

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
OFFERED BY MR. COMER OF KENTUCKY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

**4 SEC. 2. IMPROVING RETROSPECTIVE REVIEWS OF EXIST-
5 ING FEDERAL REGULATIONS.**

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

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

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

3 (A) an assessment of whether regulations
4 of agencies have been made available in a ma-
5 chine-readable format to the public; and

6 (B) information regarding the recognition
7 by the Administrative Committee of the Federal
8 Register of the eCFR maintained by the Direc-
9 tor of the Federal Register and the Director of
10 GPO as an official legal edition of the Code of
11 Federal Regulations.

12 (b) GUIDANCE ON USING TECHNOLOGY TO CONDUCT
13 RETROSPECTIVE REVIEWS.—

14 (1) IN GENERAL.—Not later than 18 months
15 after the date of the enactment of this Act, the Di-
16 rector of the Office of Management and Budget, act-
17 ing through the Administrator, shall issue guidance
18 on how the head of the agency can—

19 (A) identify, procure, and use technology
20 (including algorithmic tools and artificial intel-
21 ligence) to more efficiently, cost-effectively, and
22 accurately conduct any retrospective review of
23 the existing regulations of the agency, including
24 to more efficiently, cost-effectively, and accu-

1 rately identify through any such review regula-
2 tions of the agency that—

3 (i) are obsolete, ineffective, insuffi-
4 cient, excessively burdensome, or redun-
5 dant;

6 (ii) should be improved;

7 (iii) contain typographic errors;

8 (iv) contain inaccurate cross-ref-
9 erences; or

10 (v) contradict or overlap with each
11 other, or any standards of the agency; and

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

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

19 (c) AGENCY RETROSPECTIVE REVIEW PLAN.—Not
20 later than 2 years after the date of the enactment of this
21 Act, the head of each agency shall submit to the Adminis-
22 trator and the appropriate congressional committees a
23 plan that—

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

4 (2) identifies any regulation of the agency, or
5 categories of regulations of the agency, that the
6 head of the agency—

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

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

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

14 (d) AGENCY IMPLEMENTATION.—Not later than 180
15 days after the date on which the head of an agency sub-
16 mits the plan required by subsection (c), the head of the
17 agency shall implement the strategy included in such plan
18 with respect to any retrospective review of an existing reg-
19 ulation of the agency.

20 (e) DEFINITIONS.—In this section:

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

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

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

7 (4) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” means—

10 (A) the Committee on Oversight and Ac-
11 countability of the House of Representatives;
12 and

13 (B) the Committee on Homeland Security
14 and Governmental Affairs of the Senate.

15 (5) DIRECTOR OF GPO.—The term “Director of
16 GPO” means the Director of the Government Pub-
17 lishing Office.

18 (6) MACHINE-READABLE.—The term “machine-
19 readable” has the meaning given the term in section
20 3502 of title 44, United States Code.

21 (7) RETROSPECTIVE REVIEW OF AN EXISTING
22 REGULATION OF THE AGENCY.—The term “retro-
23 spective review of an existing regulation of the agen-
24 cy” means a review of a regulation of the agency
25 conducted after the regulation has been issued, in-

- 1 including any such review required by law or deter-
- 2 mined appropriate by the head of the agency.

