

Press Release



Major Questions Doctrine and the Impact on Biden's Technology Priorities

PAULINA ENCK | JULY 14, 2022

The Supreme Court's recent decision in *West Virginia v. Environmental Protection Agency* will likely have wide-ranging implications for executive agencies' ability to issue rulemakings of "major economic and political significance," a standard established by the legal theory known as the "major questions doctrine." In a new insight, Director of Technology and Innovation Policy Jeffrey Westling considers the decision's potential impact on future policy initiatives from the Federal Communications Commission (FCC) and the Federal Trade Commission (FTC).

Key points:

- The Supreme Court recently held in *West Virginia v. EPA* that reviewing courts will not defer to executive branch agencies when making new policies on major questions.
- The decision may prevent the FCC and FTC from issuing significant policy rulemakings on issues such as network neutrality, unfair methods of competition, and privacy.
- Thus, if the executive branch wants to issue rulemakings with major economic or political significance, it must rely on Congress to pass laws granting it such authority.

[Read the analysis](#)