

“(bb) may be established—

“(AA) if there is a material change to the biological product (or process with respect to the biological product) of the subsection (k) applicant that is the subject of the application;

“(BB) if, with respect to a patent on the supplemental list described in section 351(l)(7)(A) of Public Health Service Act (42 U.S.C. 262(l)(7)(A)), the patent would have issued before the date specified in such section 351(l)(7)(A) but for the failure of the Office to issue the patent or a delay in the issuance of the patent, as described in paragraph (1) of section 154(b) and subject to the limitations under paragraph (2) of such section 154(b); or

“(CC) for another reason that shows good cause, as determined appropriate by the court.

“(D) In determining whether good cause has been shown for the purposes of subparagraph (C)(ii)(II), a court may consider whether the reference product sponsor has provided a reasonable description of the identity and relevance of any information beyond the subsection (k) application that the court believes is necessary to enable the court to form a belief with respect to whether a claim of infringement under this section could reasonably be asserted.

“(E) The limitation imposed under subparagraph (A)—

“(i) shall apply only if the subsection (k) applicant completes all actions required under paragraphs (2)(A), (3)(B)(ii), (5), (6)(C)(i), (7), and (8)(A) of section 351(l) of the Public Health Service Act (42 U.S.C. 262(l)); and

“(ii) shall not apply with respect to any patent that claims, with respect to a biological product, a method for using that product in therapy, diagnosis, or prophylaxis, such as an indication or method of treatment or other condition of use.”.

(b) **APPLICABILITY.**—The amendments made by subsection (a) shall apply with respect to an application submitted under section 351(k) of the Public Health Service Act (42 U.S.C. 262(k)) on or after the date of enactment of this Act.

(c) **MEDICARE IMPROVEMENT FUND.**—Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking “\$0” and inserting “\$1,800,000,000”.

The bill (S. 150), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. CORNYN. Madam President, I yield the floor.

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Madam President, I ask unanimous consent that the vote scheduled for 1:45 p.m. commence immediately.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON MERIWEATHER NOMINATION

The question is, Will the Senate advise and consent to the Meriweather nomination?

Mr. MORAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. MARKEY) and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from West Virginia (Mrs. CAPITO), the Senator from Montana (Mr. DAINES), the Senator from Kansas (Mr. MARSHALL), the Senator from Utah (Mr. ROMNEY), the Senator from Florida (Mr. SCOTT), and the Senator from Alabama (Mr. TUBERVILLE).

Further, if present and voting: the Senator from Florida (Mr. SCOTT) would have voted “nay” and the Senator from Kansas (Mr. MARSHALL) would have voted “nay.”

The result was announced—yeas 52, nays 39, as follows:

[Rollcall Vote No. 213 Ex.]

YEAS—52

Baldwin	Hassan	Rosen
Bennet	Heinrich	Sanders
Blumenthal	Hickenlooper	Schatz
Booker	Hirono	Schumer
Brown	Kaine	Shaheen
Butler	Kelly	Sinema
Cantwell	King	Smith
Cardin	Klobuchar	Stabenow
Carper	Lujan	Tester
Casey	Manchin	Van Hollen
Collins	Merkley	Warner
Cooms	Murkowski	Warnock
Cortez Masto	Murphy	Warren
Duckworth	Murray	Welch
Durbin	Ossoff	Whitehouse
Fetterman	Padilla	Wyden
Gillibrand	Peters	
Graham	Reed	

NAYS—39

Barrasso	Grassley	Paul
Boozman	Hagerty	Ricketts
Braun	Hawley	Risch
Britt	Hoeven	Rounds
Budd	Hyde-Smith	Rubio
Cassidy	Johnson	Schmitt
Cornyn	Kennedy	Scott (SC)
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	Lummis	Tillis
Cruz	McConnell	Vance
Ernst	Moran	Wicker
Fischer	Mullin	Young

NOT VOTING—9

Blackburn	Markey	Romney
Capito	Marshall	Scott (FL)
Daines	Menendez	Tuberville

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS CONSENT REQUEST—H.R. 8281

Mr. LEE. Madam President, one citizen, one vote—today, this foundational principle is under attack. It is under attack because President Biden refuses to enforce the law. Now we face a direct threat to our entire electoral system.

Consider this: Since President Biden's inauguration on January 20, 2021, over 10 million illegal immigrants have entered the United States. This figure exceeds the populations of 36 States, creating a crisis that has been met with troubling silence and inaction from far too many on the other side of the aisle.

With millions of unauthorized people now on U.S. soil, living here in the United States, the potential for elec-

tion fraud through ineligible voting is not just a hypothetical risk—no; it is a looming reality.

With the influx of noncitizens under this administration, even if just a fraction—let's just say something like 1 in 100—were to vote, this could translate to hundreds of thousands of votes, enough to sway our tightly contested elections and potentially alter their outcomes.

This is deeply concerning considering that a recent study showed that noncitizens have ample openings to vote illegally. It found that anywhere from 10 to 27 percent of noncitizens are registered to vote and 5 to 13 percent of noncitizens do actually vote in Presidential elections, no less.

Across the Nation, instances abound where States have inadvertently facilitated this very crisis. From unsolicited voter registration forms being mailed out to noncitizens to driver's licenses issued without adequate checks, practices relying merely on the honesty of illegal aliens have opened up the floodgates to voter fraud.

While it is true that it is already illegal for noncitizens to vote in Federal elections, there are no effective systems in place to verify the citizenship of voters. A mere check on a box is all it takes, with little risk of being caught. In short, you are on the honor system with those forms.

Federal law even prohibits States from requiring proof of citizenship when registering voters via Federal forms. So it is not just that the States aren't doing an adequate job of verifying citizenship as a condition precedent to registering to vote in a Federal election; they are prohibited by law from doing so.

An increasing number of localities permit noncitizens to votes in local elections, and this makes it even worse. It further blurs the distinctions that are there that have historically been meant to protect the integrity of our elections.

Prominent Democrats have openly discussed these tactics, in many instances as beneficial to their agenda, as likely to help their political ambitions. Only months ago, every Senate Democrat voted to count illegal aliens in the census to help them shore up more seats in Congress and consequently more votes in the electoral college.

This cannot continue. It is our responsibility, our imperative, to close these gates. My bill, the SAVE Act, would ensure that this stops. It would be a vital step in securing the electoral process, ensuring that every vote cast is legitimate and every voter is duly recognized and registered and properly brought into the system so that they can vote.

The SAVE Act amends the National Voter Registration Act—the same act that was interpreted a few years ago by the Supreme Court as prohibiting the States from requesting any positive proof of citizenship—so that States can

ensure that only U.S. citizens may participate in Federal elections. It fixes the NVRA. If the NVRA was interpreted that way, this would close that loophole.

The SAVE Act requires States to obtain concrete documentary proof of citizenship at the time of voter registration. It specifies acceptable documentation and requires States to establish alternative verification processes for those rare instances in which standard documents might be unavailable. Furthermore, the SAVE Act compels States to proactively remove noncitizens from voter rolls and introduces severe Federal penalties for those who intentionally register noncitizens.

This bill echoes the sentiments of the American people from coast to coast. It transcends political affiliations, with an overwhelming bipartisan supermajority of Americans supporting it, and it speaks directly to the core of what makes our country great: fair, free, and secure elections operating within our constitutional Republic.

This is about protecting our elections from foreign interference—something my Democratic colleagues claim to care about and long have. If we truly want our elections to be free of foreign interference, then by all means pass the SAVE ACT. Let's pass it today. Let's pass it right now.

So for those of my colleagues who are opposed to this, why aren't they concerned about the ability of tens of millions of foreign nationals—noncitizens—in the United States to vote in America? Why should we allow tens of millions of foreign nationals who are not citizens of the United States to vote in U.S. elections?

Now, if the Biden administration insists on keeping America's border open as, to my great dismay, it has for the entirety of the 3½ years or so that Biden has been in office—if they are going to insist on keeping the borders open, by all means, they must at least, at a bare minimum, ensure that none of those noncitizens are interfering in our elections. Every single day that we delay, the foundation of our electoral process erodes a little more.

We cannot wait for this administration to enforce the law, to enforce the border, which they haven't done. They continue to refuse to do it. More people continue to enter, but in the meantime, they have let in 10 million illegal aliens. Add to that those who were already here, and an estimated 30 million noncitizens currently reside in the United States.

But this administration just keeps right on trucking, not doing anything about this problem. In fact, this administration strongly opposes this legislation. Now, let's run through the reasoning. The reasoning is really telling. There are several arguments raised by the White House in the statement they issued just earlier this week.

First, the White House protests:

It is already illegal for noncitizens to vote in Federal elections—it is a Federal crime punishable by prison and fines.

Now, to be clear, that is, on its face, a correct statement of the law. I won't disagree with the statement on its four corners, but the conclusion is really messed up. As I have already stated, there is absolutely no functioning mechanism for enforcing the law.

And it is worse than that. It is not just that current law doesn't create an adequate enforcement mechanism; it is that current law, as interpreted by the Supreme Court, affirmatively prohibits the States from doing what they would need to do in order to prevent noncitizens from registering to vote and subsequently voting in Federal elections, contrary to Federal law. Meanwhile, DOJ investigations of illegal voting are all but nonexistent.

A law without enforcement cannot and will not stop illegal behavior; and there are many, many circumstances in which, notwithstanding the fact that the underlying conduct is criminally prohibited, you still need some sort of verification mechanism to make it enforceable.

By the White House's own logic, it would be unnecessary and, perhaps, even unwise to have laws requiring a photo ID to buy beer and cigarettes. You know, we have got these laws on the books, after all, that already make it a crime to sell beer and cigarettes to children. So according to the White House's logic, we shouldn't need an additional law requiring age verification with a photo ID. Now, nobody would be that crazy or that insane to make that argument there. We shouldn't be making it here. It is the same argument, the exact same argument.

Next, in second position, the administration makes the unsubstantiated claim that “the justification for the SAVE Act is based on easily disproven falsehoods.” But then, well, the administration utterly fails and defiantly refuses to offer anything to support that statement.

It is ironic because that justification for opposing it on grounds that the justification for the SAVE Act is based on disproven falsehoods is its own disproven falsehood. There is nothing there. There is no falsehood that has been disproven. They have not disproven the fact that noncitizens, whether legally or illegally in this country at the time, can easily obtain voter registration eligibility to vote in Federal elections—or the physical ability to do it, rather, so long as they are willing to check a box and sign their name.

They don't dispute the fact that, in all 50 States and DC, a noncitizen can apply for and receive a driver's license or that the National Voter Registration Act makes it easy, when applying for a driver's license, to check a box and sign your name and thereby register to vote in Federal elections. When you add to that the fact that States are affirmatively, legally prohibited, based on the Supreme Court's interpretation of the NVRA a few years ago which said that the States cannot, may not,

must not ask for any kind of documentation to verify citizenship, we have a problem.

So for them to say that our justification for the SAVE Act is based on falsehoods, on easily disproven falsehoods, is itself easily disproven, and it is a falsehood.

Third, the administration asserts that “making a false claim of citizenship or unlawfully voting in an election is punishable by removal from the United States and a permanent bar to admission.”

Well, this is an interesting argument. This one is rich coming from this administration.

Look, it is true that the naturalization form, as a self-reporting mechanism, asks the applicant if the applicant has ever voted illegally. Yes, that is true. As far as I can tell, even when they do self-report in those, I suspect, rare instances when they do, absolutely nothing has been done with that information under the Biden administration. Joe Biden isn't deporting anyone for illegally voting. Joe Biden has opened the floodgates and just lets people come in. So that is rich coming from this administration suggesting that there is going to be, suddenly, rigorous enforcement of laws governing our border security in this instance when, No. 1, they are not doing it, and No. 2, everywhere you look, they are doing the opposite of that.

Fourth, the administration asserts, “[s]tates already have effective safeguards in place to verify voters' eligibility and maintain the accuracy of voter rolls.”

That assertion is simply flatout wrong. It is just false. It is false factually, and it is false legally, meaning it is not true, and it cannot be true by operation of law for the reasons I have just explained. States are legally prohibited from requiring proof of citizenship when registering voters for Federal elections. This, I fear, may well be a feature, not a bug, for the administration and a reason for the administration to oppose it, tragically. We will get back to that more in a moment.

But, look, this loophole that I am describing based on the Supreme Court's interpretation of the NVRA—telling the States they may not and must not ask for any kind of evidence of citizenship—is a gaping loophole that we must fix.

Lastly, the administration claims that, instead of safeguarding our elections, this bill, with its incredibly generous list of ways to demonstrate citizenship, would make it harder for Americans to vote.

Well, look, the reality is that there is an expansive list of ways to demonstrate citizenship even if you lack the documentation traditionally involved in proving it.

Keep in mind it is not unusual for Americans to be asked for proof of citizenship. Every single time an American citizen starts new employment, starts a new job, they fill out an I-9.

They have got to provide proof of citizenship. If you are not a citizen, you have to show evidence of your visa and your eligibility to work in the United States under that visa. If you can't do that, you can't start a job. This happens all the time.

It is not as if the ability to prove citizenship and a requirement that one do so is foreign to us nor is it the case under this bill that would be exceptionally difficult, because even if you are one of those rare individuals who, for whatever reason, doesn't have or have access to a birth certificate or something else that can prove it, we have got a long list of other ways you can do it even if you lack the traditionally utilized documentation.

This bill allows all American citizens to vote. More importantly, if enacted, it would mean that no American vote could be canceled out by a vote cast illegally by a noncitizen. This bill would make it harder to cheat in elections and ensure the integrity of every ballot lawfully cast.

There is no valid argument against the SAVE Act—none. The only reason to oppose this bill would exist if you needed illegal votes to win elections—full stop. That is it.

By passing the SAVE Act, we would send a clear message that in the United States of America, voting is not just a privilege of citizenship but a cherished and protected right. As debates about election integrity rage, the SAVE Act stands out by guaranteeing that only American citizens can have a say in our elections. American elections must be decided by American voters—full stop.

So, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 8281, which is at the desk; further, that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER (Mr. BOOKER). Is there an objection?

The Senator from California.

Mr. PADILLA. Mr. President, in reserving the right to object, I ask you this: How many times do we have to go through this?

Less than 2 months ago, I came down to the floor of the Senate to object to this very same bill—expressing concerns, answering questions—and here we are again, and nothing has changed. So it doesn't matter how many times this bill comes to the floor. It doesn't matter how many times our Republican colleagues feign outrage over noncitizens unlawfully voting—without a shred of evidence—it doesn't change the fact that, as good as the proponents may make this bill sound or try to make this bill sound, it is nothing other than a solution in search of a problem.

Now, I speak both as a Senator representing California but also as a former chief elections officer of California, where I—as the secretaries of

State across the country, by the way—worked alongside tireless election clerks and administrators across the political spectrum at the State and local levels. Given that experience, I can tell you this: There is no credible evidence of a meaningful number of noncitizens voting in our elections. In 2016, audits showed that noncitizens accounted for 0.0001 percent of the vote.

Even the conservative Cato Institute has said:

Noncitizens don't illegally vote in detectable numbers.

Now, I am glad Senator LEE mentions the National Voter Registration Act because, as he pointed out, it was upheld by the Supreme Court of the United States in terms of its guidance of what States can and should do and what they cannot do. He also didn't mention that the National Voter Registration Act was adopted on an overwhelming bipartisan vote of Congress.

But, rather than propose legislation based on facts, this bill would respond to the alarming allegations that Republicans themselves have fabricated. It would create more barriers to exercising the right to vote and would restrict ballot access for even more Americans than is currently the case. It would make voting harder for the more than 21 million eligible voters in America who can't easily access their proof of citizenship.

I don't know about you. I am not in the habit of carrying around my birth certificate or even my passport. Not everybody has a passport. It doesn't mean you are not a citizen if you don't carry a passport. And I am not just talking about Democrats or Republicans; I am talking about Americans of both political parties. The bill would clearly, also, disproportionately impact voters in communities of color.

In addition, this bill seeks to undermine faith in our elections by injecting fear and uncertainty, particularly in an election cycle, at a time when our democracy demands more calm and understanding of the integrity of the process.

But Senator LEE and I agree on one thing, believe it or not. That is that voting is a sacred responsibility and that the right to vote, in and of itself, is fundamentally sacred.

So to my colleagues on both sides of the aisle, if you are truly worried about the election and our democracy, then I will ask you this: Join me. Join me in passing the Freedom to Vote Act and making sure that all eligible Americans—yes, only U.S. citizens—can make their voices heard at the ballot box without any unnecessary barriers or obstacles.

It is the most American and the most bipartisan thing that we could do. But until then, let's be honest with the American people.

So, yes, Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Utah.

Mr. LEE. Mr. President, I appreciate how the Presiding Officer always

speaks loud enough so that everyone can hear. The Presiding Officer also manages the floor with great assertiveness, which I also appreciate.

I am grateful to my friend and colleague, the distinguished Senator from California, and his thoughtful approach to legislation.

There are some things that he said that I feel that I need to address. One of them is a reference to a belief that there is no credible evidence of noncitizens voting, at least no credible evidence of noncitizens voting in any significant numbers.

Well, there are studies that go in exactly the opposite direction, studies like the one that I cited just moments ago showing that it is a nontrivial sum, such that if even something at the low end of the percentages cited in that study were correct, that could easily be enough to sway the outcome of some elections.

But, regardless, what my friend is referring to has to be taken with a grain of salt, considering how things have changed on the ground. The numerator and the denominator of that fraction have changed over the last few years, where we have now got about 30 million noncitizens living in the United States, with about 10 million who have come in who are illegally in the United States now, who entered this country unlawfully and are now living in the United States. That is not a nontrivial sum when that many people entered the United States that quickly. And when you have now got all 50 States and DC that issue driver's licenses to noncitizens; that, coupled with the National Voter Registration Act—and the way the National Voter Registration Act was interpreted a few years ago by the Supreme Court of the United States saying that the State officials who processed those Federal forms submitted under the NVRA so that people can register to vote in Federal elections while applying for their driver's license, that creates a toxic soup in which there is an environment just rife with opportunities for foreign interference in U.S. elections.

You cannot add this many noncitizens, legal or illegal noncitizens, to the United States in this short of a period of time and couple it with that kind of voter registration framework and not anticipate that there will be significant numbers of people who will end up registering to vote—some perhaps somewhat innocently, perhaps others less innocently. I don't know. But it would be supremely naive and, worse than that, willfully—willfully—blind to what we all know is going to happen unless we pass this.

Now, the House of Representatives passed this bill yesterday, which gets to another point made by my colleague saying that we have been down here over and over and over again doing this bill. I am not sure what he is referring to. The bill hasn't even been around that long, but something material changed yesterday.

Yesterday, the House version of the SAVE Act, which is the version that I am coming to the floor today to propose, the one that I just tried to pass by unanimous consent moments ago before it was met with the objection of the Senator from California, that bill was passed yesterday, less than 24 hours ago, by the House of Representatives, with bipartisan support, I would add—not just Republicans over there, some Democrats who are concerned, with very good reason, joined with Republicans in order to get this thing passed.

So to say that this is an area in which there is no credible evidence of any need to act is science fiction fantasy. It is contrary to fact. It is contrary to logic. It is contrary to our human understanding of nature, contrary to our understanding of the National Voter Registration Act and how it has been interpreted by the Supreme Court of the United States and how elections work.

As to my colleague's suggestion that this is feigned outrage—feigned outrage—that is animating this, nothing could be further from the truth. Look, I wish this could be feigned. I wish I had the luxury of this being something that was feigned. This is serious business.

We lose something as Americans, certainly, anytime we allow our elections to be vulnerable to interference from forces outside the United States, including foreign nationals, non-U.S. citizens inside this country.

When that happens, when the public starts to perceive that others are voting in this, diluting their votes, that has deleterious effects on the effective operation of our republican form of government that are very difficult to recapture once they are lost. We can't treat this casually.

Look, I will be back. It is unfortunate that we weren't able to pass this today.

Let me restate the point I made earlier: There is not a legitimate reason to oppose this bill. We make it incredibly easy under this bill for any American. If you are an American citizen, you can easily prove your citizenship and you can do it in the way this bill requires and you can still vote. It is not hard. It is not expensive. It need not require anyone to spend a dime, a nickel, or even a penny. It just requires you to be an American.

There is not a legitimate reason to oppose this bill. There is not a logical reason to oppose this bill, unless, of course, your objective is different, unless, of course, you are just fine with and in fact excited about or reliant upon noncitizens voting. That is alarming.

THE PRESIDING OFFICER. The Senator from Rhode Island.

U.S. SUPREME COURT

MR. WHITEHOUSE. Mr. President, I am back now for the 33rd time to keep shining a little light on the rightwing billionaires' covert scheme to capture and control our Supreme Court.

As a result of that scheme, the Court's rightwing just took a wrecking ball to the government's ability to protect Americans from big polluters and corporate cheaters.

This year's billionaire bonanza came through four decisions that gutted administrative Agencies' ability to do their job—perfect payback to the polluter billionaires who helped foot the bill to get these Justices onto the Court in the first place.

The first decision is *Ohio v. EPA*, where the Supreme Court undermined the Environmental Protection Administration's ability to enforce the "good neighbor" provision of the Clean Air Act, the provision that defends the air quality of "downwind" States like mine, Rhode Island, from powerplants and industrial facilities in "upwind" States, where sometimes they build the smokestacks extra high so that the pollution doesn't hit the polluting State, but it floats over and comes down and hits us in Rhode Island.

Without even full briefing on the merits, industry litigants succeeded in getting the Court to stall proposed clean air regulations and place a thumb on the scales in favor of polluters. At the hands of the Federalist Society Justices, the right of polluters to pollute beat the right of Rhode Islanders to breathe the clean air.

Then came *SEC v. Jarkesy*, where the rightwing Justices undercut the ability of Federal Agencies to hold fraudsters accountable through administrative enforcement proceedings.

The Court held that civil penalties for securities fraud required a jury trial under the Seventh Amendment, undermining administrative adjudication in all sorts of civil enforcement proceedings across the Federal Government—protecting consumers from predatory financial institutions, workers from unsafe conditions, and the environment against polluters.

I am angry that the Court picked this case to express concern about the right to a civil jury while it has been busily eroding that same civil jury right when doing so favored big corporations over regular people.

If you are a fraudster on the losing end of a regulatory violation, they are all about the Seventh Amendment. If you are a consumer or employee injured by a big business, off you go to private, secret, mandatory arbitration.

At the hands of the Federalist Society Justices, the right of fraudsters to commit fraud defeated the right of people to be protected from fraud.

In *Loper Bright Enterprises v. Raimondo*, the Court overruled 40 years of precedent granting what is called Chevron deference to Federal Agencies when they are implementing laws that protect health, safety, and the environment.

Chevron recognized that courts should defer to an executive Agency's reasonable interpretation of a statute it is charged with administering. Just reading that sentence tells you how

eminently reasonable the rule was. Plus, Congress can't be expected to make fine-grained determinations in technical areas that are best left to experts with decades of training and experience.

In *Loper*, the rightwing Justices removed that deference to expertise. The result? Look at this Washington Post headline: "Corporate lobbyists eye new lawsuits after supreme court limits federal power"—more ways for polluters to stall regulations with delays that could save polluters billions.

Just to read this text:

Mere hours after the Supreme Court sharply curbed the power of federal agencies, conservative and corporate lobbyists began plotting how to harness the favorable ruling in a redoubled quest to whittle down climate, finance, health, labor and technology regulations in Washington.

These cases are a power grab by a captured Court, transferring regulatory authority from an elected Congress and an elected executive to an unaccountable judiciary ill-suited to make such technical determinations.

Almost laughably, as they did this, Justice Gorsuch had to amend his opinion in that *Ohio v. EPA* case because he confused "nitrous oxide"—laughing gas—with "nitrogen oxides" that were the subject of that case. So much for judges knowing technical stuff better than the experts.

The right of Federalist Society judges to make up fake science for billionaires triumphed over the right of regular people to have real experts defend them.

Finally, in *Corner Post v. Federal Reserve*, the Court held that the 6-year statute of limitations to challenge a Federal Agency's action begins when a person or entity challenging a rule is allegedly injured—maybe decades after the rule became law.

Every regulation can now be litigated for eternity. Agencies will be perpetually vulnerable to litigation on every rulemaking stalled by deep-pocketed litigants armed with exotic legal theories and the backing of this captured Court.

As Justice Jackson wrote in her dissent in *Corner Post*:

The tsunami of lawsuits against agencies . . . has the potential to devastate the functioning of the Federal Government. Even more to the present point, that result simply cannot be what Congress intended when it enacted legislation that stood up and funded federal agencies and vested them with authority to set the ground rules for the individuals and entities that participate in our economy and our society.

At the hands of the Federalist Society Justices, the power of special interests to tangle up regulatory Agencies has defeated the right of taxpayers to protection from those special interests.

Here is how I explained that protection in my amicus brief in the *Loper* case:

Over the last century, our society has advanced remarkably. As industries and corporations grew, their motive to maximize profits caused social harms and threatened