Nos. 23-726 & 23-727

In the Supreme Court of the United States

MIKE MOYLE, SPEAKER OF THE IDAHO HOUSE OF REPRESENTATIVES, ET AL., *Petitioners*,
v.
UNITED STATES OF AMERICA, *Respondent.*

STATE OF IDAHO, *Petitioner,*
v.
UNITED STATES OF AMERICA, *Respondent.*

On Writs of Certiorari to the United States Court of Appeals for the Ninth Circuit

BRIEF OF AMICI CURIAE ADVANCING AMERICAN FREEDOM; IDAHO FAMILY POLICY CENTER; ALASKA FAMILY COUNCIL; ALLIANCE FOR LAW AND LIBERTY; AMERICAN FAMILY ASSOCIATION ACTION; AMERICANS FOR LIMITED GOVERNMENT; AMERICAN VALUES; ANGLICANS FOR LIFE; CATHOLICS COUNT; CENTER FOR POLITICAL RENEWAL (CPR); CENTER FOR URBAN RENEWAL AND EDUCATION (CURE); CONCERNED WOMEN FOR AMERICA; DELAWARE FAMILY POLICY COUNCIL; DEMOCRATS FOR LIFE;
(*Brief Title continued on inside cover*)

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Amici Advancing American Freedom; Idaho Family Policy Center; Alaska Family Council; Alliance for Law & Liberty; American Family Association Action; Americans for Limited Government; American Values; Anglicans for Life; Catholics Count; Center for Political Renewal (CPR); Center for Urban Renewal and Education (CURE); Concerned Women for America; Delaware Family Policy Council; Democrats for Life; Eagle Forum; Faith & Freedom Coalition; Family Council in Arkansas; Frontline Policy Council; Galen Institute; Charlie Gerow; Global Liberty Alliance; International Conference of Evangelical Chaplain Endorsers; James Dobson Family Institute; Tim Jones (Former Speaker, Missouri House; Chairman, Missouri Center-Right Coalition); Louisiana Family Forum; Lutheran Center for Religious Liberty; Men and Women for a Representative Democracy in America, Inc.; Men for Life; New Jersey Family Foundation; Roughrider Policy Center; Samaritan's Purse; Setting Things Right; 60 Plus Association; The Family Foundation (TFF) of Virginia; The Justice Foundation; Tradition, Family, Property, Inc.; Wisconsin Family Action; Women for Democracy in America, Inc.; and Young America's Foundation educate the public on the wisdom of America's Constitutional order and believe that the Ninth Circuit's unreported en banc order denying the motion to stay the injunction pending

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* No counsel for a party authored this brief in whole or in part. No person other than Amicus Curiae and its counsel made any monetary contribution intended to fund the preparation or submission of this brief.

appeal undermines our Constitutional order and is not in accord with this Court's major questions doctrine.

INTRODUCTION AND SUMMARY OF THE ARGUMENT

The Framers of the Constitution believed that power concentrated in the hands of one person or institution represented a significant threat to liberty. The Constitution thus houses the three powers of government in as many branches, setting them in tension with one another to prevent one's usurpation of the power of another. The executive power of the Federal government is "vested in a President of the United States of America." U.S. Const. art. II, § 1, cl. 1. As members of the Executive Branch, administrative agencies are constrained at least by the limitations of the statutes Congress empowers them to enforce.

In 1986, a divided Congress passed, and thereafter President Ronald Reagan signed the Emergency Medical Treatment and Labor Act ("EMTALA") into law. As the district court in *Texas v. Becerra* noted, "The primary purpose of EMTALA is 'to prevent patient dumping, which is the practice of refusing to treat patients who are unable to pay.'" 2022 WL 3639525, at *22 (quoting *Marshall ex rel. Marshall v. E. Carroll Par. Hosp. Serv. Dist.*, 134 F.3d 319, 322 (5th Cir. 1998)). To accomplish that goal, EMTALA imposes three basic requirements on Medicare-participating physicians and hospitals when a patient enters an emergency department seeking care. First, they must screen the patient "to determine whether an emergency medical condition . . . exists." 42 U.S.C. § 1395dd(a). Then they must either provide

necessary stabilizing treatment for the person or transfer the individual to another medical facility. 42 U.S.C. § 1395dd(b)(1). Among other requirements, a transfer under section (b) may not occur unless the doctor certifies that the medical benefits of transferring the patient outweigh the increased risks of doing so. 42 U.S.C. § 1395dd(c)(1)(A)(iii). Further, if the emergency situation is labor, the doctor must also consider the risk of the transfer "to the unborn child." 42 U.S.C. § 1395dd(c)(1)(A)(ii).

On June 24, 2022, the Supreme Court issued its opinion in *Dobbs v. Jackson Women's Health*, 142 S. Ct. 2228 (2022), overturning *Roe v. Wade*, 410 U.S. 113 (1973). In response to the *Dobbs* decision, President Biden issued Executive Order 14,076 in which he directed the Secretary of Health and Human Services (HHS) to, among other things, identify ways of ensuring the availability of abortions post-*Dobbs*, even in states that enacted laws to protect the unborn. 87 Fed. Reg. 42,053 (July 8, 2022). Only three days later, on July 11, the Secretary of HHS issued a letter addressed to health care providers. The letter conveyed the Secretary's controversial interpretation of EMTALA: that it "protects [health care providers'] clinical judgment and the action that [they] take to provide stabilizing medical treatment to [their] pregnant patients, regardless of the restrictions in the state where [they] practice." [1]

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[1] Letter to Health Care Providers, SECRETARY OF HEALTH AND HUMAN SERVICES, https://www.hhs.gov/sites/default/files/emergency-medical-care-letter-to-health-care-providers.pdf (last visited Feb. 9, 2024).

In conjunction with the Secretary's letter, the Centers for Medicare and Medicaid Services (CMS) issued Guidance instructing participating doctors and hospitals that, under EMTALA, they are required to provide abortions as a "stabilizing treatment" or transfer the woman to another medical facility that can do so if they determine that doing so is necessary even if providing the abortion would contravene state law.[2] The CMS Guidance threatens noncompliant doctors and hospitals with hefty penalties. Guidance at 5.

Idaho law contained a pro-life provision that was set to go into effect automatically, thirty days after this Court recognized the authority of the states to regulate abortion. Triggered by this Court's decision in *Dobbs*, 142 S. Ct. 2228, the law was set to go into effect on August 25, 2022. 2020 Idaho Sess. Laws 827. On August 22, based on its interpretation of EMTALA, the Federal Government sued the state to enjoin enforcement of the law. *United States v. Idaho*, No. 1:22-cv-00329-BLW.

It beggars belief that EMTALA, directed as it was at providing emergency care for patients unable to afford treatment, enacted by a bipartisan group of senators and representatives, signed by President Reagan, and with language designed to protect the interests of both mothers and their unborn children,

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[2] *Reinforcement of EMTALA Obligations specific to Patients who are Pregnant or are Experiencing Pregnancy Loss*, CENTERS FOR MEDICARE & MEDICAID SERVICES (July 11, 2022), https://www.cms.gov/files/document/qso-22-22-hospitals.pdf (last visited Feb. 13, 2024).

was all along a Trojan horse for mandatory abortion even contrary to state law.[3]

As Justice Gorsuch notes, "When an agency claims to have found a previously 'unheralded power,' its assertion generally warrants 'a measure of skepticism.'" *West Virginia v. EPA*,142 S. Ct. 2587, 2623 (Gorsuch, J., concurring) (quoting *Utility Air Regul. Grp. v. Environmental Prot. Agency*, 573 U.S. 302, 324, (2014)). This Court has established the major questions doctrine as one check on such claims.

The major questions doctrine requires that an agency act on a clear statutory statement when it seeks either to settle a matter of profound national debate or to intrude into a specific domain of state law. *West Virginia v. EPA*, 142 S. Ct. at 2616 (Gorsuch, J., concurring). After all, "'[e]nabling legislation' is generally not an 'open book to which the agency may add pages and change the plot line.'" *West Virginia v. EPA*, 142 S. Ct. at 2609 (quoting E. Gellhorn & P. Verkuil, Controlling Chevron-Based Delegations, 20

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[3] The Guidance to promote abortion is part of a pattern of Biden Administration behavior to expand the power of the executive branch beyond its constitutional bounds. Where Congress is unwilling to act on one of the President's policy priorities, the administrative state opportunistically steps in to fill the gap. This Court has already struck down two notorious examples of this overreach. The first is the Occupational Safety and Health Administration's (OSHA) workplace vaccine mandate which the Court struck down in 2022 because it exceeded the agency's statutory authority. *Nat'l Fed. of Indep. Bus. v. Occupational Safety and Health Admin.,* 142 S. Ct. 661 (2022). The second, the Biden Administration's effort to unilaterally cancel student loan debt, was struck down in 2023 for exceeding the Department of Education's statutory authority. *Biden v. Nebraska*, 143 S. Ct. 2355 (2023).

Cardozo L. Rev. 989, 1011 (1999)). It is the President's responsibility, as the Executive Branch under Article II, to "take Care that the Laws be Faithfully executed." U.S. Const. Art. II § 3. When a presidential administration acts beyond the law as established by Congress, courts have a duty to hold it to account. For these reasons, the Court should rule for Petitioners.

ARGUMENT

The 1780 Massachusetts state constitution prohibited each of its government's three branches from exercising the powers of the other two so that, "it may be a government of laws and not of men." Mass. Const. pt. 1, art. XXX. The Framers of the United States Constitution sought to achieve the same goal. Among several mechanisms employed to that end, the Constitution delegates "[a]ll legislative powers" to Congress. U.S. Const. art. I § 1.[4] When the President as the Executive Branch under Article II of the Constitution attempts to apply the law passed by Congress in a way that is inconsistent with the law's language, he usurps the power of Congress, creating a government of men (e.g. bureaucrats), and not of laws.

In *Chevron U.S.A., Inc. v. Nat. Res. Def. Council*, 467 U.S. 837 (1984), the Court established a two-part test for determining whether courts would defer to

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[4] As Thomas Jefferson explained in reference to the Virginia Constitution, "The concentrating of [the legislative, executive and judicial powers] in the same hands is precisely the definition of despotic government. It will be no alleviation that these powers will be exercised by a plurality of hands, and not by a single one." Thomas Jefferson, Notes on the State of Virginia, Query XIII (1784) (reprinted in The Founder's Constitution Vol. I 319, 319 (Philip B. Kurland, Ralph Lerner eds., Liberty Fund, 1987).

agency interpretations of statutes that an agency administers. First, courts ask whether Congress has "spoken to the precise question at issue." *Chevron*, 467 U.S. at 842-43. If the answer is yes, then the court must follow the direction of Congress. *Id*. If the answer is no—if "the statute is silent or ambiguous with respect to the specific issue"—the court then decides "whether the agency's [interpretation of the statute] is based on a permissible construction of the statute." *Id*. at 843. If the interpretation is permissible, the court will defer to the agency's interpretation. *Id*. at 844. *Chevron* thus established the principle that the "experts" at administrative agencies generally deserve deference from courts when there is a dispute over the meaning of a statute enforced by the agency.

However, even amidst this milieu of deference, the Court has recognized that the Executive Branch can exceed the boundaries imposed on it by the Constitution and Congress. One constraint imposed by the Court is the major questions doctrine which, when triggered, requires the agency to show a clear statement of authority from Congress for its interpretation and action. *See West Virginia v. EPA*, 142 S. Ct. at 2621 (Gorsuch, J., concurring). Because the Federal Government's proposed interpretation of EMTALA triggers the major questions doctrine and is not based on a clear statement from Congress, the Court should rule for Idaho and Petitioners.

I. The Department of Health and Human Services' Interpretation of EMTALA is Not Entitled to Deference Because it Seeks to Settle an Issue of Great Political Significance and Because it Seeks to Intrude into a Specific Domain of State Law.

The major questions doctrine, when triggered, requires that the Executive Branch demonstrate that its exercise of regulatory power derives from a clear congressional statement conferring that power. *West Virginia v. EPA*, 142 S. Ct. at 2616 (Gorsuch, J., concurring). In *West Virginia v. EPA*, Justice Gorsuch, in his concurrence, described three situations in which an agency interpretation may trigger the major questions doctrine, two of which are relevant here. *Id.* at 2620-21. First, there must be a clear statement "when an agency claims the power to resolve a matter of great 'political significance,' or end an 'earnest and profound debate across the country,'" *Id.* at 2620 (Gorsuch, J., concurring) (quoting *Nat'l Fed. of Indep. Bus. v. Occupational Safety and Health Admin.*, 142 S. Ct. 661, 665 (2022) [hereinafter *NFIB v. OSHA*]; *Gonzales v. Oregon*, 546 U.S. 243, 267 (2006)). Second, agencies may also need a clear statement from Congress "when an agency seeks to 'intrude into an area that is the particular domain of state law.'" *Id.* (quoting *Alabama Ass'n of Realtors v. Dep't of Health and Human Servs.*, 141 S. Ct. 2485, 2489 (2021)). CMS's interpretation of EMTALA in this case is clearly both related to an issue of great political significance and is intended to intrude into a particular domain of state law.

A. The CMS Guidance attempts to resolve a political issue of profound national significance and debate.

First, the CMS Guidance addresses an issue of great political significance in the United States and thus must be based on a clear statement of authority from Congress. The Court "has indicated that the [major questions] doctrine applies when an agency claims the power to resolve a matter of great 'political significance,' or end an 'earnest and profound debate across the country,'" *Id*. at 2620 (Gorsuch, J., concurring) (quoting *NFIB v. OSHA*, 142 S. Ct. at 665; *Gonzales*, 546 U.S. at 267). As the majority noted in *Dobbs*, "Abortion presents a profound moral issue on which Americans hold sharply conflicting views." 142 S. Ct. at 2240. Few issues rival the "political significance" of, or generate as much "earnest and profound debate," as does abortion. Abortion is a major factor in every presidential election and, since the overturn of *Roe*, has been debated and legislated on in states throughout the country.

The CMS Guidance also seeks to resolve an "'earnest and profound debate across the country,'" *Id*. at 2620 (Gorsuch, J., concurring) (quoting *Gonzales*, 546 U.S. at 267). After the Supreme Court overturned *Roe v. Wade*, 410 U.S. 113 (1973) in *Dobbs*, 142 S. Ct. 2228, returning authority to regulate abortion to the states after almost fifty years, President Biden issued an executive order requiring the Secretary of HHS to find ways to expand abortion in the United States. 87 Fed. Reg. 42,053 (July 8, 2022). The clear purpose of the Executive Order and the ensuing CMS Guidance was to render ineffective state regulations of abortion

in cases where pregnant women are experiencing emergency medical conditions. CMS, through its Guidance, seeks to settle the controversy surrounding abortion, at least in certain cases, by fiat.

Further, the CMS Guidance triggers the major questions doctrine even though its implementation would not resolve the abortion debate universally. In *NFIB v. OSHA*, 142 S. Ct. 661, one of the cases identified by Justice Gorsuch as an example of agency action that sought to resolve a significant political matter, OSHA tried to coerce employers into acting as enforcers of an illegitimate vaccine mandate. *See West Virginia v. EPA*, 142 S. Ct. at 2620 (Gorsuch, J., concurring) ("[T]he Court held the doctrine applied when an agency sought to mandate COVID–19 vaccines nationwide for most workers at a time when Congress and state legislatures were engaged in robust debates over vaccine mandates."). Just as the OSHA vaccine mandate would not have applied to all Americans, so the CMS Guidance would not open the door for abortions at any time. Nonetheless, just as the vaccine mandate came at a time when "Congress and state legislatures were engaged in robust debates over vaccine mandates," *Id*. at 2620-21, the CMS Guidance came just as states were able to consider significant regulation of abortion for the first time in half a century. Nor would the major questions doctrine be much of a protection against expansionist interpretations of statutory law if the Executive could avoid the doctrine's limitations merely by reducing the scope of its action. Thus, because the CMS Guidance seeks to resolve a major political issue that engenders profound national debate, this Court should require

the Executive Branch to show that its interpretation derives from a clear congressional statement.

B. The CMS Guidance represents a significant intrusion into the domain of state law.

Second, the Guidance intrudes into an area that is the particular domain of state law by reinterpreting EMTALA so as to create an appearance of conflict with state law where no genuine conflict exists. The "major questions doctrine may apply when an agency seeks to 'intrude into an area that is the particular domain of state law.'" *Id.* (quoting *Alabama Ass'n of Realtors*, 141 S. Ct. at 2489). States have a legitimate interest in the safety of women and their preborn children; an interest this Court has recognized for at least three decades. *See Dobbs*, 142 S. Ct. at 2284 ("[States'] legitimate interests include respect for and preservation of prenatal life at all stages of development [and] the protection of maternal health and safety.") (citation omitted); *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833, 846 (1992). In *Dobbs*, the Court held that the applicable standard of review for state laws that restrict abortion is rational basis scrutiny, finding that, "[a] law regulating abortion, like other health and welfare laws, is entitled to a 'strong presumption of validity.'" *Dobbs*, 142 S. Ct. at 2283-84 (quoting *Heller v. Doe*, 509 U.S. 312, 319 (1993)). Because abortion law falls within the category of health and welfare regulation, it is within the domain of state regulation.

Further, CMS's interpretation of EMTALA represents a significant intrusion into that domain of state law because it expands EMTALA's preemption

provision beyond its statutory bounds. EMTALA only preempts state law "to the extent that the [state] requirement directly conflicts with a requirement of this section." 42 U.S.C. § 1395dd(f). Under EMTALA, if a patient arrives in a hospital emergency room with an emergency medical condition or in labor, the hospital must either provide required stabilizing treatment or transfer the patient to another medical facility that can provide stabilizing treatment. 42 U.S.C. § 1395dd(b)(1)(A)-(1)(B). In the case of a woman in labor, if she has not been stabilized, the doctor may only authorize her transfer to another facility if the benefits of doing so would outweigh the risks to both the woman and the "unborn child." 42 U.S.C. § 1395dd(c)(1)(ii). Idaho law prohibits the performance of an abortion, with certain circumstances excepted. Idaho Code § 18-622. Abortions are not illegal to save the life of the mother or, if performed in the first trimester, in cases of rape or incest. Idaho Code § 18-622(2)(a)-(b). This law in no way prevents hospitals from providing the treatment EMTALA requires unless abortion is a form of "treatment;" the very novel interpretation at the center of this case.

Federal law may also preempt state law where it "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." *Crosby v. National Foreign Trade Council*, 530 U.S. 363, 372–73 (2000). The primary purpose of EMTALA was to avoid patient dumping. Yet nothing in the Idaho law in question requires emergency rooms or emergency room doctors to turn away patients for any reason.

Thus, because there is no conflict between Idaho law and EMTALA, EMTALA does not preempt Idaho law in this case. By attempting to override state law in an area recognized by the Court as one of legitimate state interest, the CMS Guidance intrudes into a particular domain of state law. Under the major questions doctrine, CMS must demonstrate that its interpretation is based on a clear statement of authority from Congress.

II. The Relevant Language of EMTALA Upon Which HHS Relies is Neither a Clear Statement of Authority to Regulate the Politically Contentious Abortion Issue nor a Clear Statement of Authority to Preempt State Law Absent a Direct Conflict.

The CMS Guidance and its interpretation of EMTALA is not based on any clear statement of authority from Congress. When the major questions doctrine applies, agencies must provide more than "a colorable textual basis" for their claims to expanded power. *See West Virginia v. EPA*, 142 S. Ct. at 2609. "Extraordinary grants of regulatory authority are rarely accomplished through 'modest words,' 'vague terms,' or 'subtle devices.'" *Id.* (quoting *Whitman v. American Trucking Ass'ns, Inc.*, 531 U.S. 457, 468 (2001)). As Justice Scalia said, Congress does not "hide elephants in mouseholes." *Whitman*, 531 U.S. at 468. Justice Gorsuch, concurring in *West Virginia v. EPA*, wrote that the Court has considered four factors, three of which are relevant here, when determining whether the legislative authority upon which an agency bases its interpretation constitutes a clear statement.

"*First*, courts must look to the legislative provisions on which the agency seeks to rely 'with a view of their place in the overall statutory scheme.'" *West Virginia v. EPA*, 142 S. Ct. at 2622 (Gorsuch, J., concurring) (emphasis in original). CMS's Guidance runs counter to both the purpose of EMTALA and the requirements of the Social Security Act (SSA) generally. As noted by the district court in *Texas v. Becerra*, "The primary purpose of EMTALA is 'to prevent patient dumping, which is the practice of refusing to treat patients who are unable to pay.'" 2022 WL 3639525, at *22 (quoting *Marshall ex rel. Marshall*, 134 F.3d at 322). The Guidance does not advance this goal. Rather, by it, CMS intends to force doctors and hospitals to either provide an abortion or to transfer the woman to another medical facility where an abortion can be performed. Guidance at 4.

Relatedly, the Guidance directly violates the plain language of the SSA. "EMTALA is subject to the Medicare Act's prohibition that 'nothing in this subchapter,' which includes EMTALA, 'shall be construed to authorize any Federal officer or employee to exercise any supervision or control over the practice of medicine or the manner in which medical services are provided.'" *Texas v. Becerra*, 2022 WL 3639525, at *25 (quoting 42 U.S.C. § 1395). This same court goes on to note that, "Courts across the country uniformly hold that this section prohibits Medicare regulations that 'direct or prohibit any kind of treatment or diagnosis'; 'favor one procedure over another'; or 'influence the judgment of medical professionals.'" *Id.* (quoting *Goodman v. Sullivan*, 891 F.2d 449, 451 (2d Cir. 1989)). Here, CMS has attempted to direct the

medical care of pregnant women without regard to the wellbeing of the unborn child and contrary to the overarching requirements of the statutory scheme.

Second, reviewing courts "look to the age and focus of the statute the agency invokes in relation to the problem the agency seeks to address." *West Virginia v. EPA*, 142 S. Ct. at 2623 (Gorsuch, J., concurring). Further, "an agency's attempt to deploy an old statute focused on one problem to solve a new and different problem may also be a warning sign that it is acting without clear congressional authority." *Id.* EMTALA was passed in 1986 by a divided Congress and signed by President Reagan.[5] It is doubtful that such legislation, directed as it was at providing emergency care for patients unable to afford treatment and enacted by a bipartisan group of senators and representatives, signed by President Reagan,[6] and with language designed to protect the interests of unborn children, was really a Trojan horse for mandatory abortion.

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[5] *See* Actions - H.R.3128 - 99th Congress (1985-1986): Consolidated Omnibus Budget Reconciliation Act of 1985, H.R.3128, 99th Cong. (1986), https://www.congress.gov/bill/99th-congress/house-bill/3128/actions.

[6] If the Biden Administration's interpretation of EMTALA were correct, would President Reagan have signed it? Recall that President Reagan wrote that "*Roe v. Wade* has become a continuing prod to the conscience of the nation," because he saw that, in the decade between that decision and his writing, "more than 15 million unborn children [had] had their lives snuffed out by legalized abortions," at the time "over ten times the number of Americans lost in all our nation's wars." Ronald Reagan, *Abortion and the Conscience of the Nation*, 38-39 (Regency Press 2000) (1983).

Third, "just as established practice may shed light on the extent of power conveyed by general statutory language, so the want of assertion of power by those who presumably would be alert to exercise it, is equally significant in determining whether such power was actually conferred." *West Virginia v. EPA*, 142 S. Ct. at 2610 (quoting *Fed. Trade Comm'n v. Bunte Brothers, Inc.*, 312 U.S. 349, 352 (1941) (internal quotation marks omitted)). Thus, it is telling that "EMTALA has never been construed to preempt state abortion laws." *Texas v. Becerra*, 2022 WL 3639525, at *28. This effort to expand the meaning of the statute to reach a hot political issue of the day is exactly the sort of overreach that should be checked by the clear statement requirement. As Justice Gorsuch notes, "When an agency claims to have found a previously 'unheralded power,' its assertion generally warrants 'a measure of skepticism.'" *West Virginia v. EPA*, 142 S. Ct. at 2623 (quoting *Utility Air Reg. Grp.*, 573 U.S. at 324).

Therefore, because the CMS Guidance challenged in this case triggers the major questions doctrine, and because it is based not on a clear statement from Congress, but rather on a misreading of the law contrary to the language of the statute and its context, CMS's interpretation of EMTALA to preempt Idaho law in this case is Executive overreach. CMS's novel interpretation disregards the statute's concern for unborn life, was issued with no opportunity for criticism or correction, and exists explicitly to advance a policy goal of the President. In short, it is a blatant power grab. The Court should rule in favor of Petitioners here to protect Idaho's interest

and to guide lower courts in considering the Government's interpretation of EMTALA in related cases.

CONCLUSION

For the foregoing reasons, this Court should rule in favor of Petitioners.

Respectfully submitted,

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