

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 358
OFFERED BY M. _____**

Page 25, insert after line 19 the following (and conform succeeding provisions accordingly):

1 (b) DEFERENCE TO FACTUAL FINDINGS.—Section
2 611 of title 5, United States Code, is amended by adding
3 at the end the following:

4 “(e) In an action for judicial review of a rule, the
5 court shall defer to the factual findings of the agency with
6 respect to whether such rule is likely to have a significant
7 economic impact on a substantial number of small enti-
8 ties.”.

