To amend title 5, United States Code, with respect to the judicial review of agency interpretations of statutory and regulatory provisions.
Mr. Carter of Texas, Mr. Graves of Louisiana, Mr. Tipton, Mr. Hill, Mr. Carter of Georgia, Mr. Emmer of Minnesota, Mr. Pearce, Mr. LaHood, Mr. Huizenga of Michigan, Mr. Huelskamp, Mr. Pittenger, Mr. Roe of Tennessee, Mrs. Wagner, Mr. Austin Scott of Georgia, Mr. Cramer, Mr. Rothfus, and Mr. Hudson

June 14, 2016

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 16, 2016]

A BILL

To amend title 5, United States Code, with respect to the judicial review of agency interpretations of statutory and regulatory provisions.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Separation of Powers
Restoration Act of 2016”.

SEC. 2. JUDICIAL REVIEW OF STATUTORY AND REGU-
LATORY INTERPRETATIONS.

Section 706 of title 5, United States Code, is amend-
ed—

(1) by striking “To the extent necessary” and in-
serting “(a) To the extent necessary”;

(2) by striking “decide all relevant questions of
law, interpret constitutional and statutory provisions,
and”;

(3) by inserting after “of the terms of an agency
action” the following “and decide de novo all relevant
questions of law, including the interpretation of con-
stitutional and statutory provisions, and rules made
by agencies. Notwithstanding any other provision of
law, this subsection shall apply in any action for ju-
dicial review of agency action authorized under any
provision of law. No law may exempt any such civil
action from the application of this section except by
specific reference to this section”; and
(4) by striking “The reviewing court shall—” and inserting the following:

“(b) The reviewing court shall—”.

Amend the title so as to read: “A bill to amend title 5, United States Code, to clarify the nature of judicial review of agency interpretations of statutory and regulatory provisions.”.
A BILL

[Report No. 114-622]

H. R. 4768

114TH CONGRESS

Union Calendar No. 483