

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 “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

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

2 “(e) INFORMATION INTEGRITY.—

3 “(1) VERIFICATION OF ELECTRONIC SUBMIS-
4 SIONS.—With respect to each comment accepted by
5 electronic means under subsection (c), in accordance
6 with the guidance established by Director in para-
7 graph (3), the head of an agency shall verify, to the
8 greatest extent possible, at the time the comment is
9 submitted, whether the comment has been submitted
10 by a human being.

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

13 “(A) IDENTIFICATION OF MASS COM-
14 MENTS.—With respect to each comment accept-
15 ed by electronic means under subsection (c) by
16 the head of an agency, the head of the agency
17 shall—

18 “(i) to the extent practicable, reason-
19 ably determine whether such comment is a
20 mass comment; and

21 “(ii) in the case that the agency has
22 made a reasonable determination that the
23 comment is a mass comment, indicate on
24 any publicly available copy of the comment,
25 or comment variations, (through a label or

1 indicator, and in a machine and human
2 readable format) that the comment is part
3 of a mass comment submission; and

4 “(B) HANDLING OF MASS COMMENTS.—
5 Notwithstanding subsection (d)(2)(A), instead
6 of making available through the electronic dock-
7 et of the agency each comment identified as a
8 mass comment under paragraph (2), the head
9 of an agency may—

10 “(i) make available through such
11 docket only a single representative sample
12 of each such mass comment; or

13 “(ii) in the case where mass com-
14 ments take the form of variations on cer-
15 tain standardized but not identical lan-
16 guage the agency make available through
17 such docket a single copy of one of the
18 variations of the mass comment.

19 “(C) NUMBER OF SUBMISSIONS.—In case
20 in which the head of an agency makes available
21 through such docket a single representative
22 sample or a single copy of one of the variations
23 of a mass comment under subparagraph (B),
24 the head of the agency shall indicate (through
25 a label or indicator, and in a machine and

1 human readable format), on the sample or copy
2 made available, the number of submissions that
3 were determined to be identical, or sub-
4 stantively identical to the sample or copy made
5 available on such docket.

6 “(3) OMB GUIDANCE.—

7 “(A) GUIDANCE.—Not later than 240 days
8 after the date of the enactment of this sub-
9 section, the Director, in consultation with the
10 Administrator of General Services, shall issue
11 guidance to the heads of each agency on the im-
12 plementation of the requirements of this sub-
13 section.

14 “(B) CONTENTS OF GUIDANCE.—The
15 guidance issued pursuant to subparagraph (A)
16 shall include recommendations for agencies on
17 how to best manage comments accepted by elec-
18 tronic means, including recommendations on
19 how to do the following:

20 “(i) Use technology tools and proce-
21 dures that verify, to the greatest extent
22 possible, whether a comment is being sub-
23 mitted by a human being.

24 “(ii) Identify mass comments, includ-
25 ing how to leverage software tools to iden-

1 tify whether a comment is a mass com-
2 ment.

3 “(iii) Indicate (through a label or in-
4 dicator, and in a machine- and human-
5 readable format), that a comment is a
6 mass comment.

7 “(iv) Use new technology to offer new
8 opportunities for public participation in the
9 rulemaking process.

10 “(C) UPDATES.—The Director, in con-
11 sultation with the Administrator of General
12 Services, may update the guidance issued pur-
13 suant to subparagraph (A), as determined nec-
14 essary by the Director.

15 “(4) POLICIES CONCERNING POSTING AND CON-
16 SIDERATION OF COMPUTER-GENERATED COMMENTS
17 AND MASS COMMENTS.—

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

1 “(i) the requirements of paragraph
2 (2); and

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

5 “(B) AVAILABILITY OF POLICY.—Not later
6 than 60 days after the date on which the head
7 of an agency establishes a policy pursuant to
8 subparagraph (A), the head of the agency shall,
9 to the extent practicable, post the policy on the
10 website through which an agency makes com-
11 ments available pursuant to subsection
12 (d)(2)(A).

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

15 “(i) shall be updated as necessary to
16 make such guidance consistent with any
17 updates to the guidance issued under para-
18 graph (3); and

19 “(ii) may be updated by the head of
20 the agency, in consultation with the Direc-
21 tor, as the head of the agency determines
22 appropriate.

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

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

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

5 “(B) COMPUTER-GENERATED COMMENT.—
6 The term ‘computer-generated comment’ means
7 a comment the substance of which is primarily
8 generated by computer software, including
9 through the use of artificial intelligence, rather
10 than by a human being.

11 “(C) MASS COMMENT.—The term ‘mass
12 comment’ means a comment submitted as part
13 of an organized submission of a large volume of
14 identical, or substantively identical, comments
15 submitted by different signatories or entities.”.

16 (b) UPDATE TO WEBSITES, INFORMATION SYSTEMS
17 OF AGENCIES.—

18 (1) IN GENERAL.—Not later than 18 months
19 after the date of the enactment of this Act, the head
20 of each agency subject to the requirements of section
21 206(e) of the E-Government Act, as added by sub-
22 section (a), shall update any website of the agency,
23 and any information system of the agency, as nec-
24 essary to ensure compliance with the requirements
25 of such section.

1 (2) REGULATIONS.GOV.—The Administrator of
2 General Services, acting through the eRulemaking
3 Program Management Office, shall update Regula-
4 tions.gov as necessary to ensure compliance with the
5 requirements of section 206(e) of the E–Government
6 Act, as added by subsection (a).

7 (3) ERULEMAKING SYSTEM.—The Adminis-
8 trator of General Services shall update the shared
9 eRulemaking system on behalf of participating agen-
10 cies.

11 (c) GAO REPORT ON COMPUTER-GENERATED COM-
12 MENTS.—

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

23 (A) Recommendations on how to identify if
24 a submission under that section is a computer-
25 generated comment.

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

3 (C) The extent to which the public uses
4 computer-generated comments to participate in
5 the rulemaking process at the time the report
6 is submitted.

7 (D) How prevalent computer-generated
8 comments are at the time the report is sub-
9 mitted.

10 (E) How prevalent the Comptroller Gen-
11 eral anticipates computer-generated comments
12 will be 5 years after the date on which the re-
13 port is submitted.

14 (d) RULE OF CONSTRUCTION.—Nothing in this Act,
15 or the amendments made by this Act, may be construed
16 as effecting the consideration of a mass comment by the
17 head of an agency during the rulemaking process.

18 (e) DEFINITIONS.—In this section:

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

22 (2) COMPUTER-GENERATED COMMENTS.—The
23 term “computer-generated comment” means a com-
24 ment the substance of which is primarily generated

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

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

6 (4) MASS COMMENT.—The term “mass com-
7 ment” means a comment submitted as part of an or-
8 ganized submission of a large volume of identical, or
9 substantively identical, comments submitted by dif-
10 ferent signatories or entities.

