

**Suspend the Rules and Pass the Bill, H.R. 7528, With an Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 7528

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.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2024

Mr. HIGGINS of Louisiana introduced the following bill; which was referred to the Committee on Oversight and Accountability

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## A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. PURPOSE.**

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

7 **SEC. 3. IMPROVING INTEGRITY AND MANAGEMENT OF**  
8 **MASS COMMENTS AND COMPUTER-GEN-**  
9 **ERATED COMMENTS IN THE REGULATORY**  
10 **REVIEW PROCESS.**

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

14 (1) redesignating subsection (e) as subsection  
15 (f); and

16 (2) inserting after subsection (d) the following:  
17 “(e) INFORMATION INTEGRITY.—

18 “(1) VERIFICATION OF ELECTRONIC SUBMIS-  
19 SIONS.—With respect to each comment accepted by  
20 electronic means under subsection (e), in accordance  
21 with the guidance established by Director in para-  
22 graph (3), the head of an agency shall verify, to the  
23 greatest extent possible, at the time the comment is  
24 submitted, whether the comment has been submitted  
25 by a human being.

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

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

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

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

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

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

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

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

22           “(3) OMB GUIDANCE.—

23           “(A) GUIDANCE.—Not later than 240 days  
24 after the date of the enactment of this sub-  
25 section, the Director, in consultation with the

1 Administrator of General Services, shall issue  
2 guidance to the heads of each agency on the im-  
3 plementation of the requirements of this sub-  
4 section.

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

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

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

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

23 “(iv) Use new technology to offer new  
24 opportunities for public participation in the  
25 rulemaking process.

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

6           “(4) POLICIES CONCERNING POSTING AND CON-  
7           SIDERATION OF COMPUTER-GENERATED COMMENTS  
8           AND MASS COMMENTS.—

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

16                 “(i) the requirements of paragraph  
17                 (2); and

18                 “(ii) the guidance issued under para-  
19                 graph (3).

20          “(B) AVAILABILITY OF POLICY.—Not later  
21          than 60 days after the date on which the head  
22          of an agency establishes a policy pursuant to  
23          subparagraph (A), the head of the agency shall,  
24          to the extent practicable, post the policy on the  
25          website through which an agency makes com-

1           ments available pursuant to subsection  
2           (d)(2)(A).

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

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

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

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

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

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

20           “(B) COMPUTER-GENERATED COMMENT.—  
21           The term ‘computer-generated comment’ means  
22           a comment the substance of which is primarily  
23           generated by computer software, including  
24           through the use of artificial intelligence, rather  
25           than by a human being.

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

6           (b) UPDATE TO WEBSITES, INFORMATION SYSTEMS  
7 OF AGENCIES.—

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

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

22          (3) ERULEMAKING SYSTEM.—The Adminis-  
23          trator of General Services shall update the shared  
24          eRulemaking system on behalf of participating agen-  
25          cies.



1 (c) GAO REPORT ON COMPUTER-GENERATED COM-  
2 MENTS.—

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

13 (A) Recommendations on how to identify if  
14 a submission under that section is a computer-  
15 generated comment.

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

18 (C) The extent to which the public uses  
19 computer-generated comments to participate in  
20 the rulemaking process at the time the report  
21 is submitted.

22 (D) How prevalent computer-generated  
23 comments are at the time the report is sub-  
24 mitted.

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

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

9           (e) DEFINITIONS.—In this section:

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

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

18           (3) DIRECTOR.—The term “Director” means  
19           the Director of the Office of Management and Budg-  
20           et.

21           (4) MASS COMMENT.—The term “mass com-  
22           ment” means a comment submitted as part of an or-  
23           ganized submission of a large volume of identical, or  
24           substantively identical, comments submitted by dif-  
25           ferent signatories or entities.