

118TH CONGRESS
2D SESSION

H. R. 7528

IN THE SENATE OF THE UNITED STATES

MAY 7, 2024

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

To amend section 206 of the E-Government Act of 2002 to improve the integrity and management of mass comments and computer-generated comments in the regulatory review process, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Comment Integrity
3 and Management Act of 2024”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this Act is to help Federal agencies
6 manage mass and computer-generated comments in the
7 Federal regulatory process. This should in no way be un-
8 derstood to discourage mass comments, which are a vital
9 part of the regulatory process.

10 **SEC. 3. IMPROVING INTEGRITY AND MANAGEMENT OF**
11 **MASS COMMENTS AND COMPUTER-GEN-**
12 **ERATED COMMENTS IN THE REGULATORY**
13 **REVIEW PROCESS.**

14 (a) IN GENERAL.— Section 206 of the E-Govern-
15 ment Act of 2002 (Public Law 107–347; 44 U.S.C. 3501
16 note) is amended by—

17 (1) redesignating subsection (e) as subsection
18 (f); and

19 (2) inserting after subsection (d) the following:

20 “(e) INFORMATION INTEGRITY.—

21 “(1) VERIFICATION OF ELECTRONIC SUBMIS-
22 SIONS.—With respect to each comment accepted by
23 electronic means under subsection (c), in accordance
24 with the guidance established by Director in para-
25 graph (3), the head of an agency shall verify, to the
26 greatest extent possible, at the time the comment is

1 submitted, whether the comment has been submitted
2 by a human being.

3 “(2) IDENTIFICATION AND MANAGEMENT OF
4 MASS COMMENTS.—

5 “(A) IDENTIFICATION OF MASS COM-
6 MENTS.—With respect to each comment accept-
7 ed by electronic means under subsection (c) by
8 the head of an agency, the head of the agency
9 shall—

10 “(i) to the extent practicable, reason-
11 ably determine whether such comment is a
12 mass comment; and

13 “(ii) in the case that the agency has
14 made a reasonable determination that the
15 comment is a mass comment, indicate on
16 any publicly available copy of the comment,
17 or comment variations, (through a label or
18 indicator, and in a machine and human
19 readable format) that the comment is part
20 of a mass comment submission; and

21 “(B) HANDLING OF MASS COMMENTS.—
22 Notwithstanding subsection (d)(2)(A), instead
23 of making available through the electronic dock-
24 et of the agency each comment identified as a

1 mass comment under paragraph (2), the head
2 of an agency may—

3 “(i) make available through such
4 docket only a single representative sample
5 of each such mass comment; or

6 “(ii) in the case where mass com-
7 ments take the form of variations on cer-
8 tain standardized but not identical lan-
9 guage the agency make available through
10 such docket a single copy of one of the
11 variations of the mass comment.

12 “(C) NUMBER OF SUBMISSIONS.—In case
13 in which the head of an agency makes available
14 through such docket a single representative
15 sample or a single copy of one of the variations
16 of a mass comment under subparagraph (B),
17 the head of the agency shall indicate (through
18 a label or indicator, and in a machine and
19 human readable format), on the sample or copy
20 made available, the number of submissions that
21 were determined to be identical, or sub-
22 stantively identical to the sample or copy made
23 available on such docket.

24 “(3) OMB GUIDANCE.—

1 “(A) GUIDANCE.—Not later than 240 days
2 after the date of the enactment of this sub-
3 section, the Director, in consultation with the
4 Administrator of General Services, shall issue
5 guidance to the heads of each agency on the im-
6 plementation of the requirements of this sub-
7 section.

8 “(B) CONTENTS OF GUIDANCE.—The
9 guidance issued pursuant to subparagraph (A)
10 shall include recommendations for agencies on
11 how to best manage comments accepted by elec-
12 tronic means, including recommendations on
13 how to do the following:

14 “(i) Use technology tools and proce-
15 dures that verify, to the greatest extent
16 possible, whether a comment is being sub-
17 mitted by a human being.

18 “(ii) Identify mass comments, includ-
19 ing how to leverage software tools to iden-
20 tify whether a comment is a mass com-
21 ment.

22 “(iii) Indicate (through a label or in-
23 dicator, and in a machine- and human-
24 readable format), that a comment is a
25 mass comment.

1 “(iv) Use new technology to offer new
2 opportunities for public participation in the
3 rulemaking process.

4 “(C) UPDATES.—The Director, in con-
5 sultation with the Administrator of General
6 Services, may update the guidance issued pur-
7 suant to subparagraph (A), as determined nec-
8 essary by the Director.

9 “(4) POLICIES CONCERNING POSTING AND CON-
10 SIDERATION OF COMPUTER-GENERATED COMMENTS
11 AND MASS COMMENTS.—

12 “(A) IN GENERAL.—Not later than 1 year
13 after the date of the enactment of this sub-
14 section, the head of each agency shall establish
15 a policy with respect to the posting and consid-
16 eration of computer-generated comments and
17 mass-comments during the rulemaking process
18 of the agency that is consistent with—

19 “(i) the requirements of paragraph
20 (2); and

21 “(ii) the guidance issued under para-
22 graph (3).

23 “(B) AVAILABILITY OF POLICY.—Not later
24 than 60 days after the date on which the head
25 of an agency establishes a policy pursuant to

1 subparagraph (A), the head of the agency shall,
2 to the extent practicable, post the policy on the
3 website through which an agency makes com-
4 ments available pursuant to subsection
5 (d)(2)(A).

6 “(C) UPDATE TO POLICY.—The policy es-
7 tablished pursuant to subparagraph (A)—

8 “(i) shall be updated as necessary to
9 make such guidance consistent with any
10 updates to the guidance issued under para-
11 graph (3); and

12 “(ii) may be updated by the head of
13 the agency, in consultation with the Direc-
14 tor, as the head of the agency determines
15 appropriate.

16 “(5) EXCEPTION TO TIME LIMITATION FOR IM-
17 PLEMENTATION.—The requirement described under
18 subsection (f) shall not apply to this subsection.

19 “(6) DEFINITIONS.—In this subsection:

20 “(A) COMMENT.—The term ‘comment’
21 means a submission under section 553(c) of
22 title 5, United States Code.

23 “(B) COMPUTER-GENERATED COMMENT.—
24 The term ‘computer-generated comment’ means
25 a comment the substance of which is primarily

1 generated by computer software, including
2 through the use of artificial intelligence, rather
3 than by a human being.

4 “(C) MASS COMMENT.—The term ‘mass
5 comment’ means a comment submitted as part
6 of an organized submission of a large volume of
7 identical, or substantively identical, comments
8 submitted by different signatories or entities.”.

9 (b) UPDATE TO WEBSITES, INFORMATION SYSTEMS
10 OF AGENCIES.—

11 (1) IN GENERAL.—Not later than 18 months
12 after the date of the enactment of this Act, the head
13 of each agency subject to the requirements of section
14 206(e) of the E-Government Act, as added by sub-
15 section (a), shall update any website of the agency,
16 and any information system of the agency, as nec-
17 essary to ensure compliance with the requirements
18 of such section.

19 (2) REGULATIONS.GOV.—The Administrator of
20 General Services, acting through the eRulemaking
21 Program Management Office, shall update Regula-
22 tions.gov as necessary to ensure compliance with the
23 requirements of section 206(e) of the E-Government
24 Act, as added by subsection (a).

1 (3) ERULEMAKING SYSTEM.—The Adminis-
2 trator of General Services shall update the shared
3 eRulemaking system on behalf of participating agen-
4 cies.

5 (c) GAO REPORT ON COMPUTER-GENERATED COM-
6 MENTS.—

7 (1) REPORT.—Not later than 2 years after the
8 date of the enactment of this Act, the Comptroller
9 General of the United States shall submit to the
10 Committee on Oversight and Accountability of the
11 House of Representatives and the Committee on
12 Homeland Security and Governmental Affairs of the
13 Senate a report on the identification of computer-
14 generated comments under section 206(e) of the E-
15 Government Act of 2002 (Public Law 107–347; 44
16 U.S.C. 3501 note), that includes the following:

17 (A) Recommendations on how to identify if
18 a submission under that section is a computer-
19 generated comment.

20 (B) Any effect that computer-generated
21 comments have on the rulemaking process.

22 (C) The extent to which the public uses
23 computer-generated comments to participate in
24 the rulemaking process at the time the report
25 is submitted.

1 (D) How prevalent computer-generated
2 comments are at the time the report is sub-
3 mitted.

4 (E) How prevalent the Comptroller Gen-
5 eral anticipates computer-generated comments
6 will be 5 years after the date on which the re-
7 port is submitted.

8 (d) RULE OF CONSTRUCTION.—Nothing in this Act,
9 or the amendments made by this Act, may be construed
10 as affecting the consideration of a mass comment by the
11 head of an agency during the rulemaking process.

12 (e) DEFINITIONS.—In this section:

13 (1) COMMENT.—The term “comment” means a
14 submission under section 553(e) of title 5, United
15 States Code.

16 (2) COMPUTER-GENERATED COMMENTS.—The
17 term “computer-generated comment” means a com-
18 ment the substance of which is primarily generated
19 by computer software, including through the use of
20 artificial intelligence, rather than by a human being.

21 (3) DIRECTOR.—The term “Director” means
22 the Director of the Office of Management and Budg-
23 et.

24 (4) MASS COMMENT.—The term “mass com-
25 ment” means a comment submitted as part of an or-

1 ganized submission of a large volume of identical, or
2 substantively identical, comments submitted by dif-
3 ferent signatories or entities.

Passed the House of Representatives May 6, 2024.

Attest: KEVIN F. MCCUMBER,
Clerk.