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115TH CONGRESS
1ST SESSION

H. R. 76

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 3, 2017

Mr. RATCLIFFE (for himself, Mr. GOODLATTE, Mr. SESSIONS, Mr. COLLINS of Georgia, Mr. HENSARLING, Mr. KING of Iowa, Mr. ROE of Tennessee, Mr. GOSAR, Mr. MARINO, Mr. CULBERSON, Mrs. BLACK, Mr. EMMER, Mr. GROTHMAN, Mr. LAMBORN, Mrs. WAGNER, Mr. LABRADOR, Mr. ISSA, Mr. TROTT, Mrs. MCMORRIS RODGERS, Mr. GRIFFITH, Mr. LOUDERMILK, Mr. BYRNE, Mr. RENACCI, Mr. BURGESS, Mr. YOHO, Mr. WALKER, Mr. ROKITA, Mr. CARTER of Georgia, Mr. CHABOT, Mr. PALMER, Mr. TIPTON, Mr. BARR, Mr. DUNCAN of South Carolina, Mr. BRIDENSTINE, Mr. HILL, Mr. HUDSON, Mr. HOLDING, Mr. OLSON, Mr. ROTHFUS, Mr. FRANKS of Arizona, Mr. MULLIN, Mrs. LOVE, Mr. BISHOP of Utah, Mr. MEADOWS, Mr. DESANTIS, Mr. MESSER, Mr. LUETKEMEYER, Mr. CHAFFETZ, Mr. WESTERMAN, Mr. WOODALL, and Mr. BROOKS of Alabama) introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

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

Be it enacted by the Senate and House of Representatives 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 2017''.

SEC. 2. JUDICIAL REVIEW OF STATUTORY AND REGULATORY INTERPRETATIONS.

Section 706 of title 5, United States Code, is amended—

(1) by striking ''To the extent necessary'' and inserting ''(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 constitutional and statutory provisions, and rules made by agencies. Notwithstanding any other provision of law, this subsection shall apply in any action for judicial 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—''.

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