

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

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 by the Commissioner
6 of Food and Drugs of the Food and Drug Administration
7 that pertains to consumer safety, to the extent necessary
8 to decision and when presented, the reviewing court shall
9 decide all relevant questions of law, interpret constitu-
10 tional and statutory provisions, and determine the mean-
11 ing or applicability of the terms of an agency action.’”.

