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**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 2868  
OFFERED BY MR. UPTON**

Page 61, after line 13, insert the following:

1       “(g) INAPPLICABILITY.—This section shall not apply  
2 with respect to a covered chemical facility during any pe-  
3 riod for which the Secretary, in consultation with the Sec-  
4 retary of Labor, determines that, as a result of the imple-  
5 mentation this section, the number of individuals em-  
6 ployed at covered chemical facilities is projected to be 15  
7 percent less than the number of individuals so employed  
8 as of the date of enactment of this title.

