

**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.”.

