

Union Calendar No. 483

114TH CONGRESS
2D SESSION

H. R. 4768

[Report No. 114-622]

To amend title 5, United States Code, with respect to the judicial review of agency interpretations of statutory and regulatory provisions.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2016

Mr. RATCLIFFE (for himself, Mr. GOODLATTE, Mr. MARINO, Mr. CHAFFETZ, Mr. BUCK, Mr. YOHO, Mr. KING of Iowa, Mr. BYRNE, Mr. BRAT, Mrs. LOVE, Mr. BROOKS of Alabama, Mr. BABIN, Mr. SALMON, Mr. HENSARLING, Mr. ROUZER, Mr. BISHOP of Michigan, Mr. PALMER, Mr. MESSER, Mr. MULVANEY, Mr. LABRADOR, Mr. TROTT, Mr. MULLIN, Mr. SCHWEIKERT, Mr. DESANTIS, Mr. LOUDERMILK, Mr. ISSA, Mr. WESTERMAN, Mr. BURGESS, Mr. CULBERSON, Mrs. LUMMIS, Mr. WALKER, Mr. OLSON, Mr. SMITH of Missouri, Mr. KELLY of Pennsylvania, Mr. RENACCI, Mr. LAMALFA, Mr. SENSENBRENNER, Mr. GOSAR, Mrs. MCMORRIS RODGERS, Mr. COLLINS of Georgia, Mr. GRAVES of Georgia, Mr. CHABOT, Mr. FRANKS of Arizona, Mr. FARENTHOLD, Mr. GRIFFITH, and Mr. SMITH of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

JUNE 14, 2016

Additional sponsors: Mr. JODY B. HICE of Georgia, Mr. MILLER of Florida, Mr. AMODEI, Mr. BISHOP of Utah, Mr. ROSS, Mr. KELLY of Mississippi, Mr. KNIGHT, Mr. WALBERG, Mr. HARDY, Mr. ALLEN, Mr. FORBES, Mr. BRADY of Texas, Mr. ROKITA, Mr. STEWART, Mr. TOM PRICE of Georgia, Mr. LUETKEMEYER, Mr. MEADOWS, Mr. MCCAUL, Mr. LAMBORN, Mr. POSEY, Mr. WEBER of Texas, Mrs. MIMI WALTERS of California, Mr. POE of Texas, Mr. GIBBS, Mr. RIBBLE, Mr. SESSIONS, Mr. SAM JOHNSON of Texas, Mr. HURD of Texas, Mr. MCCLINTOCK, Mr. MARCHANT, Mr. RIGELL, Mr. MCHENRY, Mr. DUNCAN of South Carolina, Mr. GUINTA, Mr. RODNEY DAVIS of Illinois, Mr. FINCHER, Mr. JORDAN, Mr. GOHMERT, Mr. BARR, Mr. GARRETT, Mr. BRIDENSTINE, Mrs. BLACK, Mr. FLORES, Mr. DESJARLAIS, Mr. WESTMORELAND, Mr. YODER, Mr. WILLIAMS, Mr. NEUGEBAUER, Mr. HOLDING, Mr. GOWDY, Mr. SHIMKUS,

Mr. CARTER of Texas, Mr. GRAVES of Louisiana, Mr. TIPTON, Mr. HILL, Mr. CARTER of Georgia, Mr. EMMER of Minnesota, Mr. PEARCE, Mr. LAHOOD, Mr. HUIZENGA of Michigan, Mr. HUELSKAMP, Mr. PITTFINGER, Mr. ROE of Tennessee, Mrs. WAGNER, Mr. AUSTIN SCOTT of Georgia, Mr. CRAMER, Mr. ROTHFUS, and Mr. HUDSON

JUNE 14, 2016

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 16, 2016]

A BILL

To amend title 5, United States Code, with respect to the 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 2016”.*

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—*

10 (1) *by striking “To the extent necessary” and in-*
11 *serting “(a) To the extent necessary”;*

12 (2) *by striking “decide all relevant questions of*
13 *law, interpret constitutional and statutory provisions,*
14 *and”;*

15 (3) *by inserting after “of the terms of an agency*
16 *action” the following “and decide de novo all relevant*
17 *questions of law, including the interpretation of con-*
18 *stitutional and statutory provisions, and rules made*
19 *by agencies. Notwithstanding any other provision of*
20 *law, this subsection shall apply in any action for ju-*
21 *dicial review of agency action authorized under any*
22 *provision of law. No law may exempt any such civil*
23 *action from the application of this section except by*
24 *specific reference to this section”;* and

- 1 (4) *by striking “The reviewing court shall—”*
2 *and inserting the following:*
3 “(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 review of agency interpretations of statutory and regulatory provisions.”.

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