118TH CONGRESS
2D SESSION

S. ____

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

_____

IN THE SENATE OF THE UNITED STATES

_____

Mr. SCHMITT introduced the following bill; which was read twice and referred
to the Committee on _____

_____

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 2024" 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—

1   (1) by striking "To the extent necessary" and

2 inserting "(a) To the extent necessary";

3   (2) in subsection (a), as so designated—

4   (A) by striking "decide all relevant ques-

5 tions of law, interpret constitutional and statu-

6 tory provisions, and";

7   (B) by inserting after "of the terms of an

8 agency action" the following "and decide de

9 novo all relevant questions of law, including the

10 interpretation of constitutional and statutory

11 provisions, rules made by agencies, and inter-

12 pretative rules, general statements of policy,

13 and all other agency guidance documents. Not-

14 withstanding any other provision of law, this

15 subsection shall apply in any action for judicial

16 review of agency action authorized under any

17 provision of law. No law may exempt any such

18 civil action from the application of this section

19 except by specific reference to this section"; and

20   (3) by striking "The reviewing court shall—"

21 and inserting the following:

22 "(b) The reviewing court shall—"; and

23   (4) by striking "In making the foregoing deter-

24 minations" and inserting the following:

25 "(c) In making the foregoing determinations".