

## Regulations

**It is perfectly true that the language instructs the Secretary to “include” his new “terms and conditions” when he provides notice of his “waivers or modifications.” ...**

**But that is because the statute contemplates that there will be new terms and conditions to report.**

**In other words, the statute proceeds on the premise that the usual waiver or modification will, contra the majority, involve adding “new substantive” provisions.**

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