

## **§ 5552. Preservation of enforcement powers of States**

### **(a) In general**

#### **(1) Action by State**

Except as provided in paragraph (2), the attorney general (or the equivalent thereof) of any State may bring a civil action in the name of such State in any district court of the United States in that State or in State court that is located in that State and that has jurisdiction over the defendant, to enforce provisions of this title<sup>1</sup> or regulations issued under this title<sup>1</sup> and to secure remedies under provisions of this title<sup>1</sup> or remedies otherwise provided under other law. A State regulator may bring a civil action or other appropriate proceeding to enforce the provisions of this title<sup>1</sup> or regulations issued under this title<sup>1</sup> with respect to any entity that is State-chartered, incorporated, licensed, or otherwise authorized to do business under State law (except as provided in paragraph (2)), and to secure remedies under provisions of this title<sup>1</sup> or remedies otherwise provided under other provisions of law with respect to such an entity.

#### **(2) Action by State against national bank or Federal savings association to enforce rules**

##### **(A) In general**

Except as permitted under subparagraph (B), the attorney general (or equivalent thereof) of any State may not bring a civil action in the name of such State against a national bank or Federal savings association to enforce a provision of this title.<sup>1</sup>

##### **(B) Enforcement of rules permitted**

The attorney general (or the equivalent thereof) of any State may bring a civil action in the name of such State against a national bank or Federal savings association in any district court of the United States in the State or in State court that is located in that State and that has jurisdiction over the defendant to enforce a regulation prescribed by the Bureau under a provision of this title<sup>1</sup> and to secure remedies under provisions of this title<sup>1</sup> or remedies otherwise provided under other law.

#### **(3) Rule of construction**

No provision of this title<sup>1</sup> shall be construed as modifying, limiting, or superseding the operation of any provision of an enumerated consumer law that relates to the authority of a State attorney general or State regulator to enforce such Federal law.

### **(b) Consultation required**

#### **(1) Notice**

##### **(A) In general**

Before initiating any action in a court or other administrative or regulatory proceeding against any covered person as authorized by subsection (a) to enforce any provision of this title,<sup>1</sup> including any regulation prescribed by the Bureau under this

title,<sup>1</sup> a State attorney general or State regulator shall timely provide a copy of the complete complaint to be filed and written notice describing such action or proceeding to the Bureau and the prudential regulator, if any, or the designee thereof.

#### **(B) Emergency action**

If prior notice is not practicable, the State attorney general or State regulator shall provide a copy of the complete complaint and the notice to the Bureau and the prudential regulator, if any, immediately upon instituting the action or proceeding.

#### **(C) Contents of notice**

The notification required under this paragraph shall, at a minimum, describe—

- (i) the identity of the parties;
- (ii) the alleged facts underlying the proceeding; and
- (iii) whether there may be a need to coordinate the prosecution of the proceeding so as not to interfere with any action, including any rulemaking, undertaken by the Bureau, a prudential regulator, or another Federal agency.

#### **(2) Bureau response**

In any action described in paragraph (1), the Bureau may—

- (A) intervene in the action as a party;
- (B) upon intervening—
  - (i) remove the action to the appropriate United States district court, if the action was not originally brought there; and
  - (ii) be heard on all matters arising in the action; and
- (C) appeal any order or judgment, to the same extent as any other party in the proceeding may.

#### **(c) Regulations**

The Bureau shall prescribe regulations to implement the requirements of this section and, from time to time, provide guidance in order to further coordinate actions with the State attorneys general and other regulators.

#### **(d) Preservation of State authority**

##### **(1) State claims**

No provision of this section shall be construed as altering, limiting, or affecting the authority of a State attorney general or any other regulatory or enforcement agency or authority to bring an action or other regulatory proceeding arising solely under the law in effect in that State.

##### **(2) State securities regulators**

No provision of this title<sup>1</sup> shall be construed as altering, limiting, or affecting the authority of a State securities commission (or any agency or office performing like functions) under State law to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by such commission or authority.

##### **(3) State insurance regulators**

No provision of this title<sup>1</sup> shall be construed as altering, limiting, or affecting the authority of a State insurance commission or State

<sup>1</sup> See References in Text note below.

insurance regulator under State law to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by such commission or regulator.

(Pub. L. 111-203, title X, §1042, July 21, 2010, 124 Stat. 2012.)

#### Editorial Notes

##### REFERENCES IN TEXT

This title, referred to in subsecs. (a), (b)(1)(A), and (d)(2), (3), is title X of Pub. L. 111-203, July 21, 2010, 124 Stat. 1955, known as the Consumer Financial Protection Act of 2010, which enacted this subchapter and enacted, amended, and repealed numerous other sections and notes in the Code. For complete classification of title X to the Code, see Short Title note set out under section 5301 of this title and Tables.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective on the designated transfer date, see section 1048 of Pub. L. 111-203, set out as a note under section 5551 of this title.

#### § 5553. Preservation of existing contracts

This title,<sup>1</sup> and regulations, orders, guidance, and interpretations prescribed, issued, or established by the Bureau, shall not be construed to alter or affect the applicability of any regulation, order, guidance, or interpretation prescribed, issued, and established by the Comptroller of the Currency or the Director of the Office of Thrift Supervision regarding the applicability of State law under Federal banking law to any contract entered into on or before July 21, 2010, by national banks, Federal savings associations, or subsidiaries thereof that are regulated and supervised by the Comptroller of the Currency or the Director of the Office of Thrift Supervision, respectively.

(Pub. L. 111-203, title X, §1043, July 21, 2010, 124 Stat. 2014.)

#### Editorial Notes

##### REFERENCES IN TEXT

This title, referred to in text, is title X of Pub. L. 111-203, July 21, 2010, 124 Stat. 1955, known as the Consumer Financial Protection Act of 2010, which enacted this subchapter and enacted, amended, and repealed numerous other sections and notes in the Code. For complete classification of title X to the Code, see Short Title note set out under section 5301 of this title and Tables.

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##### EFFECTIVE DATE

Section effective on the designated transfer date, see section 1048 of Pub. L. 111-203, set out as a note under section 5551 of this title.

#### PART E—ENFORCEMENT POWERS

#### § 5561. Definitions

For purposes of this part, the following definitions shall apply:

##### (1) Bureau investigation

The term “Bureau investigation” means any inquiry conducted by a Bureau investigator

for the purpose of ascertaining whether any person is or has been engaged in any conduct that is a violation, as defined in this section.

##### (2) Bureau investigator

The term “Bureau investigator” means any attorney or investigator employed by the Bureau who is charged with the duty of enforcing or carrying into effect any Federal consumer financial law.

##### (3) Custodian

The term “custodian” means the custodian or any deputy custodian designated by the Bureau.

##### (4) Documentary material

The term “documentary material” includes the original or any copy of any book, document, record, report, memorandum, paper, communication, tabulation, chart, logs, electronic files, or other data or data compilations stored in any medium.

##### (5) Violation

The term “violation” means any act or omission that, if proved, would constitute a violation of any provision of Federal consumer financial law.

(Pub. L. 111-203, title X, §1051, July 21, 2010, 124 Stat. 2018.)

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Pub. L. 111-203, title X, §1058, July 21, 2010, 124 Stat. 2035, provided that: “This subtitle [subtitle E (§§1051-1058), enacting this part] shall become effective on the designated transfer date.”

[The term “designated transfer date” is defined in section 5481(9) of this title as the date established under section 5582 of this title.]

#### § 5562. Investigations and administrative discovery

##### (a) Joint investigations

###### (1) In general

The Bureau or, where appropriate, a Bureau investigator, may engage in joint investigations and requests for information, as authorized under this title.<sup>1</sup>

###### (2) Fair lending

The authority under paragraph (1) includes matters relating to fair lending, and where appropriate, joint investigations with, and requests for information from, the Secretary of Housing and Urban Development, the Attorney General of the United States, or both.

##### (b) Subpoenas

###### (1) In general

The Bureau or a Bureau investigator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, documents, or other material in connection with hearings under this title.<sup>1</sup>

###### (2) Failure to obey

In the case of contumacy or refusal to obey a subpoena issued pursuant to this paragraph

<sup>1</sup> See References in Text note below.

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