Page 23, add the following after line 24 and redesignate succeeding sections (and references thereto) accordingly:

SEC. 9. EXEMPTION FOR CERTAIN RULES.

(a) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following new section:

“§ 613. Exemption for certain rules

“Sections 601 through 612, as amended by the Regulatory Flexibility Improvements Act of 2011, shall not apply in the case of any rule that relates to the safety of food, the safety of the workplace, air quality, the safety of consumer products, or water quality. The provisions of this chapter, as in effect before the enactment of the Regulatory Flexibility Improvements Act of 2011, shall continue to apply, after such enactment, to any rule described in the preceding sentence.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 5, United States Code, is amended
by adding after the item relating to section 612 the following new item:

“613. Exemption for certain rules.”.

Page 24, line 13, insert after “5” the following:
“(other than rules to which section 613 of title 5 applies)”.

Page 27, lines 5 and 6, strike “The agency shall” and insert the following:

“(A) IN GENERAL.—Subject to subparagraph (B), the agency shall”.

Page 27, line 18, strike the quotation marks and second period.

Page 27, add the following after line 18:

“(B) TREATMENT OF CERTAIN RULES.—In the case of any rule that relates to the safety of food, the safety of the workplace, air quality, the safety of consumer products, or water quality, this paragraph as in effect before the enactment of the Regulatory Flexibility Improvements Act of 2011, shall continue to apply, after such enactment, to any such rule, in lieu of subparagraph (A).”.

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