

113TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To establish a regulatory review process for rules that the Administrator of the Environmental Protection Agency plans to propose, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. KIRK (for himself and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To establish a regulatory review process for rules that the Administrator of the Environmental Protection Agency plans to propose, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REGULATORY REVIEW BY THE SECRETARY OF**  
4 **AGRICULTURE.**

5 (a) DEFINITIONS.—In this section:

6 (1) ADMINISTRATOR.—The term “Adminis-  
7 trator” means the Administrator of the Environ-  
8 mental Protection Agency.

1           (2) AGRICULTURAL ENTITY.—The term “agri-  
2           cultural entity” means an entity that is involved in  
3           or relates to agricultural enterprise, including an en-  
4           terprise that is engaged in the business of—

5                   (A) producing food and fiber;

6                   (B) ranching and raising of livestock;

7                   (C) aquaculture; and

8                   (D) any other farming- and agriculture-re-  
9           lated activities.

10           (3) SECRETARY.—The term “Secretary” means  
11           the Secretary of Agriculture.

12           (b) REVIEW OF REGULATORY AGENDA.—The Sec-  
13           retary shall review each notice issued by the Administrator  
14           and published in the Federal Register relating to the prep-  
15           aration of any guidance, policy, memorandum, regulation,  
16           or statement of general applicability and future effect that  
17           may have a significant impact on a substantial number  
18           of agricultural entities, including—

19                   (1) any regulatory agenda published by the Ad-  
20           ministrator under section 602 of title 5, United  
21           States Code;

22                   (2) any regulation plan or agenda published by  
23           the Administrator or the Director of the Office of  
24           Management and Budget pursuant to an Executive  
25           order, including Executive Order 12866 (5 U.S.C.

1 601 note; relating to regulatory planning and re-  
2 view); and

3 (3) any other publication issued by the Admin-  
4 istrator or the Director of the Office of Management  
5 and Budget that may reasonably be foreseen to con-  
6 tain a notice of a plan by the Administrator to pre-  
7 pare any guidance, policy, memorandum, regulation,  
8 or statement of general applicability and future ef-  
9 fect that may have a significant impact on a sub-  
10 stantial number of agricultural entities.

11 (c) INFORMATION GATHERING.—For a publication  
12 item reviewed under subsection (b) that the Secretary de-  
13 termines may have a significant impact on a substantial  
14 number of agricultural entities, the Secretary shall—

15 (1) solicit from the Administrator any informa-  
16 tion the Administrator may provide to facilitate a re-  
17 view of the publication item;

18 (2) acting through the Chief Economist of the  
19 Department of Agriculture, produce an economic im-  
20 pact statement for the publication item that contains  
21 a detailed estimate of potential costs to agricultural  
22 entities;

23 (3) identify individuals representative of poten-  
24 tially affected agricultural entities for the purpose of  
25 obtaining advice and recommendations from those

1 individuals about the potential impacts of the publi-  
2 cation item; and

3 (4) convene a review panel for analysis of the  
4 publication item that includes the Secretary, any  
5 full-time Federal employee of the Department of Ag-  
6 riculture appointed to the panel by the Secretary,  
7 and any employee of the Environmental Protection  
8 Agency or the Office of Information and Regulatory  
9 Affairs of the Office of Management and Budget  
10 that accepts an invitation from the Secretary to par-  
11 ticipate in the panel.

12 (d) DUTIES OF THE REVIEW PANEL.—A review  
13 panel convened for a publication item under subsection  
14 (c)(4) shall—

15 (1) review any information or material obtained  
16 by the Secretary and prepared in connection with  
17 the publication item, including any draft proposed  
18 guidance, policy, memorandum, regulation, or state-  
19 ment of general applicability and future effect;

20 (2) collect advice and recommendations from  
21 agricultural entity representatives identified by the  
22 Administrator after consultation with the Secretary;

23 (3) compile and analyze the advice and rec-  
24 ommendations; and

1           (4) make recommendations to the Secretary  
2 based on the information gathered by the review  
3 panel or provided by agricultural entity representa-  
4 tives.

5 (e) COMMENTS.—

6           (1) IN GENERAL.—Not later than 60 days after  
7 the date on which the Secretary convenes a review  
8 panel under subsection (c)(4), the Secretary shall  
9 submit to the Administrator comments on the  
10 planned or proposed guidance, policy, memorandum,  
11 regulation, or statement of general applicability and  
12 future effect for consideration and inclusion in any  
13 related administrative record, including—

14                   (A) a report by the Secretary on the con-  
15                   cerns of agricultural entities;

16                   (B) the findings of the review panel;

17                   (C) the findings of the Secretary, including  
18                   any adopted findings of the review panel; and

19                   (D) recommendations of the Secretary.

20           (2) PUBLICATION.—The Secretary shall publish  
21 the comments under paragraph (1) in the Federal  
22 Register and make the comments available to the  
23 public on the public Internet site of the Department  
24 of Agriculture.

1           (f) WAIVERS.—The Secretary may waive initiation of  
2 the review panel under subsection (c)(4) as the Secretary  
3 determines appropriate.