

Nos. 18-1584 & 18-1587

IN THE
Supreme Court of the United States

UNITED STATES FOREST SERVICE, ET AL.,
Petitioners,

v.

COWPASTURE RIVER PRESERVATION ASSOCIATION,
ET AL.,

Respondents.

ATLANTIC COAST PIPELINE, LLC,
Petitioners,

v.

COWPASTURE RIVER PRESERVATION ASSOCIATION,
ET AL.,

Respondents.

**ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FOURTH CIRCUIT**

**Brief of Representative Jeff Duncan and
Sixty-One Additional Members of the
United States House of Representatives as
Amici Curiae in Support of Petitioners**

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INTEREST OF *AMICI CURIAE*

Amici curiae are Representative Jeff Duncan and sixty-one additional members of the United States House of Representatives. A complete list of *amici* is set forth in the Appendix.¹

This case concerns the Mineral Leasing Act, the National Trails System Act, and the power of the United States Forest Service to grant rights-of-way through national forest lands that the Appalachian Trail crosses. Under our constitutional system of government it was, of course, Congress that enacted both the Mineral Leasing Act and the National Trails System Act. Moreover, the system of checks and balances the Constitution creates ensures that Congress will always have an interest in the Judicial Branch's construction of the power of the Executive Branch. Thus, members of Congress have a strong interest in ensuring that courts properly construe the laws Congress has enacted and the extent of Executive power. Moreover, members of Congress routinely file briefs as *amici curiae* in this Court and in other federal courts.

Here, the interests of members of Congress are particularly strong because of the circumstances from which the case arises. It is no exaggeration to say that resources like natural gas and the electricity

¹ All parties have consented to the filing of this *amici curiae* brief. No counsel for any party authored this brief in whole or in part. No counsel for a party made a monetary contribution to fund the preparation or submission of this brief. And no one other than the *amici curiae* and their counsel made any such monetary contribution.

they generate are the lifeblood of the modern economy. Whether through greater economic strength, increased national security, or simply a lower power bill, the American people benefit from the cheaper and cleaner-generated electricity that results from pipelines like the one at issue in this case. *Amici* have a strong interest in securing those benefits for their constituents.

SUMMARY OF THE ARGUMENT

Congress has long supported domestic energy production, including natural gas. This support flows from multiple considerations, ranging from national security to economic development to environmental protection.

But producing domestic energy is only the first step. There must be a way to transport energy resources after they are extracted. Pipelines play a critical role here, providing a safe, efficient way to move energy resources, such as natural gas.

To ensure that pipelines could be built, Congress gave the heads of agencies with jurisdiction over federal lands the authority to grant rights-of-way for pipelines over those lands. *See* 30 U.S.C. § 185(a). Specific to this case, the Atlantic Coast Pipeline was set to cross under the Appalachian Trail in the George Washington National Forest. Although the National Park Service administers that trail as a footpath, the Trails Act that created that national scenic trail did not transfer jurisdiction of the federal lands over which the trail passed. *See* 16 U.S.C. § 1246(a)(1)(A). Thus, the Forest Service, which administers the George Washington National Forest, is

the appropriate agency to grant a right-of-way for the Atlantic Coast Pipeline. And that is what the Forest Service did.

The Fourth Circuit, however, held that the Appalachian Trail—including the land under that “footpath”—was National Park System land. Thus, the Fourth Circuit said, this land is excluded from the Mineral Leasing Act, so neither the Forest Service nor any government agency can grant a right-of-way for this pipeline (or any pipeline, for that matter) to cross the Appalachian Trail.

The Fourth Circuit was wrong. The plain language of the Mineral Leasing Act and Trails Act says as much, as does every other tool of statutory construction that the Court could employ. Moreover, the Fourth Circuit’s interpretation is at odds with Congress’s consistent support for domestic energy production and the pipelines required to transport energy resources. This Court should therefore reverse the Fourth Circuit’s decision that undermines the statutory scheme Congress has created for promoting domestic energy production and pipelines.

ARGUMENT

I. Every tool of statutory construction makes clear the Forest Service has authority to grant rights-of-way over the Appalachian Trail when the Trail crosses national forest land.

The Fourth Circuit concluded that the National Trails System Act, 16 U.S.C. § 1241, *et seq.*, turned the Appalachian National Scenic Trail into National

Park System land. (Pet. App. 57a.)² The Fourth Circuit also concluded that the Forest Service was not the “appropriate agency head” under the Mineral Leasing Act, 30 U.S.C. § 181, *et seq.*, to grant rights-of-way across the Appalachian Trail when that trail passes through the George Washington National Forest. (Pet. App. 58a.) For both reasons, the Fourth Circuit held that the Forest Service was not authorized to grant a right-of-way for a natural-gas pipeline under the Appalachian Trail. (Pet. App. 59a.) Every tool of statutory construction shows the Fourth Circuit was wrong on both fronts.

This Court has repeatedly said the “starting point” for interpreting a statute is its language, so *amici* begin there. *Food Mktg. Inst. v. Argus Leader Media*, 139 S. Ct. 2356, 2364 (2019); *accord* Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 56–58 (2012). The Mineral Leasing Act gives “the Secretary of the Interior or appropriate agency head” the authority to grant “[r]ights-of-way through any Federal lands,” which would include a right-of-way for a natural-gas pipeline. 30 U.S.C. § 185(a). “Federal lands,” in turn, are “all lands owned by the United States except lands in the National Park System” (along with some other, irrelevant exceptions). *Id.* § 185(b)(1). And an “Agency Head” is “the head of any Federal department or independent Federal office or agency, other than the Secretary of the Interior, which has jurisdiction over Federal lands.” *Id.* § 185(b)(2). To make it simple, all of that means that the Secretary of the Interior and other Federal department and agency heads have au-

² The appendix cites are to the appendix in No. 18-1587.

thority to grant rights-of-way through any land their department or agency has jurisdiction over, unless that land is national park land (or fits within one of the other exceptions that are irrelevant here).

Meanwhile, the Trails Act created a “national system of recreation, scenic and historic trails,” one of which is the Appalachian Trail. 16 U.S.C. § 1241(b). The Appalachian Trail (conceived in 1921—almost fifty years before passage of the Trails Act) runs more than 2,000 miles, stretching from Georgia to Maine. *Id.* § 1244(a)(1). The Secretary of the Interior “administer[s]” the “Trail” as a “foot-path.” *Id.*

The Appalachian Trail crosses federal, state, and private land, including the George Washington National Forest. (Pet. App. 2a–3a.) The land in the George Washington National Forest is “permanently reserved, held, and administered” by the Secretary of Agriculture. 16 U.S.C. § 521. And the Secretary of Agriculture administers the George Washington National Forest through the Forest Service. *Id.* § 545a(b)(1); *see also United States v. New Mexico*, 438 U.S. 696, 709 n.18 (1978).

Importantly, nothing in the Trails Act “transfer[red] among Federal agencies any management responsibilities established under any other law for federally administered lands which are components of the National Trails System.” 16 U.S.C. § 1246(a)(1)(A). That means a national forest (such as the George Washington National Forest) remains under the Forest Service’s jurisdiction even when a national scenic trail (such as the Appalachian Trail) crosses through the forest.

Again, the Secretary of the Interior merely “administer[s]” the Appalachian Trail “as a footpath.” *Id.* § 1244(a)(1). “[A]dministering and managing” the Appalachian Trail as a footpath is not the same thing as administering and managing the land on which the Trail sits. *Id.* § 1246(a)(1)(A). Instead, as the Trails Act itself makes clear, enactment of the Trails Act had no effect on which federal agency has jurisdiction over the land the Appalachian Trail crosses. *See id.*; *see also* Scalia & Garner, *supra*, at 56 (“When deciding an issue governed by the text of a legal instrument, the careful lawyer or judge trusts neither memory nor paraphrase but examines the very words of the instrument.”). This dichotomy between administering and managing a trail and administering and managing the underlying land—having jurisdiction over the land—is one the Fourth Circuit failed to recognize, (Pet. App. 57a), but it is one the Trails Act created.

To reach its conclusion that the land itself over which the Appalachian Trail passes—not the Trail but the land itself—is under the jurisdiction of the National Park Service, the Fourth Circuit wrongly relied on the definition of the National Park System “unit” as “any area of land or water administered by the Secretary.” 54 U.S.C. § 100501; *see also id.* § 100102(6). That definition entered Title 54 only in 2014, long after the establishment of the Appalachian Trail and the passage of the Trails Act. *See* National Park Service and Related Programs Act, Pub. L. No. 113-287, § 3, 128 Stat. 3094, 3098 (2014). This general definition could not have implicitly changed which Federal agency had jurisdiction over the George Washington National Forest, especially when

the Forest Service had exercised that jurisdiction for about a century.

Thus, the Secretary of Agriculture is the “agency head” with jurisdiction over the George Washington National Forest. 30 U.S.C. § 185(b)(2). As the “agency head” with jurisdiction over the George Washington National Forest, the Secretary may grant rights-of-way in that forest, which is “Federal land” under the Mineral Leasing Act, and this remains true even where the Appalachian Trail passes through that forest. *Id.* § 185(a).

The plain language should be the end of the inquiry. *See Nat’l Ass’n of Mfrs. v. Dep’t of Def.*, 138 S. Ct. 617, 631 (2018); *see also* Scalia & Garner, *supra*, at 36–38 (discussing general interpretation principle of relying on the text). But if the Court were to keep going, other tools of statutory construction reinforce this conclusion.

One such tool is looking at the structure of a statute. *See, e.g., Mellouli v. Lynch*, 135 S. Ct. 1980, 1989 (2015); Scalia & Garner, *supra*, at 217–24. Other provisions in the Trails Act make sense only if the Appalachian Trail includes Federal land that is not part of the National Park System.

For example, when administering the Appalachian Trail, the Secretary of the Interior must consult with the heads of other Federal agencies, as well as state and local governments, before issuing regulations governing the Trail. *See* 16 U.S.C. § 1246(i). If the Trail and the land over which it passes were all under the exclusive jurisdiction of the National Park Service as National Park Service land, imposing such

a requirement would make little sense. The Secretary of the Interior would also have no need to include the “head of each Federal department . . . administering lands through which the trail route passes” on an “advisory council” if the Appalachian Trail were solely National Park Service land. *Id.* § 1244(d).

As an additional tool, this Court also looks at similar statutes to help determine what a statute means. *See, e.g., Octane Fitness, LLC v. ICON Health & Fitness, Inc.*, 572 U.S. 545, 557 (2014). On this front, the Wild and Scenic Rivers Act is helpful. *See* Pub. L. No. 90-542, 82 Stat. 906 (1968). Passed the very same day as the Trails Act, the Rivers Act provides that “[a]ny component of the national wild and scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system.” 16 U.S.C. § 1281(c). As the Rivers Act shows, when Congress wants to make land part of the National Park System, Congress knows how to do that. *See Hardt v. Reliance Standard Life Ins. Co.*, 560 U.S. 242, 252 (2010) (observing that the “contrast between these two paragraphs makes clear that Congress knows how to” accomplish a particular legislative end). Tellingly, Congress included no provision in the Trails Act like the one in the Rivers Act stating that Trail land the Secretary of the Interior would administer as a footpath would become part of the National Park System. The most reasonable conclusion is that Congress omitted such a provision from the Trails Act because Congress intended for Trail land not to become National Park System land.

Another tenet of statutory construction is “to interpret a statute to effectuate all its provisions, so that no part is rendered superfluous.” *Hibbs v. Winn*, 542 U.S. 88, 89 (2004); Scalia & Garner, *supra*, at 174–79 (describing the surplusage canon). The Fourth Circuit’s holding violates this rule. In the Trails Act, Congress gave the Secretary of the Interior the power to grant rights-of-way for the Appalachian Trail, but when those “rights-of-way [are] across Federal lands under the jurisdiction of another Federal agency,” the location of the rights-of-way must “be by agreement between the head of that agency and the appropriate Secretary.” 16 U.S.C. § 1246(a)(2). That part of the Trails Act would be a waste of paper and ink if every part of the Appalachian Trail were part of the National Park System.³

On occasion, the Court has “attribute[d] significance to [Congressional] inaction where an administrative interpretation involves issues of considerable public controversy, and Congress has not acted to correct any misinterpretation of its objections despite continuing concern with the subject matter.” *Guardians Ass’n v. Civil Serv. Comm’n of City of N.Y.*, 463 U.S. 582, 620–21 (1983) (citation omitted). For half a century, Congress has done nothing to suggest agencies’ interpretation of the Trails Act was not what Congress intended.

³ The Fourth Circuit pointed to 16 U.S.C. § 1248(a), which gives the Secretary of the Interior the authority to grant rights-of-way across the Appalachian Trail, (*see* Pet. App. 58a–59a), but it ignored the instructions in 16 U.S.C. § 1246(a)(2) about rights-of-way over Federal land under another agency’s jurisdiction.

For example, the Forest Service and the National Park Service have treated the Appalachian Trail as crossing both National Park System land and national forests—a position to which Congress has never objected. See Memorandum of Agreement between NPS and USFS concerning Appalachian National Scenic Trail (1970).⁴ And since adoption of the Trails Act in 1968, many pipelines have been built across the Appalachian Trail. See U.S. Dep’t of Transp., Pipeline & Hazardous Materials Safety Admin., Gas Transmission and Hazardous Liquid Pipelines Map, U.⁵ Presently, another pipeline that will cross the Appalachian Trail—this time through the Jefferson National Forest—for which the Forest Service granted a right-of-way is roughly 90% complete. See U.S. Forest Serv., *Mountain Valley Pipeline and the Jefferson National Forest*.⁶ At no point has Congress done anything to suggest that the process used to approve those pipelines—the same procedure used here—was a different process than it had intended for the statutory framework it adopted to create. To be clear, despite ample opportunity to do so, Congress has never said or suggested that the Executive is misapplying the Mineral Leasing Act and the Trails Act—that the Secretary of Agriculture, through the Forest Service, lacks authority to grant rights-of-way across the Appalachian Trail when the Trail runs through a national forest.

⁴ Online at <https://go.usa.gov/xpNru>.

⁵ Online at https://www.npms.phmsa.dot.gov/Documents/NPMS_Pipelines_Map.pdf.

⁶ Online at <https://www.fs.usda.gov/detail/gwj/home/?cid=stelprd3827827>.

Finally, this Court has made clear it will not interpret statutes in a way that produces an absurd result. *See, e.g., Commissioner v. Brown*, 380 U.S. 563, 571 (1965); accord Scalia & Garner, *supra*, at 235 (explaining “[w]hat the rule of absurdity seeks to do is what all rules of interpretation seek to do: *make sense of the text*”). At a general level, not allowing the Secretary of Agriculture, through the Forest Service, to grant a right-of-way here (in fact, allowing no one to do so) makes no sense given Congress’s repeated efforts to foster domestic energy production, which includes fostering pipelines. (*See Part. II, infra.*) It is illogical to conclude that the Congress acts with one hand to encourage domestic energy production but then erects impenetrable barriers to the movement of energy resources with the other.

Further, at a more specific level, concluding that neither the Forest Service nor anyone else can grant rights-of-way through the Appalachian Trail makes no sense given how Congress has treated the Blue Ridge Parkway. Congress has given the Secretary of the Interior the authority to grant rights-of-way across that road. *See* 16 U.S.C. § 460a-3. As the Blue Ridge Parkway essentially parallels the Appalachian Trail through Virginia and North Carolina, having a right-of-way across the Parkway is worthless—or at least nearly so—if someone cannot also get a right-of-way across the Appalachian Trail.

II. Congress strongly supports domestic energy production, which includes supporting pipelines like the Atlantic Coast Pipeline.

Congressional support for the Atlantic Coast Pipeline should come as no surprise. Congress has strongly supported domestic energy production, and pipelines are a crucial part of bringing that energy to consumers.

Indeed, Congress has many reasons to support domestic energy production and the necessary pipelines to transport energy resources safely, easily, and efficiently. The Department of Transportation's Pipeline and Hazardous Material Safety Administration has recognized that pipelines "literally fuel[] our economy and way of life." U.S. Dep't of Transp., Pipeline & Hazardous Material Safety Admin., *General Pipeline FAQs*.⁷ For one, domestic energy production is a national-security issue. Producing more energy resources in the United States means purchasing less energy resources from other nations whose interests may not always align with those of the United States. Yes, some energy exporters are longtime allies, but others are not. Avoiding the need to purchase energy resources from countries whose interests are not aligned with the interests of the United States keeps money from potentially falling into the hands of those who would do us harm, and it reduces the need for the United States to compromise its in-

⁷ Online at <https://www.phmsa.dot.gov/faqs/general-pipeline-faqs>.

terests in other areas to achieve its interests in maintaining an adequate supply of energy resources.

For a second reason, domestic energy production is booming, and there must be a way to transport the resources America is producing. The United States is currently the world's leading producer of natural gas. See U.S. Energy Info. Admin., *The U.S. Leads Global Petroleum and Natural Gas Production with Record Growth in 2018* (Aug. 20, 2019).⁸ Pipelines like the Atlantic Coast Pipeline move natural gas more efficiently than other forms of transportation, such as trucks. See *supra*, *General Pipeline FAQs*. As production of natural gas (as well as of other resources, such as crude oil) grows, so will the need for pipelines.

A third reason: domestic energy production spurs economic growth. Drilling for natural gas, building pipelines, and maintaining pipelines all create jobs—and good, high paying jobs at that. The Atlantic Coast Pipeline alone is expected to create over 17,000 jobs during construction and over 2,200 jobs afterward. See Atlantic Coast Pipeline, “*Powering the Future, Driving Change Through Clean Energy*,” 2, 8.⁹ Mayors in municipalities near the pipeline's path have explained how the pipeline has allowed them to recruit new industries, create jobs, and spur revitalization, and they have pointed to new tax revenue as a way to promote public education while lowering tax

⁸ Online at <https://www.eia.gov/todayinenergy/detail.php?id=40973>.

⁹ Online at <https://atlanticcoastpipeline.com/resources/docs/resources/acp-factbookversion2.pdf>.

burdens on citizens. See Roy Bell, et al., *Eastern North Carolina Mayors Rally in Support of the Atlantic Coast Pipeline and Urge Project's Completion* (June 26, 2019).¹⁰

For a fourth reason, moving natural gas by pipelines is safe. A recent study shows that pipelines have lower annual accident rates than both rail and road. For every billion ton-miles transported, natural-gas pipelines have only .73 incidents, compared to 2.2 incidents for rail (three times more) and 7.1 incidents for road (almost ten times more). See Charles Hughes, *America Needs More Pipelines*, U.S. News & World Report (July 20, 2017).¹¹

And for a fifth, newer types of domestic energy—natural gas—promote a cleaner environment. Using natural gas to generate power, for example, emits less carbon dioxide than using coal to generate power. See, e.g., U.S. Energy Info. Admin., *U.S. Energy-Related Carbon Dioxide Emissions Fell Slightly in 2017* (Sept. 5, 2018)¹² (“The shift toward natural gas from coal lowers CO₂ emissions because natural gas produces fewer emissions per unit of energy consumed than coal and because natural gas generators typically use less energy than coal plants to generate

¹⁰ Online at <https://atlanticcoastpipeline.com/news/2019/6/26/eastern-north-carolina-mayors-rally-in-support-of-the-atlantic-coast-pipeline.aspx>.

¹¹ Online at <https://www.usnews.com/opinion/economic-intelligence/articles/2017-07-20/america-needs-more-pipelines-to-transport-oil-and-gas-safely>.

¹² Online at <https://www.eia.gov/todayinenergy/detail.php?id=36953>.

each kilowatthour of electricity.”). So increased use of natural gas in place of coal will reduce carbon dioxide emissions, which is good for the environment. See U.S. Energy Info. Admin., *EIA Expects U.S. Energy-Related CO2 Emissions to Fall in 2019*, (July 15, 2019).¹³ And moving natural gas by pipelines takes trucks off the roads, which further reduces carbon dioxide emissions.

With those reasons in sight, Congressional support of energy independence and pipelines has resulted in at least three major pieces of legislation within the past two decades. One is the Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 594 (2005). Among other things, that act established the United States Commission on North American Energy Freedom, for the purpose of “mak[ing] recommendations for a coordinated and comprehensive North American energy policy that will achieve energy self-sufficiency by 2025.” *Id.* tit. XIV, §§ 1422, 1423(a), 119 Stat. at 1064. The Energy Policy Act also directed the Secretaries of Agriculture, Commerce, Defense, Energy, and Interior to designate corridors for oil, gas, and hydrogen pipelines on the Federal land within their jurisdictions. *Id.* tit. III, § 368, 119 Stat. at 727.

The second is the Energy Independence and Security Act of 2007, Pub. L. No. 110-140, 121 Stat. 1492 (2007). In this act, Congress aimed to “move the United States toward greater energy independence and security,” through renewable energy and greater

¹³ Online at <https://www.eia.gov/todayinenergy/detail.php?id=40094>.

efficiency. *Id.* 121 Stat. at 1492. In other words, this Act sought to decrease America's reliance on foreign energy resources. One major domestic energy resource is natural gas, and the safest, easiest way to move natural gas is by pipelines like the Atlantic Coast Pipeline.

The third is the Fixing America's Surface Transportation Act or FAST Act, Pub. L. No. 114-94, 129 Stat. 1312 (2015). There, Congress created the Federal Permitting Improvement Council, tasking it with promoting timely decision-making regarding environmental reviews and authorizations, improving agency coordination, and addressing other issues related to infrastructure permitting. *Id.* tit. XLI, § 41001 *et seq.*, 129 Stat. at 1741–62. The Atlantic Coast Pipeline is subject to these requirements. *See Permitting Dashboard*, Federal Infrastructure Project (listing the Atlantic Coast Pipeline under FAST-41 Covered Projects).¹⁴

Moreover, members of Congress have long linked energy independence to pipelines, and specifically natural gas pipelines. *See, e.g.*, 150 Cong. Rec. H3990-02, 2004 WL 1334342, at *H4121–22 (2004) (Statement of Rep. Cole) (linking energy independence to the construction of a natural gas pipeline from Alaska's North Slope to the lower 48 states); 149 Cong. Rec. E640-03, 2003 WL 1721686, at *E640–41 (2003) (Statement of Rep. Herger) (calling for the building of new oil and gas pipelines to reduce dependence on foreign energy sources); 148 Cong.

¹⁴ Online at <https://www.permits.performance.gov/projects>.

Rec. S1441-02, 2002 WL 341194, at *S1507–08 (2002) (Statement of Sen. Daschle) (calling for, as part of efforts to achieve energy independence, construction of a natural gas pipeline from Alaska to the lower forty-eight states); 147 Cong. Rec. S4407-08, 2001 WL 476665, at *S4407 (2001) (Statement of Sen. Murkowski) (identifying the critical issues for energy independence as including “expanding infrastructure—such as pipelines, transmission lines and refineries—so that electricity and fuel can be produced and delivered when needed”); 143 Cong. Rec. S6037-01, 1997 WL 338364, at *S6037 (1997) (Statement of Sen. Murkowski) (discussing the trans-Alaska pipeline’s role in preserving energy independence); 137 Cong. Rec. S15230-01, 1991 WL 221332, at *S15231 (1991) (Statement of Sen. Wirth) (“Why do we not build up pipelines to carry our own natural gas up to New England rather than importing oil from overseas? There is example after example where an enlightened policy, a progressive policy can be very good for the job market in the United States and can increase our own energy independence, and yet we are not doing it.”); 137 Cong. Rec. S10512-01, 1991 WL 133695, at *1 (1991) (Statement of Sen. Shelby) (“Natural gas will play a key role in leading this Nation from a position of energy dependence to one of energy independence. . . . The natural gas and pipeline industry must play a vital role in carrying out this mandate.”).

Further, the support for pipelines has come from both political parties. For example, the acts promoting domestic energy were passed by both Republican and Democratic majorities. And both President Obama and President Trump have issued mem-

oranda or executive orders aimed at promoting pipelines as a way to move the domestic energy we produce. *See, e.g.*, Expediting Environmental Reviews and Approvals for High Priority Infrastructure Projects, Exec. Order No. 13766, 82 Fed. Reg. 8657 (2017); Office of the Press Sec'y, Presidential Memorandum, Expediting Review of Pipeline Projects from Cushing, Oklahoma, to Port Arthur, Texas, and Other Domestic Pipeline Infrastructure Projects (Mar. 22, 2012).¹⁵

Congressional support for domestic energy production and for pipelines as a way to distribute domestic energy resources is clear. The Court should decline any invitation to read the Mineral Leasing Act and the Trails Act in a way that thwarts Congress's support of energy independence. And it should reverse the Fourth Circuit's decision, which accepted such an invitation.

¹⁵ Online at <https://obamawhitehouse.archives.gov/the-press-office/2012/03/22/presidential-memorandum-expediting-review-pipeline-projects-cushing-okla>.

CONCLUSION

For these reasons, *amici* request that the Court reverse the Fourth Circuit's decision.

Respectfully submitted,

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December 9, 2019

APPENDIX

APPENDIX

THOSE JOINING IN AMICI CURIAE BRIEF

The following members of the United States House of Representatives join in this brief:

Representative Rick Allen (GA-12)
Representative Kelly Armstrong (ND-AL)
Representative Jodey Arrington (TX-19)
Representative Brian Babin (TX-36)
Representative James R. Baird (IN-4)
Representative Troy Balderson (OH-12)
Representative Jim Banks (IN-03)
Representative Andy Biggs (AZ-05)
Representative Dan Bishop (NC-09)
Representative Larry Bucshon, M.D. (IN-08)
Representative Ted Budd (NC-13)
Representative Bradley Byrne (AL-01)
Representative K. Michael Conaway (TX-11)
Representative Jeff Duncan (SC-03)
Representative Neal Dunn (FL-02)
Representative Tom Emmer (MN-06)
Representative A. Drew Ferguson IV, DMD (GA-03)
Representative Bill Flores (TX-17)
Representative Virginia Foxx (NC-05)
Representative Greg Gianforte (MT-AL)
Representative Bob Gibbs (OH-07)
Representative Lance Gooden (TX-05)
Representative Paul A. Gosar, D.D.S. (AZ-04)
Representative Glenn Grothman (WI-06)
Representative Jim Hagedorn (MN-01)
Representative Kevin Hern (OK-01)
Representative Jody Hice (GA-10)
Representative George Holding (NC-02)

Representative Richard Hudson (NC-08)
Representative Bill Johnson (OH-06)
Representative Fred Keller (PA-12)
Representative Steve King (IA-04)
Representative Doug LaMalfa (CA-01)
Representative Doug Lamborn (CO-05)
Representative Robert E. Latta (OH-05)
Representative Debbie Lesko (AZ-08)
Representative Billy Long (MO-07)
Representative Barry Loudermilk (GA-11)
Representative David B. McKinley, P.E. (WV-01)
Representative Mark Meadows (NC-11)
Representative Carol D. Miller (WV-03)
Representative Alex X. Mooney (WV-02)
Representative Markwayne Mullin (OK-02)
Representative Gregory F. Murphy, M.D. (NC-03)
Representative Dan Newhouse (WA-04)
Representative Ralph Norman (SC-05)
Representative Pete Olson (TX-22)
Representative John Ratcliffe (TX-04)
Representative Tom Rice (SC-07)
Representative Cathy McMorris Rodgers (WA-05)
Representative David Rouzer (NC-07)
Representative Steve Scalise (LA-01)
Representative Austin Scott (GA-08)
Representative John Shimkus (IL-15)
Representative Ross Spano (FL-15)
Representative Pete Stauber (MN-08)
Representative Chris Stewart (UT-02)
Representative William R. Timmons, IV (SC-04)
Representative Tim Walberg (MI-07)
Representative Mark Walker (NC-06)
Representative Randy Weber (TX-14)
Representative Joe Wilson (SC-02)