No. 21A658

IN THE SUPREME COURT OF THE UNITED STATES

STATE OF LOUISIANA, ET AL. APPLICANTS

v.

JOSEPH R. BIDEN, JR.,
PRESIDENT OF THE UNITED STATES, ET AL.

RESPONSE IN OPPOSITION TO APPLICATION TO VACATE THE STAY PENDING APPEAL ISSUED BY THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

ELIZABETH B. PRELOGAR
Solicitor General
Counsel of Record
Department of Justice
Washington, D.C. 20530-0001
SupremeCtBriefs@usdoj.gov
(202) 514-2217

IN THE SUPREME COURT OF THE UNITED STATES

No. 21A658

STATE OF LOUISIANA, ET AL., APPLICANTS

v.

JOSEPH R. BIDEN, JR.,
PRESIDENT OF THE UNITED STATES, ET AL.

RESPONSE IN OPPOSITION TO APPLICATION
TO VACATE THE STAY PENDING APPEAL ISSUED
BY THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

The Solicitor General, on behalf of the federal respondents, respectfully submits this response in opposition to the application to vacate the stay pending appeal entered by the United States Court of Appeals for the Fifth Circuit in this case.

Since the Nixon Administration, Presidents have exercised their constitutional authority to oversee the rulemaking efforts of executive agencies. As part of that oversight, Presidents have supervised agencies' use of cost-benefit analysis.

When conducting cost-benefit analysis, agencies have for many years considered the social cost of greenhouse gases -- that is, the net total of the costs and benefits attributable to the emission of gases such as carbon dioxide, methane, and nitrous

oxide into the atmosphere. In 2009, in an effort to ensure a sound scientific and economic basis for such estimates and to promote consistency across federal agencies, OMB convened the Interagency Working Group on Social Cost of Carbon. The Working Group reviewed relevant scientific and economic literature, developed standardized estimates for the social cost of greenhouse gases, and recommended that federal agencies use those estimates. Although President Trump disbanded the Working Group, President Biden re-established it, directed it to provide updated estimates for the social cost of greenhouse gases, and required to the extent permitted by law that agencies use those estimates when monetizing such costs. The Working Group then published interim estimates in accordance with those instructions.

The district court concluded that the President and Working Group had acted unlawfully. It issued a sweeping preliminary injunction that not only enjoined the requirement that the defendant agencies use the Working Group's interim estimates when monetizing costs associated with greenhouse-gas emissions, but also prohibited the agencies from relying on the estimates for any purpose, even as non-binding recommendations; affirmatively ordered the agencies to use different methodologies that the court found preferable; and effectively disbanded the Working Group itself.

The court of appeals stayed that unprecedented and sweeping injunction pending appeal. The court determined that, because the interim estimates do not directly impose any regulatory burdens on

the applicant States, but rather constitute one input into regulatory proceedings separately conducted by various agencies, the States lack Article III standing to challenge the interim estimates. The court also determined that the injunction irreparably harmed the federal government, but that a stay would not harm (much less irreparably harm) the States, which remain free to challenge any final agency actions that cause them cognizable injury. The Fifth Circuit denied rehearing en banc, with no judge calling for a vote.

The applicant States now seek to vacate the court of appeals' stay and to reinstate the district court's injunction. This Court should deny that request. As the court of appeals recognized, the district court erred by entertaining this case. Both Article III and the Administrative Procedure Act (APA) preclude applicants from challenging the President's directive to federal agencies to use a specified methodology in monetizing costs as part of their cost-benefit analyses in this abstract suit unconnected to any concrete final agency action. If and when an agency relies on those estimates in issuing a rule or taking other reviewable action that injures the applicants, they may challenge that particular final agency action and argue that its reliance on the estimates renders it unlawful. But applicants may not maintain this Executive-Branch-wide challenge to the interim estimates divorced from any concrete agency action.

The district court also erred in holding that the President and Working Group acted unlawfully. The court concluded that the President had violated separation-of-powers principles. But the President acted well within his constitutional authority in directing agencies to use the interim estimates when appropriate and consistent with applicable law. Because Article II vests the executive power in the President and directs him to take care that the laws be faithfully executed, he may supervise how subordinate officers in the Executive Branch carry out their responsibilities, including analyzing costs and benefits in compliance with an earlier Executive Order. Indeed, Article II specifically empowers the President to require opinions in writing from his subordinates, making clear that he may instruct agencies to submit cost-benefit analyses for review by officials acting on his behalf, using whatever methodology he deems appropriate. The district court additionally erred in concluding that the Working Group violated the APA's notice-and-comment requirement, acted arbitrarily and capriciously, and contravened applicable laws.

Finally, the district court's unprecedented injunction was vastly overbroad. The court did not simply enjoin the requirement that the federal agencies use the interim estimates. It went much further, forbidding the agencies from treating the estimates as non-binding recommendations; mandating that all agencies use different methodologies preferred by the court; and even requiring the Executive Branch to shut down the Working Group itself. As

the court of appeals observed, the district court's sweeping injunction threatens irreparable harm across the Executive Branch. While it was in effect, the injunction delayed or stopped work involving rules, grants, leases, permits, and other projects. Even some internal discussions were halted to avoid running afoul of the injunction's prohibition on "relying upon" the interim estimates "in any manner." Appl. App. A10. On the other side of the ledger, the interim estimates have caused the applicants no harm at all -- much less irreparable harm.

This Court should deny the application to vacate the stay and reject applicants' effort to revive the district court's extraordinary injunction.

STATEMENT

A. Legal Background

1. Administrative agencies often weigh costs and benefits when deciding whether and how to regulate. See, e.g., Entergy Corp. v. Riverkeeper, 556 U.S. 208, 226 (2009). The APA, for example, establishes a scheme of "reasoned decisionmaking," under which agencies must provide reasoned justifications for their actions. Motor Vehicle Manufacturers Ass'n v. State Farm Mutual Automobile Insurance Co., 463 U.S. 29, 52 (1983). Unless an applicable statute requires a different approach, an agency may choose to compare costs and benefits as part of its official justification for an action. See, e.g., Entergy, 556 U.S. at 226.

Apart from the APA, an Executive Order issued by President Clinton requires agencies to consider costs and benefits before taking certain actions, "unless a statute requires another regulatory approach." Executive Order No. 12,866, 58 Fed. Reg. 51,735, § 1(a) (Sept. 30, 1993) (E.O. 12,866). More specifically, the order directs federal agencies (other than independent agencies) to assess costs and benefits before proposing "significant" regulatory actions, which are defined to include actions with an annual effect of $100 million or more. Id. §§ 3(f), 6(a)(3). The agency must submit its assessment to the Office of Management and Budget (OMB) and its Office of Information and Regulatory Affairs (OIRA) as part of the centralized process that the President has prescribed for reviewing proposed regulations. Id. § 3(b).

The APA and President Clinton's Executive Order differ in important respects. First, the APA does not require an agency to compare costs and benefits in justifying its action; rather, an agency may choose to perform such a comparison when doing so is permitted by the applicable statute, see, e.g., Entergy, 556 U.S. at 226, and may be required to do so by the agency's governing statute in certain circumstances. The Executive Order, in contrast, does require agencies to compare costs and benefits in specified circumstances.

Second, even when an agency chooses to consider costs and benefits in some way, the APA does not require it to conduct a

formal cost-benefit analysis in which it assigns a dollar value to each advantage and disadvantage. See Entergy, 556 U.S. at 232 (Breyer, J., concurring in part and dissenting in part) ("The preparation of formal cost-benefit analyses can take too much time."). The Executive Order, in contrast, requires the agency to provide a "quantification" of the costs and benefits of covered actions "to the extent feasible." E.O. 12,866 § 6(a)(3)(C)(ii).

Third, if an agency chooses to compare costs and benefits as part of its official justification for an action, that comparison becomes subject to judicial review under the APA. In contrast, a cost-benefit analysis that an agency submits to OIRA pursuant to the Executive Order, but on which it does not rely as a basis for the action, has no legal effect and is not subject to review under the APA. See, e.g., National Truck Equipment Ass'n v. NHTSA, 711 F.3d 662, 670 (6th Cir. 2013). A court must review agency action in light of the rationale invoked by the agency at the time of the action, see SEC v. Chenery, 318 U.S. 80, 89-90 (1943), and thus should not consider a cost-benefit analysis that an agency submits to OIRA but that it does not invoke as part of the official basis for its action, see Michigan v. EPA, 576 U.S. 743, 759-760 (2015).

In 2003, OMB issued a document, Circular A-4, that provides guidance on assessing costs and benefits in accordance with Executive Order 12,866. Circular A-4, like Executive Order 12,866, encourages agencies to monetize costs and benefits "[t]o the extent possible." OMB, Circular A-4 at 19, https://perma.cc/CVU2-QUCE.

Circular A-4 also sets out guidelines for agencies to follow when conducting that monetization. For example, it explains that, when costs and benefits occur at different times, "it is incorrect simply to add all of the expected net benefits or costs without taking account of when the[y] actually occur"; rather, agencies should apply a "discount rate" to calculate the present value of future costs or future benefits. Id. at 31-32. Circular A-4 recognizes that the scope of an agency's analysis (e.g., global or domestic) and choice of discount rates will depend on the context and the policy under consideration. Id. at 15, 35-36.

2. The costs and benefits of a regulation include the regulation's effects on the emission of greenhouse gases. See Working Group, Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimates under Executive Order 13990 2, https://go.usa.gov/xzQGg (Interim Estimates). The social cost of greenhouse gases consists of "the value of all climate change impacts" associated with the emissions, such as "changes in net agricultural productivity, human health effects, property damage from increased flood risk[,] natural disasters, [and] disruption of energy systems." Ibid.

At first, different agencies used different approaches to estimate the social cost of greenhouse gases. See Interim Estimates 9-10. As a result, different agencies sometimes assigned different dollar values to the same emissions. See ibid.

In 2009, OMB convened the Interagency Working Group on Social Cost of Carbon to "harmonize [the] range of different [social cost of greenhouse gas] values being used across multiple Federal agencies." Interim Estimates 10. Applying widely accepted, peer-reviewed models, the Working Group developed a standardized set of values for the social cost of three particular greenhouse gases: carbon dioxide, methane, and nitrous oxide. Ibid. Federal agencies were not required to use those values, but many chose to do so. See, e.g., Zero Zone, Inc. v. U.S. Department of Energy, 832 F.3d 654, 677-678 (7th Cir. 2016).

In 2017, President Trump disbanded the Working Group and withdrew its estimates. See Executive Order No. 13,783, 82 Fed. Reg. 16,093, § 5(b) (Mar. 31, 2017). President Trump's Order nonetheless contemplated that agencies would continue to "monetiz[e] the value of changes in greenhouse gas emissions" as part of the OIRA review process. Id. § 5(c). The Order directed agencies to ensure that "any such estimates are consistent with the guidance contained in OMB Circular A-4." Ibid.

3. In January 2021, President Biden issued Executive Order No. 13,990, 86 Fed. Reg. 7037 (E.O. 13,990). Section 5 of that Order, the portion at issue here, reestablished the Working Group and directed it to publish revised estimates for the social cost of greenhouse gases. Id. § 5(b)(i) and (ii)(B). Section 5 further directed the Working Group to publish interim estimates within 30

days for use by agencies "until final values are published." Id. § 5(b)(A).

Section 5 provides that agencies "shall use" the Working Group's interim estimates, but that directive is subject to several qualifications. E.O. 13,990 § 5(b)(ii)(A). First, the Order does not categorically require an agency to monetize costs and benefits in the first place; rather, it provides only that, if the agency does so, it generally must use the values provided by the Working Group rather than some other set of values. Ibid. Second, the Order provides that it "is not intended to, and does not, create any right or benefit, * * * enforceable at law or in equity by any party against the United States." E.O. 13,990 § 8(c). In other words, although the President may require the agency heads under his supervision to follow the Order, a private party may not enforce it by suing in court. Third, the Order makes clear that, if a statute requires an agency to follow a different regulatory approach, the agency must do so. See id. § 1 (directing agencies to take action "as appropriate and consistent with applicable law"); id. § 5(b)(ii) (requiring the Working Group to perform its functions "as appropriate and consistent with applicable law"); id. § 8(a)(i) (providing that the Order may not be interpreted to impair "the authority granted by law to an executive department or agency"); id. § 8(b) (requiring agencies to implement the order "in a manner consistent with applicable law"). Fourth, the Order does not require agencies to take or refrain from taking any

particular action based on the cost-benefit analyses performed using the interim estimates. Agencies remain free to consider other relevant factors when deciding whether to take action.

Consistent with that final caveat, OIRA has issued guidance explaining that agencies' use of the interim estimates remains "subject to applicable law." C.A. Stay Mot. Ex. E at 2. Accordingly, the guidance explains that, while agencies must use the estimates for purposes of cost-benefit analysis under E.O. 12,866, the "applicable statute" and "principles of administrative law" "must control" the process of reasoned decisionmaking required by the APA as the basis for a rule or other action. Ibid. The guidance further explains that, when the agency uses the interim estimates as the basis for a rule subject to notice-and-comment rulemaking, the agency must provide the public an opportunity to comment on "the agency's use of the 2021 interim estimates" in the context of that particular rulemaking. Id. at 1-2.

In accordance with the Order, the Working Group published its interim estimates in February 2021. See Interim Estimates. For example, the Working Group estimated that the social cost of greenhouse-gas emissions in the year 2025 would be at least $17 per metric ton of carbon dioxide, at least $800 per metric ton of methane, and at least $6800 per metric ton of nitrous oxide. Id. at 5-6. The values were identical to the values that the Working

Group had adopted under the Obama Administration, adjusted for inflation. Id. at 5 n.3.

B. Proceedings Below

1. Louisiana and nine other States (collectively Louisiana) challenged the interim estimates in the U.S. District Court for the Western District of Louisiana. Appl. App. A1. Louisiana named as defendants the President, the Working Group, and various federal entities and officials. Ibid. Louisiana claimed that the interim estimates were adopted without observance of proper procedures, are arbitrary and capricious, and are contrary to law. Id. at A23-A24.

Louisiana objected to two aspects of the interim estimates. First, the interim estimates quantified the global effects of greenhouse-gas emissions, but Louisiana argued that agencies should consider only domestic effects when assessing costs and benefits. Appl. App. A28. Second, Louisiana argued that the interim estimates used improper discount rates for determining the present value of future effects. Ibid.

The district court granted Louisiana's motion for a preliminary injunction. Appl. App. A1-A44. As relevant here, the court held that Louisiana's suit was justiciable under Article III, id. at A11-A23, and reviewable under the APA, id. at A23-A27.

The district court then concluded that Louisiana was likely to succeed on the merits. Appl. App. A28-A40. First, the court stated that the President and the Working Group likely lacked the power to publish the interim estimates because the court believed

the estimates implicated "major questions" and violated the "separation of powers." Id. at A5; see id. at A29-A34. Second, the court held that the estimates were likely procedurally invalid because the Working Group had published them without following the APA's notice-and-comment procedures. Id. at A34-A35. Third, the court concluded that the estimates were likely arbitrary and capricious. Id. at A35-A37. Finally, the court held that the estimates likely contravened certain statutes by requiring the agencies that administer them to consider factors that those statutes precluded them from considering. Id. at A37-A38.

After weighing the equities, the district court concluded that a preliminary injunction was warranted. Appl. App. A40-A44. The court ordered that the defendants (apart from the President) be "ENJOINED and RESTRAINED from":

> (1) adopting, employing, treating as binding, or relying upon the work product of the Interagency Working Group ("IWG"); (2) enjoining Defendants from independently relying upon the IWG's methodology considering global effects, discount rates, and time horizons; and (3) ordering Defendants to return to the guidance of Circular A-4 in conducting regulatory analysis; [sic]
>
> (2) Adopting, employing, treating as binding, or relying upon any Social Cost of Greenhouse Gas estimates based on global effects or that otherwise fails to comply with applicable law;
>
> (3) Adopting, employing, treating as binding, or relying upon any estimate of Social Cost of Greenhouse Gases that does not utilize discount rates of 3 and 7 percent or that otherwise does not comply with Circular A-4; and

> (4) Relying upon or implementing Section 5 of Executive Order 13990 in any manner.

Id. at A45-A46. The court denied the federal government's motion for a stay pending appeal. Id. at B1-B5.

2. The court of appeals granted a stay pending appeal. Appl. App. C1-C8. The court determined that the federal government is likely to succeed on the merits. Id. at C5-C6. In particular, the court determined that Louisiana had failed to establish Article III standing. Ibid. It observed that "[t]he Interim Estimates on their own do nothing" to Louisiana and noted that Louisiana's "claimed injury" instead consists of "'increased regulatory burdens' that may result from the consideration" of the interim estimates. Id. at C5. The court explained that Louisiana's claimed injury does not satisfy Article III "because it is, at this point, merely hypothetical." Ibid. The court also concluded that the "increased regulatory burdens" that Louisiana posited would not be traceable to the interim estimates or redressable in a suit challenging the estimates, "because agencies consider a great number of other factors in determining when, what, and how to regulate." Ibid.

The court of appeals also determined that the equities favored a stay. Appl. App. C6-C8. The court observed that the injunction irreparably harms the federal government because it "halts the President's directive to agencies in how to make agency decisions, before they even make those decisions." Id. at C6. The court

explained that, in contrast, Louisiana would not be harmed unless a regulation or other final agency action adopted based on the interim estimates caused it concrete injury -- in which case it could seek to challenge that action at the appropriate time. Id. at C7.

3. The court of appeals denied Louisiana's petition for rehearing en banc with no judge requesting a vote. Appl. App. D2.

ARGUMENT

Vacatur of a stay issued by a court of appeals is an extraordinary remedy. This Court has granted that remedy "with the greatest of caution" and only in "exceptional circumstances." Holtzman v. Schlesinger, 414 U.S. 1304, 1308 (1973) (Marshall, J., in chambers). That is so because vacating a stay pending appeal "invades the normal responsibility of [the court of appeals] to provide for the orderly disposition of cases on its docket." Certain Named & Unnamed Non-Citizen Children v. Texas, 448 U.S. 1327, 1330 (1980) (Powell, J., in chambers).

An applicant for vacatur of a stay bears the burden of showing that (1) the "'case could and very likely would be reviewed here upon final disposition in the court of appeals'"; (2) "the applicant is likely to prevail on the merits"; and (3) the applicant "'may be seriously and irreparably injured by the stay'" and the equities otherwise favor vacatur. Western Airlines, Inc. v. Teamsters, 480 U.S. 1301, 1305, 1307 (1987) (O'Connor, J., in chambers); see Alabama Ass'n of Realtors v. Department of Health

& Human Services, 141 S. Ct. 2485, 2489-2490 (2021) (per curiam). In applying that test, this Court owes "great deference" to a "stay granted by a court of appeals." Garcia-Mir v. Smith, 469 U.S. 1311, 1313 (1985) (Rehnquist, J., in chambers). Vacatur is appropriate only if the issuance of the stay was "demonstrably wrong" under "accepted standards." Western Airlines, 480 U.S. at 1305 (O'Connor, J., in chambers).

Louisiana has failed to establish that this Court would likely grant review if the court of appeals reverses the preliminary injunction, that Louisiana is likely to prevail on the merits, or that the equitable factors favor vacatur of the stay. Much less has Louisiana made those showings with the clarity required to overcome the deference this Court owes to the court of appeals' decision. The Court should deny Louisiana's application.

I. LOUISIANA HAS FAILED TO ESTABLISH THAT THIS COURT WOULD LIKELY REVIEW THE COURT OF APPEALS' DECISION AND THAT IT IS LIKELY TO PREVAIL ON THE MERITS

Louisiana has failed to establish that, if the court of appeals reverses the district court's injunction, this case "very likely would be reviewed here." Western Airlines, 480 U.S. at 1305 (O'Connor, J., in chambers). A reversal of the district court's injunction would neither conflict with any decision of this Court, nor create a circuit conflict, nor cause any practical consequences justifying this Court's intervention. In addition, as explained below, multiple threshold obstacles stand in the way

of Louisiana's suit, making this case a poor vehicle for reaching Louisiana's merits contentions.

Louisiana also has failed to establish that it is "likely to prevail on the merits" -- let alone that the court of appeals' contrary conclusion was "'demonstrably wrong.'" Western Airlines, 480 U.S. at 1305, 1307 (O'Connor, J., in chambers). Louisiana's suit is barred at the threshold; its substantive arguments are meritless; and its requested remedy is dramatically overbroad.

A. Louisiana's Suit Is Premature

Threshold obstacles ordinarily preclude a court from finding that a plaintiff is likely to succeed on the merits: They "mak[e] such success more unlikely due to potential impediments to even reaching the merits." Munaf v. Geren, 553 U.S. 674, 690 (2008). Multiple insurmountable obstacles stand in Louisiana's way here. As the court of appeals recognized, and as another district court likewise concluded in rejecting a parallel challenge to the interim estimates brought by a different group of States, a State may not challenge the interim estimates in the abstract. See Appl. App. C5-C6; Missouri v. Biden, 558 F. Supp. 3d 754, 764-772 (E.D. Mo. 2021), appeal pending, No. 21-3013 (8th Cir.). Rather, if and when a federal agency relies on the interim estimates in promulgating a final rule or taking other concrete final agency action that causes a judicially cognizable injury to Louisiana, Louisiana may challenge that particular action and argue that the

agency acted unlawfully by relying on the estimates in taking that action. That result follows from both Article III and the APA.

1. Article III. Article III of the Constitution empowers federal courts to hear only "Cases" and "Controversies." U.S. Const. Art. III, § 2, Cl. 1. To satisfy that requirement, the plaintiff must show that it has standing -- that is, that it has suffered a concrete and particularized injury to a legally protected interest that was caused by the challenged action and that would be redressed by judicial relief. See TransUnion LLC v. Ramirez, 141 S. Ct. 2190, 2203 (2021). The plaintiff also must show that the case is ripe -- that is, that the issues are fit for judicial decision and that delaying review would cause hardship. See National Park Hospitality Ass'n v. Department of the Interior, 538 U.S. 803, 808 (2003); Texas v. United States, 523 U.S. 296, 300 (1998).

This Court's decision in Trump v. New York, 141 S. Ct. 530 (2020) (per curiam), illustrates that those principles apply when a plaintiff challenges a presidential directive to an executive agency. In that case, the President had announced a policy of excluding noncitizens without lawful status from the census figures used for congressional apportionment, but the Secretary of Commerce had not yet taken any concrete action based on that policy. Id. at 534. A group of States and other plaintiffs challenged the President's policy, but this Court held that the States lacked standing and that the policy was not ripe for

judicial review. Id. at 534-537. The Court explained that "the source of any injury to the plaintiffs [wa]s the action that the Secretary or President might take in the future," "not the policy itself 'in the abstract.'" Id. at 536. The Court also observed that, although the President had "made clear his desire to exclude aliens without lawful status from the apportionment base," the Court could not necessarily predict what concrete steps the Executive Branch would eventually take to "implement this general statement of policy." Id. at 535.

Just as Article III foreclosed New York's challenge to the President's instructions to the Secretary of Commerce, so too it forecloses Louisiana's challenge to the President's instructions to federal agencies. To start with standing: The court of appeals correctly determined that Louisiana failed to establish a cognizable injury. Appl. App. C5-C6. The interim estimates "on their own do nothing to Louisiana." Id. at C6. The estimates speak to federal agencies, not to Louisiana or indeed to anyone outside the federal government. The estimates themselves do not "require [Louisiana] 'to do anything or to refrain from doing anything.'" Trump, 141 S. Ct. at 537.

Louisiana's theory of standing instead rests on the "'increased regulatory burdens' that may result" if and when a federal agency adopts a regulation or takes other final agency action based on the interim estimates. Appl. App. C5. In other words, "the source of any injury to the plaintiffs is the action

that the [federal government] might take" based on the interim estimates, "not the [interim estimates themselves] 'in the abstract.'" Trump, 141 S. Ct. at 536. That claimed injury does not satisfy Article III, however, because it is conjecture whether a particular federal agency will ultimately use the interim estimates as a basis for a particular rule that results in a cognizable injury to Louisiana. The agency could choose not to regulate at all. If it decides to regulate, it could use the interim estimates only for purposes of a regulatory impact analysis under Executive Order 12,866 and not as a basis for the rule, or it could conclude that the applicable statute requires it to regulate without regard to social cost. If it finds social cost relevant as a basis for a rule, it could decide to consider social cost without assigning dollar values to costs and benefits. If it monetizes costs and benefits, it could conclude that the applicable statute or concerns raised by commenters in agency proceedings require it to use values that differ from those published by the Working Group. See E.O. 13,990 § 8(b) (requiring agencies to implement the order "in a manner consistent with applicable law"). In short, Louisiana's injury "is, at this point, merely hypothetical," Appl. App. C5, because "there is 'considerable legal distance, between the adoption of the Interim Estimates and the moment -- if one occurs -- when a harmful regulation is issued." Missouri, 558 F. Supp. 3d at 770. And if such a

regulation is issued, Louisiana could seek to challenge it at that time.

The court of appeals also correctly determined that Louisiana "failed to meet [its] burden on causation." Appl. App. C5. "[I]t is unknowable in advance whether [any] harm caused by possible future regulations would have any causal connection to EO 13990 or the Interim Estimates." Missouri, 558 F. Supp. 3d at 766-767. Neither Executive Order 13,990 nor the estimates "mandate agencies [to] issue the particular regulations that [Louisiana] fear[s] will harm [it]." Id. at 767. The order and the estimates instead address "one of innumerable other factors in the cost-benefit analysis" -- which is itself just one of many factors in agencies' ultimate regulatory decisions. Ibid. Louisiana cannot base standing on the possibility that a particular regulation that may injure it in the future will be issued because of the agency's use of the interim estimates.

While the court of appeals correctly viewed this suit through the lens of standing, viewing it through the lens of ripeness leads to the same result. The interim estimates plainly are not fit for judicial review. Whether and in what manner the interim estimates may play a role in a particular agency action will depend on whether the applicable statutes permit the agency to consider the factors underlying the estimates, whether the use of the estimates for that purpose in that particular context would be arbitrary and capricious, and whether the agency has complied with any notice-

and-comment obligation applicable to that particular regulatory action. A court "cannot meaningfully engage with [those issues] en masse, divorced from the context of particular agencies operating under specific statutory delegations of authority." Missouri, 558 F. Supp. 3d at 772. "Letting the Executive Branch's decisionmaking process run its course" will bring "'more manageable proportions' to the scope of the parties' dispute." Trump, 141 S. Ct. at 536. "And in the meantime the plaintiffs [will] suffer no concrete harm from the challenged policy itself, which does not require them 'to do anything or refrain from doing anything.'" Ibid. This Court has repeatedly found a policy not ripe for review when it does not itself have any legal effect outside the government and instead may be applied in a future agency proceeding. See National Park Hospitality Ass'n, 538 U.S. at 808; Reno v. Catholic Social Services, Inc., 509 U.S. 43, 58-59 (1993).

The contrast between Articles II and III of the Constitution reinforces those conclusions. Article II confers on the President "the general administrative control of those executing the laws." Free Enterprise Fund v. Public Company Accounting Oversight Board, 561 U.S. 477, 492 (2010). Article III, by contrast, empowers the federal courts to decide concrete cases and controversies; it does not grant the courts general oversight over the operations of the Executive Branch. Thus, while Article II allows the President to prescribe general policies for the Executive Branch (including, in

this case, a general policy concerning the monetization of the social cost of greenhouse gases), Article III requires courts to focus on an agency's concrete application of any such policy that in turn injures a particular plaintiff. By reviewing "the policy itself 'in the abstract,'" a federal court oversteps its constitutional role and "'engage[s] in policymaking properly left to elected representatives." Trump, 141 S. Ct. at 536.

Louisiana's responses lack merit. Louisiana first contends that the interim estimates have affected the federal government's actions involving oil and gas leases (Appl. App. A26-A27) and environmental policy (id. at A28-A29) and that those actions have in turn harmed Louisiana. If that is so, however, Louisiana can seek to challenge any such final agency actions. Any injury stemming from such discrete actions does not, however, entitle Louisiana to bring a freestanding challenge to the interim estimates themselves. A litigant does not, "by virtue of [its] standing to challenge one government action," acquire standing to "challenge other government actions that did not injure [it]." DaimlerChrysler Corp. v. Cuno, 547 U.S. 332, 353 n.5 (2006). In addition, "'standing is not dispensed in gross,'" and a "plaintiff's remedy must be tailored to redress the plaintiff's particular injury." Gill v. Whitford, 138 S. Ct. 1916, 1934 (2018); see Lewis v. Casey, 518 U.S. 343, 357 (1996) ("The remedy must of course be limited to the inadequacy that produced the injury in fact that the plaintiff has established."). For example,

if Louisiana has been injured by a final agency action relating to an oil and gas lease, it would at most be entitled to relief with respect to that particular action; it would have no basis to obtain a universal injunction against the use of the interim estimates in other contexts.

Louisiana also contends (Appl. 27) that it has suffered a "procedural injury" because the interim estimates did not go through notice-and-comment rulemaking. This Court has held, however, that "deprivation of a procedural right without some concrete interest that is affected by the deprivation -- a procedural right in vacuo -- is insufficient to create Article III standing." Summers v. Earth Island Institute, 555 U.S. 488, 496 (2009). For the reasons given above, Louisiana has failed to show that the interim estimates on their own cause it concrete harm.

Louisiana further contends that the interim estimates will "as a practical matter" compel it "to adjust [its] conduct immediately." Appl. 32. But the interim estimates themselves do not compel Louisiana to do anything. Louisiana instead appears to be arguing that it may adjust its conduct now in anticipation of regulations that a federal agency may (or may not) issue in the future based on the interim estimates. This Court has instructed, however, that litigants "cannot manufacture standing merely by inflicting harm on themselves based on their fears of hypothetical future harm." Clapper v. Amnesty International USA, 568 U.S. 398, 416 (2013).

Finally, Louisiana argues (Appl. 33) that, under Massachusetts v. EPA, 549 U.S. 497 (2007), it is entitled to "special solicitude" in the Court's Article III analysis. As Chief Judge Sutton recently explained, however, "'special solicitude'" comes into play only when States assert a "uniquely sovereign harm," such as "threatened incursions on their territory, as in Massachusetts." Arizona v. Biden, 21 F.4th 469, 476 (6th Cir. 2022). Louisiana asserts no uniquely sovereign interest here; rather, it invokes an interest in avoiding increased regulatory burdens, an interest it shares with private individuals and businesses.

2. APA. The APA authorizes courts to review only "final agency action." 5 U.S.C. 704. The court of appeals did not reach that requirement, but it too bars Louisiana's suit.

To establish final agency action, a litigant must first show that the challenged action was taken by an "agency." This Court has held that the President does not qualify as an "agency" under the APA. See Franklin v. Massachusetts, 505 U.S. 788, 801 (1992). This Court has also held that "'the President's immediate personal staff [and] units in the Executive Office whose sole function is to advise and assist the President' are not included within the term 'agency.'" Kissinger v. Reporters Committee for Freedom of the Press, 445 U.S. 136, 156 (1980).

In this case, neither the President's Executive Order nor the Working Group's interim estimates qualifies as "agency" action. The President, as just explained, is not an agency under

the APA. Nor is the Working Group. It exercises no independent legal power over private parties; it neither adopts regulations nor conducts adjudications. The Working Group's "sole function" is instead "to advise and assist the President." Kissinger, 445 U.S. at 156.

A litigant also must show that the challenged agency action is "final"; a court generally may not review a "preliminary, procedural, or intermediate agency action or ruling." 5 U.S.C. 704. "As a general matter, two conditions must be satisfied for agency action to be 'final.'" Bennett v. Spear, 520 U.S. 154, 177 (1997). "First, the action must mark the 'consummation' of the agency's decisionmaking process." Id. at 177-178. "[S]econd, the action must be one by which 'rights or obligations have been determined,' or from which 'legal consequences will flow.'" Id. at 178.

The interim estimates do not "mark the 'consummation' of [any] agency's decisionmaking process." Spear, 520 U.S. at 178. Rather, they address one part of one intermediate step an agency may (or may not) take in the process: the monetization of costs attributable to greenhouse-gas emissions. Nor do the interim estimates themselves generate "rights," "obligations," or "legal consequences." Ibid. Indeed, Executive Order 13,990 makes plain that it does not "create any right or benefit, * * * enforceable at law or in equity." E.O. 13,990 § 8(c).

Louisiana claims (Appl. 25) that, under the federal government's theory, the President "can circumvent the APA by creating an agency by edict and then vesting it with authority to issue binding legislative rules." Louisiana's argument, however, conflates an agency's authority to issue rules that bind private parties with the President's authority to superintend agencies in the Executive Branch. Louisiana is correct that, in the absence of congressional authorization, the President may not establish an agency and empower it to regulate private conduct. The President may, however, superintend federal agencies' exercise of the authority vested in them by law. See, e.g., Free Enterprise Fund, 561 U.S. at 492. In this case, the President (through the Working Group) has done only the latter. In providing for the issuance of the estimates, the President has not circumvented the APA; he has simply exercised his power under Article II to oversee the Executive Branch.

B. The Executive Order And Interim Estimates Are Lawful

To justify a preliminary injunction, a plaintiff must further show a "'likelihood of success on the merits,'" not simply a likelihood "that the district court * * * had jurisdiction." Munaf, 553 U.S. at 690 (emphasis added). Louisiana's application, however, focuses on jurisdiction; it barely discusses the merits of its claims. See Appl. 16-38. That alone justifies denying the application.

In any event, Louisiana's claims would likely fail on the merits. The district court concluded that Louisiana would likely establish that (1) the President lacked the power to require agencies to use the interim estimates, (2) the estimates are procedurally invalid because they were issued without notice and comment, and (3) the estimates are arbitrary and capricious and contrary to law. Appl. App. A28-A40. Each conclusion is incorrect.

1. Presidential authority. Article II of the Constitution empowers the President to supervise subordinate executive officers in the exercise of their statutory duties. The Executive Vesting Clause, the Take Care Clause, and the structure of Article II as a whole make clear that the President may exercise "general administrative control" over the Executive Branch. Myers v. United States, 272 U.S. 52, 135 (1926).

Through the Executive Order at issue here, the President exercised his "general administrative control" over federal agencies. Myers, 272 U.S. at 135. By requiring the agencies to use a standardized set of values for the social cost of greenhouse gases, he "secure[d] that unitary and uniform execution of the laws which Article II of the Constitution evidently contemplated in vesting general executive power in the President alone." Myers, 272 U.S. at 135.

To be sure, the President must exercise his power to supervise the Executive Branch within the bounds of applicable statutes; if Congress validly directs an agency to follow one regulatory

approach, the President may not instruct it to follow another. The Executive Order here, however, complies with that principle. As explained above, the order applies only to the extent "consistent with applicable law," E.O. 13,990 § 8(b); if a statute precludes a particular agency from using the Working Group's methodology, the agency must follow the statute, see p. 10, supra.

Louisiana's contrary argument is internally inconsistent. Louisiana appears to accept (Appl. 5) that President Clinton acted lawfully in establishing OIRA's regulatory review process and in requiring agencies to conduct cost-benefit analyses. It also appears to accept (ibid.) that President George W. Bush's Administration acted lawfully when, in Circular A-4, it provided guidance about how to conduct those analyses. Yet Louisiana contends that President Biden exceeded his constitutional authority by requiring agencies to use standardized methodologies in those cost-benefit calculations. Louisiana never convincingly explains why the President has the constitutional authority to require cost-benefit analyses in the first place but lacks the authority to specify the terms on which that analysis is performed.

Louisiana contends (Appl. 33) that the Executive Order addresses a "major question," but that characterization has no legal relevance to this case. While the Court may "expect Congress to speak clearly when authorizing an agency to exercise powers of vast economic and political significance," Alabama Ass'n of Realtors, 141 S. Ct. at 2489 (citation and internal quotation marks

omitted), the Executive Order rests on Article II, not on a congressional authorization. Whether the order addresses a "major question" it thus beside the point.

2. Notice and comment. Even assuming that the Working Group qualifies as an "agency" under the APA, it did not violate the APA by publishing the interim estimates without notice and comment. The APA's notice-and-comment requirement applies to "legislative rules" -- that is, rules that have the "force and effect of law." Perez v. Mortgage Bankers Ass'n, 575 U.S. 92, 96 (2015). The notice-and-comment requirement does not apply to "general statements of policy," 5 U.S.C. 553(b)(c) -- that is, agency pronouncements that "impact agency behavior rather than change the 'existing rights' of others outside the agency," Gonnella v. SEC, 954 F.3d 536, 546 (2d Cir. 2020). The Working Group's interim estimates, on their own, do not have the force and effect of law and do not change the legal rights and duties of regulated parties. To be sure, an agency may use the estimates in issuing a rule that is subject to notice-and-comment procedures, but Louisiana and other interested parties would have an opportunity to submit comments at that time, when the appropriateness of the estimates can be considered in a concrete setting.

3. Arbitrary and capricious. The interim estimates are not arbitrary and capricious. The arbitrary-and-capricious standard is "'narrow'" and "deferential"; a court "may not substitute [its] judgment" for that of the agency, "but instead must confine

[itself] to ensuring that [the agency] remained 'within the bounds of reasoned decisionmaking.'" Department of Commerce v. New York, 139 S. Ct. 2551, 2569 (2019) (citations omitted).

Louisiana suggests (Appl. 36) that the interim estimates are arbitrary and capricious because they reflect the global rather than the domestic effects of greenhouse-gas emissions, but that objection is unsound. Agencies often consider effects on foreign entities when regulating; for example, "[a]gencies typically count all compliance costs, even if they accrue to foreign-based corporations or publicly-traded companies with significant foreign * * * interests." C.A. Stay Mot. Ex. F ¶ 26 (Decl. of Dominic J. Mancini, Deputy Administrator of OIRA). In any event, climate change harms "humanity at large," Massachusetts, 549 U.S. at 515; an agency could reasonably conclude that it would be too limiting to consider only the domestic effects of that global phenomenon. Indeed, the Seventh Circuit has approved the Department of Energy's consideration of global effects, explaining that, because "climate change 'involves a global externality,'" "global effects are an appropriate consideration." Zero Zone, 832 F.3d at 679. A particular statute might, of course, require an administrative agency to consider only domestic effects, but the Executive Order makes clear that, in that situation, the agency must comply with that limitation. See p. 10, supra.

Louisiana also complains (Appl. 10-11) that the interim estimates depart from the Circular A-4 provisions concerning

discount rates. But Circular A-4 is an advisory guidance document, not a legally binding regulation. See p. 7, supra. And although Circular A-4 generally recommends that agencies use discount rates of 3 and 7 percent in determining the present value of future costs and benefits, Circular A-4 itself recognizes that the choice of discount rate may vary depending on context and the nature of the policy at issue. See p. 8, supra. In any event, even assuming for the sake of argument that the interim estimates represent a change in policy, the APA does not forbid agencies from changing past practices; rather, it only requires them to acknowledge and explain any change. See FCC v. Fox Television Stations, Inc., 556 U.S. 502, 514 (2009). In promulgating the interim estimates, the Working Group acknowledged that OMB generally recommends using a discount rate of 7 percent. Interim Estimates 11. But it explained at length why it was using lower discount rates in calculating the interim estimates. See id. at 18-22 (discussing academic articles, empirical evidence, and other expert analyses concerning appropriate discount rates). No sound basis exists for overruling the Working Group's expert judgment on that highly technical issue.

C. The District Court's Injunction Is Overbroad

Under traditional principles of equity, "a federal court is required to tailor 'the scope of the remedy' to fit 'the nature and extent of the [legal] violation." Dayton Board of Education v. Brinkman, 433 U.S. 406, 420 (1977) (citations omitted). An

injunction "should be no more burdensome to the defendant than necessary." Califano v. Yamasaki, 442 U.S. 682, 702 (1979).

Even assuming that the district court has the authority to hear this case and that Louisiana's arguments on the merits are correct, the court had no basis for issuing its sweeping injunction. To start, the court prohibited agencies not only from "treating [the interim estimates] as binding," but also from "employing" or "relying upon" the "work product of the Interagency Working Group" in any manner. Appl. App. A45. In other words, if the injunction were reinstated, federal agencies could not treat the estimates as recommendations; could not consider them as a distillation of expert studies; could not use them as starting points for their own analyses; and, seemingly, could not even discuss them during internal deliberations. Indeed, the injunction even prohibits agencies from "independently relying upon" the Working Group's "methodology." Id. at A46. Neither the court nor Louisiana has explained how any of those actions would violate the law or why they should be forbidden.

The district court also affirmatively ordered agencies to "return to the guidance of Circular A-4" and required them to use the "discount rates" specified in that circular. Appl. App. A46. Circular A-4, however, is a purely advisory document; it sets forth "best practices" for agency cost-benefit analyses, not binding requirements. Circular A-4 at 1. As the court of appeals recognized, the district court had no authority to order agencies

"to comply with a prior administration's internal guidance document." Appl. App. C6 (emphasis omitted).

The district court, in addition, made the terms of its injunction applicable even to agencies' "regulatory analys[e]s" -- that is, to the analyses submitted by agencies to OIRA as part of the Executive Branch's centralized process for reviewing new regulations, as distinct from agencies' use of estimates to justify a regulation under the APA. Appl. App. A46. That aspect of the injunction conflicts directly with the Constitution's Opinions Clause, which provides that the President "may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices." U.S. Const. Art. II, § 2, Cl. 1. Under the Opinions Clause, the President may require agencies to submit cost-benefit analyses to OIRA, using whatever values the President deems appropriate for the social cost of greenhouse gases. The court had no authority to interfere with that flow of information from the President's subordinates. See Trump, 141 S. Ct. at 536 (stating that an injunction that regulated the contents of a report from the Secretary of Commerce to the President "implicat[ed] the President's authority under the Opinions Clause").

Finally, the district court indiscriminately enjoined the federal government from "[r]elying upon or implementing Section 5 of Executive Order 13990 in any manner." Appl. App. A46. Section 5, however, does far more than require agencies to use the interim

estimates. It also establishes the Working Group, E.O. 13,990 § 5(b); prescribes its membership, id. § 5(b)(i); requires the Working Group to publish both interim estimates and final estimates, id. § 5(b)(ii)(A)-(B); and directs the Working Group to make recommendations to the President, id. § 5(b)(ii)(C)-(E). By enjoining the implementation of all of Section 5, the court in effect disbanded the Working Group and put a stop to all its activities. Once more, as the court of appeals noted, neither the district court nor Louisiana has justified that extraordinary result. See Appl. App. C6.

II. LOUISIANA HAS FAILED TO ESTABLISH THAT IT FACES IRREPARABLE HARM OR THAT THE EQUITIES OTHERWISE FAVOR VACATUR OF THE STAY

Even if Louisiana were likely to succeed on the merits, it would still not be entitled to reinstatement of the district court's preliminary injunction. Because the purpose of a preliminary injunction is to prevent irreparable harm pending the resolution of a dispute, an applicant seeking reinstatement of an injunction must show that the stay "seriously and irreparably injure[s]" it. Coleman v. Paccar Inc., 424 U.S. 1301, 1304 (1976) (Rehnquist, J., in chambers). An applicant must also show that the equities otherwise support vacatur of the stay. See Alabama Ass'n of Realtors, 141 S. Ct. at 2489-2490. This Court, again, ordinarily defers to the court of appeals' resolution of those issues. See Non-Citizen Children, 448 U.S. at 1331 (Powell, J., in chambers).

In this case, the court of appeals concluded that Louisiana would suffer no irreparable harm and that the equities otherwise weigh in favor of the federal government. Appl. App. C7. Louisiana has failed to show that those conclusions were "demonstrably wrong." Western Airlines, 480 U.S. at 1305 (O'Connor, J., in chambers).

A. Leaving The Court Of Appeals' Stay In Place Would Not Cause Irreparable Harm To Louisiana

The court of appeals correctly determined that Louisiana does not face irreparable harm. See Appl. App. C7. In fact, the interim estimates do not cause Louisiana any cognizable injury at all, much less irreparable injury. See pp. 19-20, supra.

Louisiana asserts (Appl. 35) that the interim estimates cause it irreparable harm because "the Executive Branch is using the Estimates in scores of regulatory actions" with "economy-shaking implications." Louisiana forecasts (Appl. 36) that actions based on those estimates will, for example, "increase States' energy costs" and "decrease their tax revenues." If that is so, however, Louisiana can seek to challenge any final agency action that is based on the estimates if and when it occurs. As the court of appeals observed, the irreparable harm that Louisiana fears "does not stem from the Interim Estimates themselves," but instead "from some forthcoming, speculative, and unknown regulation that may place increased burdens on [it] and may result from consideration of [the social cost of greenhouse gases]." Appl. App. C7.

Louisiana contends (Appl. 34-35) that the Executive Branch has made inconsistent arguments about its use of the interim estimates, but that charge is unsound. The federal government has consistently acknowledged that agencies were expected to use the interim estimates; otherwise, there would be no point to issuing them. The government has simply pointed out that a court cannot predict in advance whether an agency will use the estimates in a way that injures Louisiana. See pp. 19-20, supra. Those arguments are perfectly consistent.

Louisiana asserts (Appl. 32) that it "will not have an adequate opportunity to challenge [Executive Order 13,990] and the Estimates in the future." That is incorrect. As the court of appeals explained, "[t]o the extent the agencies will use, or are using, the Interim Estimates in reaching a specific final agency action" that causes cognizable injury to Louisiana, Louisiana can challenge that "specific agency action in the manner provided by the APA." Appl. App. C7; see, e.g., Zero Zone, 832 F.3d at 677-678 (reviewing an agency action that was based on estimates published by the Working Group during the Obama Administration).

B. Reinstating The District Court's Injunction Would Cause Irreparable Harm To The Federal Government

In deciding whether to award preliminary equitable relief, a court "must balance the competing claims of injury and must consider the effect on each party of the granting or withholding of the requested relief." Winter v. Natural Resources Defense

Council, Inc., 555 U.S. 7, 24 (2008). The court of appeals correctly concluded that allowing the district court's injunction to remain in effect would cause irreparable harm to the federal government. See Appl. App. C6-C8.

Most obviously, the injunction irreparably harms the President by interfering with his exercise of his constitutional authorities. Article II empowers the President to exercise "general administrative control" over the Executive Branch, Myers, 272 U.S. at 135, but the injunction impairs that authority by interfering with the President's centralized supervision of agencies' cost-benefit analyses. Article II also empowers the President to obtain opinions in writing from other executive officers, see U.S. Const. Art. II, § 2, but the injunction impairs that power too by dictating the terms on which agencies report costs and benefits to OIRA. Finally, Article II grants the President "the ability to consult with his advisers" and "the flexibility to organize his advisers * * * as he wishes," Ass'n of American Physicians & Surgeons, Inc. v. Clinton, 997 F.2d 898, 909 (D.C. Cir. 1993), but the injunction interferes with that authority as well by halting the Working Group's work.

The injunction also irreparably harms administrative agencies. As the court of appeals noted, the injunction "halts the President's directive to agencies in how to make agency decisions, before they even make those decisions." Appl. App. C6. Indeed, agencies had to halt internal deliberations about how best

to account for the effects of greenhouse-gas emissions for fear of running afoul of the injunction's prohibition against "relying upon" or "employing" the Working Group's methodology. See C.A. Stay Appl. 27. That harm outweighs any minimal harm that Louisiana may experience as a result of the stay.

C. Other Equitable Factors Support The Stay

Three additional equitable considerations support leaving the court of appeals' stay in place. First, a party's delay can justify the denial of equitable relief. See, e.g., Gildersleeve v. New Mexico Mining Co., 161 U.S. 573, 578 (1896). Here, the Working Group published the interim estimates in February 2021, but Louisiana did not seek a preliminary injunction until July 2021, more than five months later. See Appl. App. C7. That delay belies any suggestion that this case warrants emergency action.

Second, in deciding whether to grant preliminary equitable relief, this Court considers whether that relief would alter the legal status quo. See Nken v. Holder, 556 U.S. 418, 429 (2009). An applicant who seeks to change the legal status quo bears a higher burden than one who seeks to preserve it. See ibid.; Ohio Citizens for Responsible Energy, Inc. v. NRC, 479 U.S. 1312, 1313 (1986) (Scalia, J., in chambers). Here, "[b]y the time the preliminary injunction was entered, the Interim Estimates had been in place for one year." Appl. App. C7. "The status quo at this point is the continued use of the Interim Estimates." Ibid.

Third, "[r]espect for the assessment of the Court of Appeals is especially warranted when that court is proceeding to adjudication on the merits with due expedition." Doe v. Gonzales, 546 U.S. 1301, 1308 (2005) (Ginsburg, J., in chambers). The court of appeals here has set a briefing schedule, see C.A. Order (Mar. 10, 2022), and has already received the federal government's brief, see Gov't C.A. Br. (filed May 3, 2022). Given that the interim estimates have been in place for over a year, and given that Louisiana took over five months to seek a preliminary injunction in the district court, it makes sense to leave the stay in place for the brief period needed for the court of appeals to resolve the appeal.

CONCLUSION

The application to vacate the stay pending appeal should be denied.

Respectfully submitted.

ELIZABETH B. PRELOGAR
Solicitor General

MAY 2022