

## Regulations

Congress did not know COVID was coming;  
and maybe it wasn't even thinking about  
pandemics generally.

But that is immaterial,  
because Congress delegated broadly,  
for all national emergencies.

It is true, too, that the Secretary's use  
of the HEROES Act delegation has proved  
politically controversial, in a way that  
assistance to terrorism victims  
presumably would not.

But again, that fact is irrelevant  
to the lawfulness of the program.

**Elena Kagan, dissent in *Biden v. Nebraska, et. al.***