

**AMENDMENT TO H.R. 4612**  
**OFFERED BY MR. Cummings**

Page 3, after line 21, insert the following new sub-  
section:

1       (c) REGULATORY FLEXIBILITY AGENDA EXCEP-  
2 TION.—Section 2 shall not apply to a midnight rule that  
3 is published in the regulatory flexibility agenda pursuant  
4 to section 602 of title 5, United States Code, and that  
5 has been included in the Unified Regulatory Agenda sub-  
6 mitted pursuant to Executive Order 12886 (5 U.S.C. 601  
7 note; relating to regulatory planning and review) for at  
8 least one year.

