



**EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503**

June 6, 2023  
(House)

## **STATEMENT OF ADMINISTRATION POLICY**

### **H.R. 288 – Separation of Powers Restoration Act of 2023**

(Rep. Fitzgerald, R-WI, and 13 cosponsors)

The Administration strongly opposes passage of H.R. 288, the Separation of Powers Restoration Act of 2023. This bill would undermine separation of powers, a fundamental element of our government, by attempting to jettison longstanding principles concerning judicial review of agency interpretation and implementation of laws and regulations. Federal courts have invoked these principles in thousands of decisions, and Congress has repeatedly legislated against their backdrop. Agency interpretations that have been upheld under these principles have promoted economic growth, clean air and water, safe and healthy food, civil rights, public safety, crime reduction, wage increases, lowering costs, and safe working conditions. The public, and regulated entities, have relied on those interpretations for decades and H.R. 288 would upset this balance. By displacing the role that agencies supervised by the President play in implementing the statutory and regulatory provisions Congress has charged them with administering, H.R. 288 would undermine not only separation of powers, but also political accountability, national uniformity, and predictability. It would also fail to respect the expertise agencies can bring to bear in administering complex statutory schemes.

If Congress were to pass H.R. 288, the President would veto it.

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