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:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Separation of Powers Restoration Act of 2023'' or ''SOPRA''.

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—''.

☒