



Fact Sheet | June 12, 2023

Oppose the Separation of Powers Restoration Act (H.R. 288)

Instead Support and Cosponsor the Stop Corporate Capture Act (H.R. 1507)

The Separation of Powers Restoration Act (SOPRA, H.R. 288) is problematic legislation that would weaken our system of regulatory safeguards by enabling judicial policymaking at the expense of agency expertise and congressional authority, thereby resulting in unpredictable outcomes and regulatory uncertainty for all stakeholders.

SOPRA would thwart updates to public protections.

If passed, SOPRA would prevent many critical updates to public protections, especially those that ensure clean air and water, safe food and consumer products, safe workplaces, and a stable, prosperous economy.

SOPRA would reverse the bedrock legal principle of *Chevron* deference.

SOPRA attempts to reverse a fundamental and well-settled legal principle that has long effectively guided our regulatory system and provided a vital check on judicial overreach. It strives to abolish judicial deference to agencies' statutory interpretations in rulemaking by requiring a court to decide all relevant questions of law *de novo* – that is, from scratch without considering any of the analysis that agencies may have already performed on these questions. Such deference was established as bedrock administrative law doctrine by the U.S. Supreme Court in the 1984 case *Chevron v. Natural Resources Defense Council* and came to be referred to as *Chevron* deference. *Chevron* deference has been upheld by hundreds of federal courts since and has been endorsed by both conservative and liberal Supreme Court justices and federal court judges.

SOPRA will weaken the regulatory process.

In practice, abolishing *Chevron* deference would make the current problems in our country's regulatory process much worse in several ways. SOPRA would lead to even more regulatory delays by tying up rules in the courts, particularly for those "economically significant" or

“major” new rules that provide the greatest benefits to the public’s health, safety, and financial security. Furthermore, it would politicize the rulemaking process by subjecting rules to the whims of activist judges who may have anti-regulatory biases about regulations or only support regulations when they align with their personal political ideology (e.g., regulating people’s right to privacy, including their reproductive decisions).

The Stop Corporate Capture Act would strengthen our regulatory system.

The Stop Corporate Capture Act (H.R. 1507) would strengthen our regulatory system. This legislation would reduce special interest influence on the rulemaking process, increase transparency around federal agency decision-making, clear procedural bottlenecks that delay regulatory protections, empower the public to hold agencies accountable for enforcing the rules, and build a foundation for consideration of social equity in the rulemaking process. This bill also would codify *Chevron* deference, ensuring that the interpretation of agency experts with deep knowledge of rulemakings is prioritized. [Polls](#) consistently show that the American people support public protections, and the Stop Corporate Capture Act would create a rulemaking process that works for the people and leads to stronger safeguards.

Please oppose SOPRA and cosponsor the Stop Corporate Capture Act to show your support for an inclusive and equitable regulatory process that works in the public interest.

For additional information, contact Rachel Weintraub at rweintraub@sensiblesafeguards.org and visit the Coalition for Sensible Safeguards’ page on the Separation of Powers Restoration Act: <https://sensiblesafeguards.org/issues/separation-powers-restoration-act/>.

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