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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 REGULATIONS IN
9 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) with respect to each regulation of an
14 agency, an assessment of whether such regula-
15 tion has been made available in a machine-read-
16 able format to—

17 (i) the head of each agency; and

18 (ii) the public; and

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

1 (b) GUIDANCE ON USING TECHNOLOGY TO CONDUCT
2 RETROSPECTIVE REVIEWS.—

3 (1) IN GENERAL.—Not later than 1 year after
4 the date of the enactment of this Act, the Director
5 of the Office of Management and Budget, acting
6 through the Administrator, shall issue guidance on
7 how the head of the agency can—

8 (A) use technology (including algorithmic
9 tools and artificial intelligence) to more effi-
10 ciently, cost-effectively, and accurately conduct
11 any retrospective review of the regulations of
12 the agency, including guidance on how to iden-
13 tify, procure, and use such technology to iden-
14 tify through any such review regulations of the
15 agency that—

16 (i) are outmoded;
17 (ii) contain typographic errors;
18 (iii) contain inaccurate cost ref-
19 erences; or
20 (iv) are redundant or overlap with any
21 regulations or standards of the Federal
22 Government; and

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

1 (2) DEVELOPMENT OF GUIDANCE.—In devel-
2 oping the guidance required pursuant to paragraph
3 (1), the Administrator shall take into account any
4 assessment or information included in the report re-
5 quired by subsection (a).

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

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

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

17 (A) is required by law to review after the
18 applicable regulation is issued; and

19 (B) is not required by law to review after
20 the applicable regulation is issued, but that the
21 head of the agency determines would benefit
22 from being reviewed after the regulation is
23 issued; and

1 (3) includes any additional information, data,
2 or analysis determined necessary or useful by the
3 head of the agency.

4 (d) AGENCY IMPLEMENTATION.—

5 (1) REQUIREMENT.—Not later than 180 days
6 after the date on which the head of an agency sub-
7 mits the plan required by subsection (c), the head of
8 the agency shall implement the strategy included in
9 such plan with respect to any regulation identified in
10 such plan under subsection (c)(2)(A).

11 (2) AUTHORIZATION.—The head of an agency
12 may implement the strategy included in the plan re-
13 quired by subsection (c) with respect to any regula-
14 tion determined appropriate by the head of the agen-
15 cy, including any regulation identified under sub-
16 section (c)(2)(B).

17 (e) DEFINITIONS.—In this section:

18 (1) ADMINISTRATIVE COMMITTEE OF THE FED-
19 ERAL REGISTER.—The term “Administrative Com-
20 mittee of the Federal Register” means the Com-
21 mittee established under section 1506 of title 44,
22 United States Code.

23 (2) ADMINISTRATOR.—The term “Adminis-
24 trator” means the Administrator of the Office of In-
25 formation and Regulatory Affairs.

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

4 (4) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term “appropriate congressional com-
6 mittees” means—

7 (A) the Committee on Oversight and Ac-
8 countability of the House of Representatives;
9 and

10 (B) the Committee on Homeland Security
11 and Governmental Affairs of the Senate.

12 (5) DIRECTOR OF GPO.—The term “Director of
13 GPO” means the Director of the Government Pub-
14 lishing Office.

15 (6) MACHINE-READABLE.—The term “machine-
16 readable” has the meaning given the term in section
17 3502 of title 44, United States Code.

18 (7) RETROSPECTIVE REVIEW OF A REGULATION
19 OF THE AGENCY.—The term “retrospective review of
20 the regulations of the agency” means a review of
21 regulations of the agency conducted after the regula-
22 tion has been issued that is required by law or deter-
23 mined appropriate by the head of the agency.