

106TH CONGRESS
1ST SESSION

H. R. 2610

To provide an affirmative defense in a civil action brought with respect to a Federal requirement which is potentially in conflict with another Federal requirement.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 1999

Mr. HOEKSTRA introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To provide an affirmative defense in a civil action brought with respect to a Federal requirement which is potentially in conflict with another Federal requirement.

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. SHORT TITLE.**

4 This Act may be cited as the “Regulatory Fairness
5 Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds—

8 (1) Laws are often complex, confusing, con-
9 tradictory, burdensome, and duplicative

1 (2) Persons are put in the position of having to
2 violate the law every day when attempting compli-
3 ance with conflicting law.

4 (3) Persons should not be held liable when com-
5 plying with at least one of conflicting requirements
6 of the law.

7 (4) A study by the General Accounting Office
8 showed that in California a typical manufacturing
9 business has to comply with 35 Federal and 33
10 State laws, many of which are redundant.

11 (5) Businesses in today's global economy are
12 not confined by time and distance, therefore they
13 may easily move their business to a more favorable
14 regulatory climate.

15 **SEC. 3. AFFIRMATIVE DEFENSE.**

16 (a) DEFENSE.—It shall be an affirmative defense to
17 a civil action brought against a person to enforce a Fed-
18 eral regulatory requirement that such requirement is po-
19 tentially in conflict with another regulatory requirement
20 with which such person is in compliance.

21 (b) DEFINITION.—For purposes of this Act, the term
22 “potentially in conflict” means that a requirement of a
23 Federal regulation overlaps with, is inconsistent with, or
24 conflicts with another requirement of, a Federal regulation
25 or Federal statute and includes establishing labeling re-

1 quirements that are not identical for the same product,
2 establishing packaging requirements for the same product
3 that are not identical, establishing training requirements
4 that are not identical on the same subject matter, or es-
5 tablishing third party notification or warning require-
6 ments that are not identical for goods or services.

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