

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 4768  
OFFERED BY MR. JOHNSON**

Page 1, line 9, insert after "extent necessary" the following " , and except as otherwise provided in this section".

Page 2, line 7, insert before the period at the end the following:

1 **"SEC. 3. EXCEPTED RULES.**

2 "Section 706 of title 5, United States Code, as  
3 amended by this Act, is further amended by adding at the  
4 end the following:

5 "(c) In the case of a rule made pursuant to an ex-  
6 plicit grant of authority in any statute, to the extent nec-  
7 essary to decision and when presented, the reviewing court  
8 shall decide all relevant questions of law, interpret con-  
9 stitutional and statutory provisions, and determine the  
10 meaning or applicability of the terms of an agency ac-  
11 tion.'."

