

Union Calendar No. 60

118TH CONGRESS
1ST SESSION

H. R. 288

[Report No. 118–83]

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2023

Mr. FITZGERALD (for himself, Mrs. MILLER of Illinois, Mr. DUNCAN, Mr. McCLINTOCK, Mr. BURGESS, Mr. BUCK, Mr. TIFFANY, Mr. BISHOP of North Carolina, Mr. JACKSON of Texas, and Mr. CLINE) introduced the following bill; which was referred to the Committee on the Judiciary

JUNE 1, 2023

Additional sponsors: Mr. JOHNSON of Louisiana, Ms. HAGEMAN, Mr. BRECHEEN, and Mr. FRY

JUNE 1, 2023

Reported with an amendment, 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 January 11, 2023]

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Separation of Powers*
5 *Restoration Act of 2023” or “SOPRA”.*

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

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

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

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

15 (3) *by inserting after “of the terms of an agency*
16 *action” the following “and decide de novo all relevant*
17 *questions of law, including the interpretation of con-*
18 *stitutional and statutory provisions, and rules made*
19 *by agencies. 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

1 (4) *by striking “The reviewing court shall—”*

2 *and inserting the following:*

3 “(b) *The reviewing court shall—*”.

Union Calendar No. 60

118TH CONGRESS
1ST Session

H. R. 288

[Report No. 118-83]

A BILL

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

JUNE 1, 2023

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