

Regulations

The new major questions doctrine works not to better understand — but instead to trump — the scope of a legislative delegation. ...

In wielding the major-questions sword last Term and this one, this Court overrules those legislative judgments. The doctrine forces Congress to delegate in highly specific terms — respecting, say, loan forgiveness of certain amounts for borrowers of certain incomes during pandemics of certain magnitudes. Of course Congress sometimes delegates in that way. But also often not. ... It is hard to identify and enumerate every possible application of a statute to every possible condition years in the future. So, again, Congress delegates broadly. Except that this Court now won't let it reap the benefits of that choice.

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