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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R.

To improve retrospective reviews of Federal regulations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BIGGS introduced the following bill; which was referred to the Committee on _____

A BILL

To improve retrospective reviews of Federal 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Modernizing Retro-
5 spective Regulatory Review”.

6 **SEC. 2. IMPROVING RETROSPECTIVE REVIEWS OF FED-**
7 **ERAL REGULATIONS.**

8 (a) REPORT ON AVAILABILITY OF EXISTING REGU-
9 LATIONS IN MACHINE-READABLE FORMAT.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the Di-
3 rector of the Office of Management and Budget, act-
4 ing through the Administrator and in consultation
5 with the Director of GPO, the Archivist, and the Di-
6 rector of the Federal Register, shall submit to the
7 appropriate congressional committees, a report on
8 the progress of the Federal Government in making
9 regulations of agencies available in machine-readable
10 format.

11 (2) CONTENTS OF REPORT.—The report re-
12 quired by paragraph (1) shall include—

13 (A) an assessment of whether agency regu-
14 lations have been made available in a machine-
15 readable format to the public; and

16 (B) information regarding the recognition
17 by the Administrative Committee of the Federal
18 Register of the eCFR maintained by the Direc-
19 tor of the Federal Register and the Director of
20 GPO as an official legal edition of the Code of
21 Federal Regulations.

22 (b) GUIDANCE ON USING TECHNOLOGY TO CONDUCT
23 RETROSPECTIVE REVIEWS.—

24 (1) IN GENERAL.—Not later than 18 months
25 after the date of the enactment of this Act, the Di-

1 rector of the Office of Management and Budget, act-
2 ing through the Administrator, shall issue guidance
3 on how the head of the agency can—

4 (A) use technology (including algorithmic
5 tools and artificial intelligence) to more effi-
6 ciently, cost-effectively, and accurately conduct
7 any retrospective review of the existing regula-
8 tions of the agency, including on how to iden-
9 tify, procure, and use such technology to iden-
10 tify through any such review regulations of the
11 agency that—

12 (i) are obsolete, ineffective, or insuffi-
13 cient;

14 (ii) are excessively burdensome or
15 should be improved;

16 (iii) contain typographic errors;

17 (iv) contain inaccurate cross ref-
18 erences; or

19 (v) are redundant, contradict, or over-
20 lap with any regulations or standards of
21 the agency; and

22 (B) adequately train personnel of the agen-
23 cy on how to use such technology.

24 (2) DEVELOPMENT OF GUIDANCE.—In devel-
25 oping the guidance required pursuant to paragraph

1 (1), the Administrator shall take into account any
2 assessment or information included in the report re-
3 quired by subsection (a).

4 (c) AGENCY RETROSPECTIVE REVIEW PLAN.—Not
5 later than 2 years after the date of the enactment of this
6 Act, the head of each agency shall submit to the Adminis-
7 trator and the appropriate congressional committees a
8 plan that—

9 (1) includes a detailed strategy for imple-
10 menting the guidance issued pursuant to subsection
11 (b) with respect to the regulations of the agency;

12 (2) identifies any regulation of the agency, or
13 categories of regulations of the agency, that the
14 head of the agency—

15 (A) is required by law to review after the
16 applicable regulation is issued; or

17 (B) determines would benefit from being
18 reviewed after the regulation is issued; and

19 (3) includes any additional information, data,
20 or ex-post analysis determined necessary or useful
21 by the head of the agency.

22 (d) AGENCY IMPLEMENTATION.—Not later than 180
23 days after the date on which the head of an agency sub-
24 mits the plan required by subsection (c), the head of the
25 agency shall implement the strategy included in such plan

1 with respect to any retrospective review of a regulation
2 of the agency.

3 (e) DEFINITIONS.—In this section:

4 (1) ADMINISTRATIVE COMMITTEE OF THE FED-
5 ERAL REGISTER.—The term “Administrative Com-
6 mittee of the Federal Register” means the Com-
7 mittee established under section 1506 of title 44,
8 United States Code.

9 (2) ADMINISTRATOR.—The term “Adminis-
10 trator” means the Administrator of the Office of In-
11 formation and Regulatory Affairs.

12 (3) AGENCY.—The term “agency” has the
13 meaning given that term in section 3502 of title 44,
14 United States Code.

15 (4) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES.—The term “appropriate congressional com-
17 mittees” means—

18 (A) the Committee on Oversight and Ac-
19 countability of the House of Representatives;
20 and

21 (B) the Committee on Homeland Security
22 and Governmental Affairs of the Senate.

23 (5) DIRECTOR OF GPO.—The term “Director of
24 GPO” means the Director of the Government Pub-
25 lishing Office.

1 (6) MACHINE-READABLE.—The term “machine-
2 readable” has the meaning given the term in section
3 3502 of title 44, United States Code.

4 (7) RETROSPECTIVE REVIEW OF A REGULATION
5 OF THE AGENCY.—The term “retrospective review of
6 the regulations of the agency” means a review of
7 regulations of the agency conducted after the regula-
8 tion has been issued that is required by law or deter-
9 mined appropriate by the head of the agency.