

119TH CONGRESS
1ST SESSION

S. 33

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

JANUARY 8, 2025

Mr. SCHMITT (for himself, Mr. CRUZ, Mr. CRAMER, Mr. PAUL, Ms. ERNST, Mr. BUDD, Mrs. BLACKBURN, Mrs. BRITT, and Mr. HAGERTY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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 2025” 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) by striking “To the extent necessary” and inserting “(a) To the extent necessary”;

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

(A) by striking “decide all relevant questions of law, interpret constitutional and statutory provisions, and”;

(B) 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, rules made by agencies, and interpretative rules, general statements of policy, and all other agency guidance documents. 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

(3) by striking “The reviewing court shall—” and inserting the following:

“(b) The reviewing court shall—”; and

(4) by striking “In making the foregoing determinations” and inserting the following:

1 “(c) In making the foregoing determinations”.

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