

*Gene McCaskill*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To establish within the Environmental Protection Agency the position of Chief Agriculture Counselor.

IN T	<b>AMENDMENT N<sup>o</sup> 2308</b>	Sess.
By	<i>McCaskill</i>	
To 1	<i>S. 3240</i>	for
Ref	<i>3</i>	and
	<b>Page(s)</b>	

GPO: 2010 68-076 (mac)

AMENDMENT intended to be proposed by Mrs. MCCASKILL

Viz:

1 On page 1009, after line 11, add the following:

2 **SEC. 12207. CHIEF AGRICULTURE COUNSEL; RULES SIG-**

3 **NIFICANTLY AFFECTING AGRICULTURE IN**

4 **THE UNITED STATES.**

5 (a) DEFINITION OF ADMINISTRATOR.—The term

6 “Administrator” means Administrator of the Environ-

7 mental Protection Agency.

8 (b) CHIEF AGRICULTURE COUNSEL.—

9 (1) IN GENERAL.—There shall be in the Envi-

10 ronmental Protection Agency a Chief Agriculture

11 Counsel, who shall be appointed by the President

12 from among persons who—

1 (A) have been nominated by the Secretary  
2 of Agriculture and the Administrator of the En-  
3 vironmental Protection Agency; and

4 (B) have significant experience in agri-  
5 culture.

6 (2) DUTIES.—

7 (A) IN GENERAL.—The Chief Agriculture  
8 Counsel shall perform such functions and duties  
9 as the Administrator shall prescribe, consistent  
10 with this Act.

11 (B) REQUIREMENTS.—The duties of the  
12 Chief Agriculture Counsel shall include, at a  
13 minimum, a review of each rule promulgated by  
14 the Administrator of the Environmental Protec-  
15 tion Agency to determine whether the rule im-  
16 pacts agriculture in the United States.

17 (c) RULES SIGNIFICANTLY AFFECTING AGRI-  
18 CULTURE IN THE UNITED STATES.—

19 (1) IN GENERAL.—If the Chief Agriculture  
20 Counsels determines that a rule promulgated by the  
21 Administrator will significantly affect agriculture in  
22 the United States, the Chief Agriculture Counsel  
23 shall submit to the Administrator and include in the  
24 official record of the rulemaking a written report  
25 that contains—

1 (A) an impact analysis of the manner in  
2 which the rule will impact agriculture in the  
3 United States;

4 (B) any recommendations of the Chief Ag-  
5 riculture Counsel for changes to the rule to en-  
6 sure that the rule is not unreasonably burden-  
7 some on agricultural producers; and

8 (C) a list of reasons why the rule should  
9 or should not become final.

10 (2) EFFECT.—A rule described in paragraph  
11 (1) shall not take effect until the date on which the  
12 Administrator publishes in the Federal Register a  
13 detailed description of the manner by which the Ad-  
14 ministrator responded to the report of the Chief Ag-  
15 riculture Counsel.