officers, Attorneys General request that Whitaker recuse himself from any role in overseeing Special Counsel Robert Mueller's investigation of Russian interference in the 2016 presidential election, stating that "Because a reasonable person could question your

impartiality in the matter, your recusal is necessary to maintain public trust in the integrity of the investigation and to protect the essential and longstanding independence of the Department you have been chosen to lead." See, e.g., 5 C.F.R. 2635.502(d).

Letter comment opposing proposed rule, filed 11/6/18: "Apprehension, Processing, Care, and Custody of Alien Minors and Unaccompanied Alien Children," 83 Fed. Reg. 45486 (Sept. 6, 2018) on grounds the new rule would undermine the important protections provided to immigrant children under the Flores Settlement Agreement. Attorneys General joining: CA, DE, IL, IA, MD, MA, MN, NJ, NM, NY, NC, OR, PA, RI, VT, VA, WA and D.C.

Letter to Acting Director Mick Mulvaney, Consumer Financial Protection Bureau (CFPB), 10/24/18: expressing concern that CFPB may no longer ensure that lenders comply with the Military Lending Act (MLA) as part of its regular, statutorily mandated supervisory examinations. Plans to pull back regulation have these problems: CFPB overstepped its authority by interpreting the MLA without consulting the Defense Department; violated its own principles committed to decision-making based on cost-benefit analysis. Ending supervision for compliance with the MLA imposes significant costs to service members without providing relief. Further, CFPB contradicted the agency's own intention to avoid regulation by enforcement, by all but ensuring that the CFPB will only address problems through enforcement. Participating 33 Attorneys General: AK, CA, CO, CT, DE, D.C., HI, IL, IA, KY, ME, MD, MA, MN, MS, NJ, NM, NY, ND, OH, OR, PA, RI, SD, TN, VT, VA, WA, WY, Puerto Rico, and the Virgin Islands.

Letter to Congressional Leaders, all 56 state and territory Attorneys General, 9/17/18: urges congress to reauthorize the Violence Against Women Act (VAWA)(1994, amendments passing with bipartisan support in 2000, 2005 and 2013).) VAWA funding is set to expire this year. AGs express concern that letting the Act lapse will mean that millions of survivors of domestic violence will have nowhere to turn, violent crimes against women will increase and perpetrators of such crimes will go unpunished.

Letter to House and Senate majority and minority leaders, 8/23/18: all 52 AGs supporting swift passage of the Stopping Overdoses of Fentanyl Analogues (SOFA) Act.

Letter to Attorney General and Secretary of State, promoting the removal of instructions for manufacture of 3-D guns, 8/10/18: Since a temporary restraining order was issued on July 31, 2018 in parallel litigation against manufacture of 3-D guns, files posted originally by Defense Distributed have been removed. However, the files have now been re-posted on other sites. Participating attorneys general: MA, CA, CO, CT, DE, D.C., HI, IL, IA, ME, MD, NJ, NM, OR and VA.

Letter comment, 8/6/18: Response to proposed Census Bureau information collection rule adding a citizenship question to the 2020 census. The proposed rule is at 83 Fed. Reg. 26643 (June 8, 2018).

Letter to Secretary Alex Azar, U.S. Department of Health and Human Services (HHS), 7/20/18: Letter comment urging HHS to withdraw Proposed Rule, "Compliance with

Statutory Program Integrity," 83 Fed. Reg. 25502 (June 1, 2018), RIN 0937-ZA00 on grounds that the regulation undermines the Title X family planning program and restricts access to affordable, life-saving reproductive healthcare. AGs participating: CA, CT, DE, HI, IL, IA, ME, MD, MN, NJ, NM, NY, NC, OR, PA, RI, VT, VA, WA, and D.C.

Letter to Secretary of State Mike Pompeo and AG Jeff Sessions, 7/30/18: Expressing concern re: the State Department's settlement with Defense Distributed and proposed rules amending International Trafficking in Arms Regulations (83 Fed. Reg. 24198; 83 Fed. Reg. 24166), an "abrupt reversal" of rules against release of computer data files of firearms on grounds that release of the data would "allow anyone with a 3-D printer (or related device) to create, at the touch of a button," parts and components of an untraceable, undetectable firearm. AGs are concerned that the settlement terms and proposed rules are dangerous and have an unprecedented impact on public safety. AGs joining: MA, CA, CO, CT, DE, D.C., HI, IL, IA, ME, MD, MN, NJ, NM, NY, OR, PA, RI, VT, VA and WA.