

**AMENDMENT TO THE AMENDMENT OFFERED BY  
Ms. ESHOO AND MR. PALLONE  
OFFERED BY M . \_\_\_\_\_**

Page 7, strike line 3 and all that follows through page 8, line 12 (and redesignate subsequent provisions accordingly).

Page 14, after line 25, insert the following (and redesignate subsequent provisions accordingly):

1       “(k) REQUIREMENTS FOR ADOPTION OF RULES  
2 WITH AN ECONOMICALLY SIGNIFICANT IMPACT.—

3               “(1) IN GENERAL.—If a rule or an amendment  
4 of an existing rule may have an economically signifi-  
5 cant impact, the Commission may not adopt the rule  
6 or amendment unless the order making the adoption  
7 or amendment contains—

8                       “(A) an identification and analysis of the  
9 specific market failure, actual consumer harm,  
10 burden of existing regulation, or failure of pub-  
11 lic institutions that warrants the adoption or  
12 amendment; and

13                       “(B) a reasoned determination that the  
14 benefits of the rule or amendment justify its

1 costs (recognizing that some benefits and costs  
2 are difficult to quantify), taking into account  
3 alternative forms of regulation and the need to  
4 tailor regulation to impose the least burden on  
5 society, consistent with obtaining regulatory ob-  
6 jectives.

7 “(2) EXCEPTION.—Paragraph (1) does not  
8 apply in the case of a rule or an amendment of an  
9 existing rule with respect to which section 553(b) of  
10 title 5, United States Code, does not apply by reason  
11 of the third sentence of such section.

12 “(3) ECONOMICALLY SIGNIFICANT IMPACT DE-  
13 FINED.—In this subsection, the term ‘economically  
14 significant impact’ means an effect on the economy  
15 of \$100,000,000 or more annually or a material ad-  
16 verse effect on the economy, a sector of the econ-  
17 omy, productivity, competition, jobs, the environ-  
18 ment, public health or safety, or State, local, or trib-  
19 al governments or communities.

Page 16, beginning on line 3, strike “‘agency ac-  
tion’”.

Page 16, line 4, strike “, and” and insert “and”.

