

115TH CONGRESS
1ST SESSION

H. R. 3950

To specify the scope of judicial review of certain agency actions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 4, 2017

Mrs. LOVE (for herself, Mr. MITCHELL, Mr. RATCLIFFE, Mr. WALKER, Mr. GOWDY, Mr. LABRADOR, Ms. TENNEY, Mr. HILL, and Mr. LUETKEMEYER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To specify the scope of judicial review of certain agency actions, and for other purposes.

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 “Judicial Review Im-
5 provement Act of 2017”.

6 **SEC. 2. SCOPE OF JUDICIAL REVIEW OF AGENCY ACTIONS.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, in any judicial review of an agency action pur-
9 suant to chapter 7 of title 5, United States Code, to the

1 extent necessary to decide when presented, the reviewing
2 court shall determine the meaning or applicability of the
3 terms of an agency action and decide de novo all relevant
4 questions of law, including the interpretation of constitu-
5 tional and statutory provisions and rules made by an agen-
6 cy. If the reviewing court determines that a statutory or
7 regulatory provision relevant to its decision contains a gap
8 or ambiguity, the court shall not interpret that gap or am-
9 biguity as an implicit delegation to the agency of legisla-
10 tive rulemaking authority and shall not rely on such gap
11 or ambiguity as a justification either for interpreting agen-
12 cy authority expansively or for deferring to the agency's
13 interpretation on the question of law. Notwithstanding any
14 other provision of law, this Act shall apply in any action
15 for judicial review of agency action authorized under any
16 provision of law. No law may exempt any such civil action
17 from the application of this Act except by specific ref-
18 erence to this Act.

19 (b) AGENCY DEFINED.—For purposes of this section,
20 the term “agency” means the Board of Governors of the
21 Federal Reserve System, the Bureau of Consumer Finan-
22 cial Protection, the Commodity Futures Trading Commis-
23 sion, the Federal Deposit Insurance Corporation, the Fed-
24 eral Housing Finance Agency, the Office of the Comp-

1 troller of the Currency, the National Credit Union Admin-
2 istration, and the Securities and Exchange Commission.

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