

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 4768  
OFFERED BY MR. GOODLATTE OF VIRGINIA**

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 2016”.

**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, and rules  
17 made by agencies. Notwithstanding any other provi-  
18 sion 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—”.

Amend the title so as to read: “A bill to amend title  
5, United States Code, to clarify the nature of judicial re-  
view of agency interpretations of statutory and regulatory  
provisions.”.

