

118TH CONGRESS
1ST SESSION

H. R. 288

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2023

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

To amend title 5, United States Code, to clarify the nature
of judicial review of agency interpretations of statutory
and regulatory provisions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Separation of Powers
3 Restoration Act of 2023” or “SOPRA”.

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

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

8 (1) by striking “To the extent necessary” and
9 inserting “(a) To the extent necessary”;

10 (2) by striking “decide all relevant questions of
11 law, interpret constitutional and statutory provi-
12 sions, and”;

13 (3) by inserting after “of the terms of an agen-
14 cy action” the following “and decide de novo all rel-
15 evant questions of law, including the interpretation
16 of constitutional and statutory provisions, rules
17 made by agencies, and interpretative rules, general
18 statements of policy, and all other agency guidance
19 documents. Notwithstanding any other provision of
20 law, this subsection shall apply in any action for ju-
21 dicial review of agency action authorized under any
22 provision of law. No law may exempt any such civil
23 action from the application of this section except by
24 specific reference to this section”; and

25 (4) by striking “The reviewing court shall—”
26 and inserting the following:

1 “(b) The reviewing court shall—”.

Passed the House of Representatives June 15, 2023.

Attest: CHERYL L. JOHNSON,
Clerk.

By LISA P. GRANT,
Deputy Clerk.