

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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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IN THE SENATE OF THE UNITED STATES

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Mr. SCHMITT introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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 (1) by striking “To the extent necessary” and  
2 inserting “(a) To the extent necessary”;

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

4 (A) by striking “decide all relevant ques-  
5 tions of law, interpret constitutional and statu-  
6 tory provisions, and”;

7 (B) by inserting after “of the terms of an  
8 agency action” the following “and decide de  
9 novo all relevant questions of law, including the  
10 interpretation of constitutional and statutory  
11 provisions, rules made by agencies, and inter-  
12 pretative rules, general statements of policy,  
13 and all other agency guidance documents. Not-  
14 withstanding any other provision of law, this  
15 subsection shall apply in any action for judicial  
16 review of agency action authorized under any  
17 provision of law. No law may exempt any such  
18 civil action from the application of this section  
19 except by specific reference to this section”; and

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

22 “(b) The reviewing court shall—”; and

23 (4) by striking “In making the foregoing deter-  
24 minations” and inserting the following:

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