

118TH CONGRESS  
2D SESSION

# S. 4434

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

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IN THE SENATE OF THE UNITED STATES

MAY 23, 2024

Mr. LEE (for himself and Ms. LUMMIS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## 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 Act”.

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

8 (a) DEFINITIONS.—In this section:

9 (1) ADMINISTRATIVE COMMITTEE OF THE FED-  
10 ERAL REGISTER.—The term “Administrative Com-

1       committee of the Federal Register” means the com-  
2       mittee established under section 1506 of title 44,  
3       United States Code.

4               (2) ADMINISTRATOR.—The term “Adminis-  
5       trator” means the Administrator of the Office of In-  
6       formation and Regulatory Affairs.

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

10              (4) APPROPRIATE CONGRESSIONAL COMMIT-  
11       TEES.—The term “appropriate congressional com-  
12       mittees” means—

13                      (A) the Committee on Oversight and Ac-  
14       countability of the House of Representatives;  
15       and

16                      (B) the Committee on Homeland Security  
17       and Governmental Affairs of the Senate.

18               (5) DIRECTOR OF GPO.—The term “Director of  
19       GPO” means the Director of the Government Pub-  
20       lishing Office.

21               (6) MACHINE-READABLE.—The term “machine-  
22       readable” has the meaning given the term in section  
23       3502 of title 44, United States Code.

24               (7) RETROSPECTIVE REVIEW OF A REGULATION  
25       OF THE AGENCY.—The term “retrospective review of

1 a regulation of the agency” means a review of regu-  
2 lations of the agency conducted after the regulation  
3 has been issued that is required by law or deter-  
4 mined appropriate by the head of the agency.

5 (b) REPORT ON AVAILABILITY OF EXISTING REGU-  
6 LATIONS IN MACHINE-READABLE FORMAT.—

7 (1) IN GENERAL.—Not later than 180 days  
8 after the date of enactment of this Act, the Director  
9 of the Office of Management and Budget, acting  
10 through the Administrator and in consultation with  
11 the Director of GPO, the Archivist of the United  
12 States, and the Director of the Federal Register,  
13 shall submit to the appropriate congressional com-  
14 mittees, a report on the progress of the Federal Gov-  
15 ernment in making regulations of agencies available  
16 in machine-readable format.

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

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

22 (B) information regarding the recognition  
23 by the Administrative Committee of the Federal  
24 Register of the eCFR maintained by the Direc-  
25 tor of the Federal Register and the Director of

1 GPO as an official legal edition of the Code of  
2 Federal Regulations.

3 (c) GUIDANCE ON USING TECHNOLOGY TO CONDUCT  
4 RETROSPECTIVE REVIEWS.—

5 (1) IN GENERAL.—Not later than 18 months  
6 after the date of enactment of this Act, the Director  
7 of the Office of Management and Budget, acting  
8 through the Administrator, shall issue guidance on  
9 how the head of an agency can—

10 (A) use technology (including algorithmic  
11 tools and artificial intelligence) to more effi-  
12 ciently, cost-effectively, and accurately conduct  
13 any retrospective review of the existing regula-  
14 tions of the agency, including how to identify,  
15 procure, and use such technology to identify  
16 through any such review regulations of the  
17 agency that—

18 (i) are obsolete, ineffective, or insuffi-  
19 cient;

20 (ii) are excessively burdensome or  
21 should be improved;

22 (iii) contain typographical errors;

23 (iv) contain inaccurate cross ref-  
24 erences; or

1 (v) are redundant, contradict, or over-  
2 lap with any regulations or standards of  
3 the agency; and

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

6 (2) DEVELOPMENT OF GUIDANCE.—In devel-  
7 oping the guidance required pursuant to paragraph  
8 (1), the Administrator shall take into account any  
9 assessment or information included in the report re-  
10 quired by subsection (b).

11 (d) AGENCY RETROSPECTIVE REVIEW PLAN.—Not  
12 later than 2 years after the date of enactment of this Act,  
13 the head of each agency shall submit to the Administrator  
14 and the appropriate congressional committees a plan  
15 that—

16 (1) includes a detailed strategy for imple-  
17 menting the guidance issued pursuant to subsection  
18 (c) with respect to the regulations of the agency;

19 (2) identifies any regulation of the agency, or  
20 categories of regulations of the agency, that the  
21 head of the agency—

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

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

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

4           (e) AGENCY IMPLEMENTATION.—Not later than 180  
5           days after the date on which the head of an agency sub-  
6           mits the plan required by subsection (d), the head of the  
7           agency shall implement the strategy included in such plan  
8           with respect to any retrospective review of a regulation  
9           of the agency.

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