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United States Senate

COMMITTEE ON
GOVERNMENTAL AFFAIRS
WASHINGTON, D.C. 20510

March 19, 1981

Honorable Joseph Hendrie
Chairman
Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D. C. 20555

Re: S. 400

Dear Mr. Hendrie:

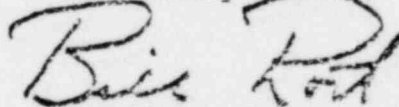
I have enclosed a copy of a bill which has been referred to the Committee on Governmental Affairs.

The Committee would appreciate your views regarding the provisions of this bill and any recommendations which you may have concerning possible Committee action.

All correspondence should be addressed to the Committee on Governmental Affairs and sent to the attention of Miss Pauline Hildebrandt (224-7462).

Thanking you for your assistance, I am

Sincerely yours,



William V. Roth, Jr.
Chairman

Enclosure

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97TH CONGRESS
1ST SESSION

S. 400

To reduce duplicative and conflicting Federal rules or regulations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5 (legislative day, JANUARY 5), 1981

Mr. BENTSEN introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To reduce duplicative and conflicting Federal rules or regulations, 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 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Regulatory
5 Conflicts Elimination Act of 1981".

6 STATEMENT OF FINDINGS AND POLICY

7 SEC. 2. (a) The Congress finds and declares that—
8 (1) duplication among Federal rules, regulations,
9 and data collection requirements often impose exces-

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1 sive and unnecessary costs and burdens on the private
2 sector;

3 (2) conflicts between rules or regulations promul-
4 gated by the different executive departments and inde-
5 pendent agencies impose excess costs on the private
6 sector, create uncertainty, result in unintentional viola-
7 tions by persons required to comply with such rules
8 and regulations, and create a disregard for the spirit
9 and intent of such rules and regulations; and

10 (3) such duplicative and conflicting rules or regu-
11 lations are a source of inefficiency in Government,
12 thereby reducing the productivity of Government em-
13 ployees and increasing Federal taxes.

14 (b) It is the purpose of this Act to reduce or eliminate
15 duplicative and conflicting rules or regulations among
16 Federal agencies.

17 DEVELOPMENT OF REGULATORY COST ANALYSIS

18 PROCEDURES

19 SEC. 3. (a) The President, in a time and manner consist-
20 ent with his responsibilities under section 5, shall—

21 (1) establish criteria for use in the determination
22 of which rules or regulations are within the definition
23 of rule or regulation established in section 7; and

24 (2) determine criteria for use by the heads of the
25 Federal executive departments and independent agen-

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1 cies in examining the costs of compliance with Federal
2 rules or regulations.

3 (b) The President shall transmit the criteria developed
4 under this section to the head of each executive department
5 and independent agency.

6 ANALYSIS OF REGULATORY DUPLICATION AND CONFLICT

7 SEC. 4. Each year, at a time to be specified by the
8 President in accordance with his responsibilities under sec-
9 tion 5, the Director of the Office of Management and Budget,
10 in cooperation with the head of each executive department
11 and independent agency, shall submit to the President, the
12 Congress, and the head of each independent agency a regula-
13 tory duplication and conflicts report. Each regulatory dupli-
14 cation and conflicts report shall—

15 (1) identify specific rules or regulations, including
16 data collection requirements, of each executive depart-
17 ment or independent agency which are duplicative of
18 or conflict with the rules or regulations of any other
19 executive department or independent agency, and iden-
20 tify the provisions of law which authorize or require
21 the promulgation of such duplicative or conflicting
22 rules or regulations;

23 (2) determine the costs of compliance with the
24 rules or regulations of each executive department or

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1 independent agency which are duplicative or conflicting
2 rules or regulations;

3 (3) contain recommendations for—

4 (A) modifying, eliminating, or consolidating
5 duplicative rules or regulations among the execu-
6 tive departments and independent agencies; and

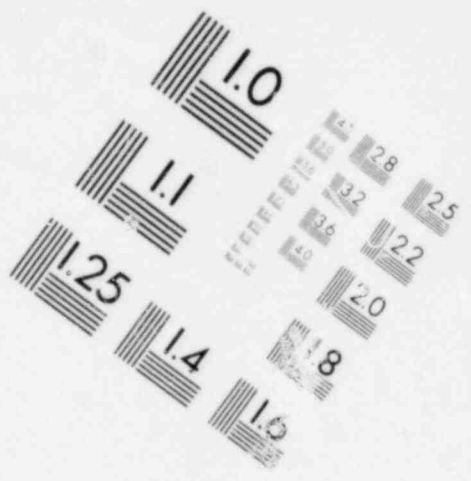
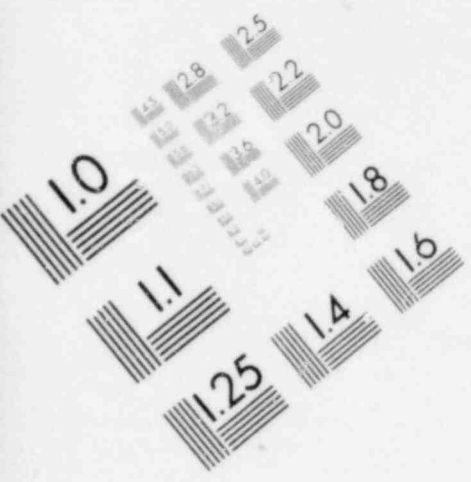
7 (B) resolving conflicting rules and regulations
8 among the executive departments and independent
9 agencies; and

10 (4) report on actions taken by each department or
11 agency during the fiscal year prior to the fiscal year
12 for which the report is made, and the actions which
13 each department or agency is undertaking or planning
14 to undertake during the fiscal year for which the report
15 is made, to modify or eliminate duplicative or conflict-
16 ing rules and regulations in accordance with the rec-
17 ommendations submitted under section 5.

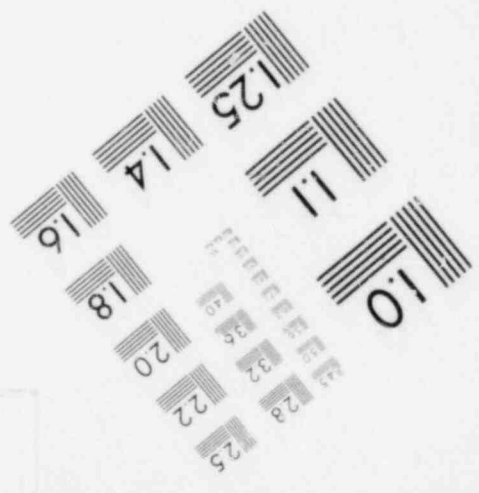
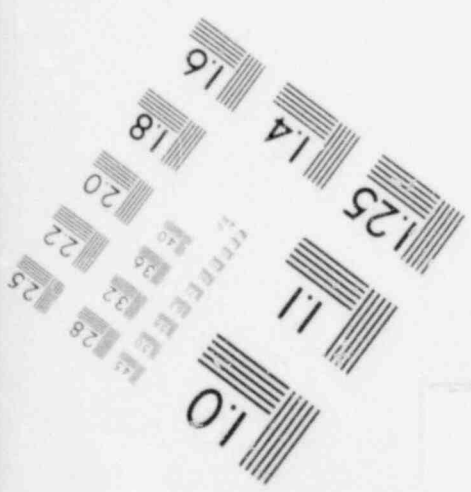
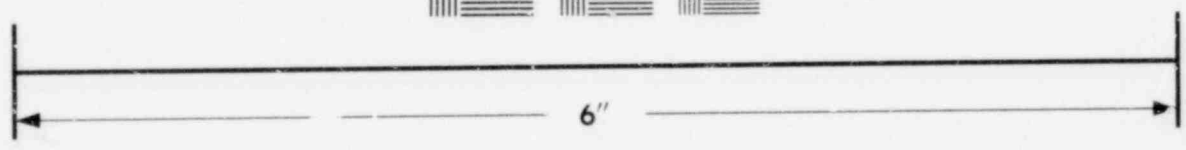
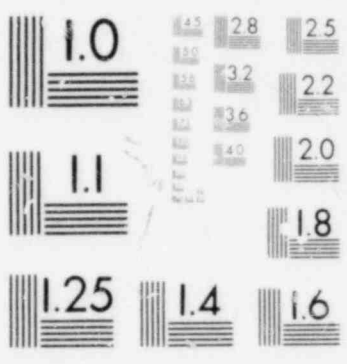
18 REGULATORY CONFLICTS REDUCTION RECOMMENDATIONS

19 SEC. 5. (a) On or before October 1 of each year, begin-
20 ning with the fiscal year 1982, the President and the head of
21 each independent agency shall prepare and transmit to the
22 Congress and the Comptroller General a report containing
23 recommendations for modifying or eliminating duplicative or
24 conflicting rules or regulations promulgated by, in the case of

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**IMAGE EVALUATION
TEST TARGET (MT-3)**



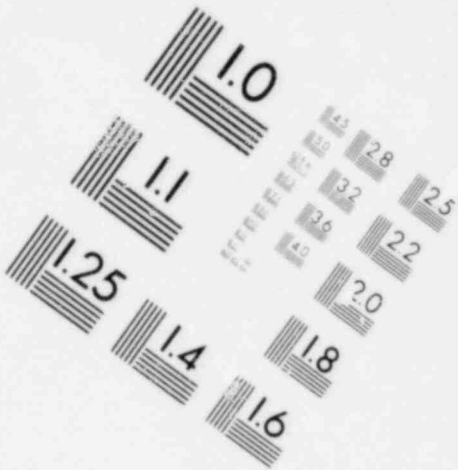
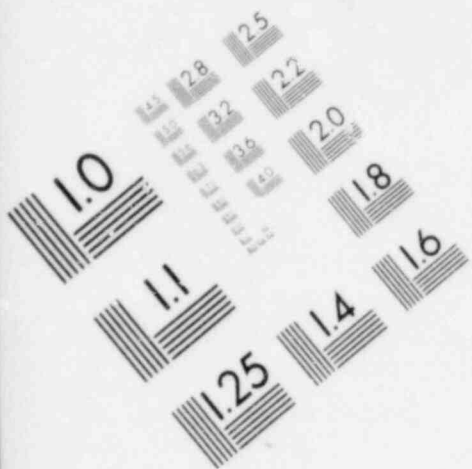
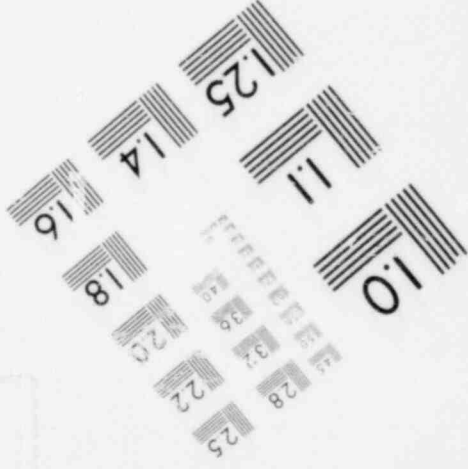
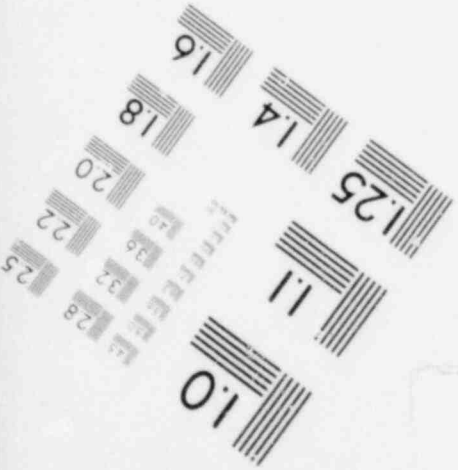
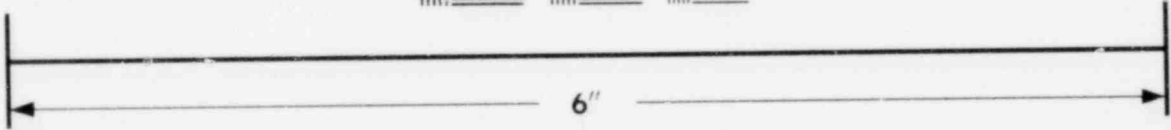
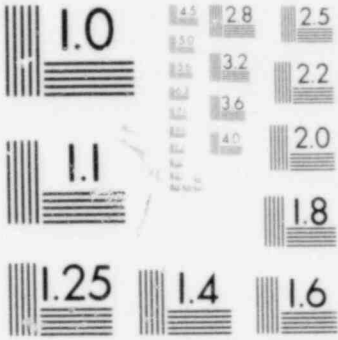


IMAGE EVALUATION
TEST TARGET (MT-3)



1 the President, each of the executive departments, and in the
2 case of the head of each independent agency, that agency.

3 (b) Recommendations submitted by the President and
4 the head of each independent agency to the Congress pursu-
5 ant to this section shall be implemented by the President or
6 the head of each independent agency, as appropriate, at the
7 end of the first period of sixty calendar days of continuous
8 session of Congress after the date on which such recommen-
9 dations are transmitted to the Congress unless, between the
10 date of transmittal and the end of the sixty-day period, the
11 Congress passes a concurrent resolution which states in sub-
12 stance that the Congress disapproves any part or all of the
13 recommendations submitted under this section.

14 REVIEW BY THE COMPTROLLER GENERAL

15 SEC. 6. (a) Within thirty days after the receipt of the
16 reports required under section 5, the Comptroller General
17 shall submit a review of such reports to Congress. Such
18 review shall include—

19 (1) an evaluation of the report of the Director of
20 the Office of Management and Budget submitted under
21 section 4;

22 (2) an evaluation of the recommendations submit-
23 ted under section 5; and

24 (3) an assessment of the efforts of each depart-
25 ment or agency to modify or eliminate duplicative or

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1 conflicting rules or regulations during the fiscal year
2 prior to the fiscal year for which the report is submit-
3 ted under section 5.

4 (b)(1) The Comptroller General shall acquire directly
5 from the head of any department, independent agency, or
6 other authority of the executive branch of the Government
7 information which he considers necessary to carry out the
8 provisions of this Act.

9 (2) All executive departments, independent agencies,
10 and instrumentalities, or other authorities of the executive
11 branch of the Government shall cooperate with the Comp-
12 troller General and furnish all information requested to the
13 extent permitted by law.

14 DEFINITIONS

15 SEC. 7. For purposes of this Act—

16 (1) the terms "rule and regulation" mean any
17 "rule" as defined in section 551(4) of title 5, United
18 States Code;

19 (2) the term "duplicative rule or regulation"
20 means rules or regulations promulgated by Federal
21 agencies which are designed to—

22 (A) attain the same or similar regulatory ob-
23 jectives;

24 (B) acquire the same or similar information
25 or statistics; or

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1 (C) encourage or discourage the same or
2 similar courses of action by the private sector;

3 (3) the term "conflicting rules or regulations"
4 means rules or regulations promulgated by Federal
5 agencies which require different courses of action in
6 the same or similar situations, or require the private
7 sector to violate one rule or regulation in order to fully
8 and faithfully be in compliance with another rule or
9 regulation;

10 (4) the term "Comptroller General" means the
11 Comptroller General of the United States;

12 (5) the term "costs of compliance" means the
13 costs imposed upon the private sector as a result of
14 compliance with rules or regulations promulgated by
15 any Federal agency;

16 (6) the term "private sector" means an individual,
17 partnership, association, corporation, business trust or
18 legal representative thereof, an organized group of in-
19 dividuals, or labor organization, which is not part of, or
20 directly funded as, an entity of a Federal, State, or
21 local government department, agency, or other i. stru-
22 mentality;

23 (7) the term "independent agency" means an
24 agency of the United States having quasi-legislative or

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1 quasi-judicial powers, as determined by the Director of
2 the Office of Management and Budget; and

3 (S) the term "executive department" means the
4 executive departments identified in section 101 of title
5 5, United States Code.

6 AUTHORIZATION OF APPROPRIATIONS

7 SEC. 8. There are authorized to be appropriated such
8 sums as may be necessary to carry out the provisions of this
9 Act.

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