

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 288
OFFERED BY M .

Strike all that follows after the enacting clause and insert the following:

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”;

(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

1 for judicial review of agency action authorized under
2 any provision of law. No law may exempt any such
3 civil action from the application of this section ex-
4 cept by specific reference to this section”; and
5 (4) by striking “The reviewing court shall—”
6 and inserting the following:
7 “(b) The reviewing court shall—”.

