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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

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.

IN THE HOUSE OF REPRESENTATIVES

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

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. IMPROVING INTEGRITY AND MANAGEMENT OF**
2 **MASS COMMENTS AND COMPUTER-GEN-**
3 **ERATED COMMENTS IN THE REGULATORY**
4 **REVIEW PROCESS.**

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

8 (1) redesignating subsection (e) as subsection
9 (f); and

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

11 “(e) INFORMATION INTEGRITY.—

12 “(1) VERIFICATION OF ELECTRONIC SUBMIS-
13 SIONS.—With respect to each comment accepted by
14 electronic means under subsection (c), under guid-
15 ance established by OMB in paragraph (4) of this
16 subsection, the head of an agency shall verify, to the
17 greatest extent possible, at the time the comment is
18 submitted, whether the comment has been submitted
19 by a human being.

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

22 “(A) IDENTIFICATION OF MASS COM-
23 MENTS.—With respect to each comment accept-
24 ed by electronic means under subsection (c) by
25 the head of an agency, the head of the agency
26 shall—

1 “(i) to the extent practicable, identify
2 whether such comment is a mass comment;
3 and

4 “(ii) in the case that the agency has
5 made a reasonable determination that the
6 comment is a mass comment, indicate on
7 any publicly available copy of the comment,
8 or comment variations, (through a label or
9 indicator) in a machine and human read-
10 able format that the comment is part of a
11 mass comment submission; and

12 “(B) HANDLING OF MASS COMMENTS.—
13 Notwithstanding subsection (d)(2)(A), for com-
14 ments determined to be mass comments pursu-
15 ant to paragraph (2), the head of an agency, in-
16 stead of making available through the electronic
17 docket of the agency each mass comment ac-
18 cepted by electronic means under subsection
19 (c), may—

20 “(i) make available through such
21 docket only a single representative sample
22 of each such mass comment;

23 “(ii) in the case where mass com-
24 ments take the form of variations on cer-
25 tain standardized but not identical lan-

1 guage the agency may make available
2 through such docket a single copy of one
3 of the variations of the mass comment.

4 “(C) NUMBER OF SUBMISSIONS.—In case
5 in which the head of an agency makes available
6 through such docket a single representative
7 sample or a single copy of one of the variations
8 of a mass comment, as authorized under sub-
9 paragraph (B), the agency shall make available
10 (through a label or indicator) in a machine and
11 human readable format, the number of submis-
12 sions that were determined to be identical or
13 substantially identical to the single submission
14 made available on such docket.

15 “(3) 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, consistent
21 with the guidance issued pursuant to paragraph
22 (4) and with the requirements of paragraph (2),
23 shall establish a policy with respect to the post-
24 ing and consideration of computer-generated

1 comments and mass-comments during the rule-
2 making process of the agency.

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

11 “(C) UPDATE TO POLICY.—The policy es-
12 tablished pursuant to subparagraph (A) may be
13 updated by the head of the agency, in consulta-
14 tion with the Director, as the head of the agen-
15 cy determines appropriate.

16 “(4) OMB GUIDANCE.—

17 “(A) GUIDANCE.—Not later than 240 days
18 after the date of the enactment of this sub-
19 section, the Director, in consultation with the
20 Administrator of General Services, shall issue
21 guidance to the heads of each agency on the im-
22 plementation of the requirements of this sub-
23 section.

24 “(B) CONTENTS OF GUIDANCE.—The
25 guidance issued pursuant to subparagraph (A)

1 shall include recommendations for agencies on
2 how to best manage comments accepted by elec-
3 tronic means, including recommendations on
4 how to do the following:

5 “(i) Use technology tools and proce-
6 dures that indicate, to the greatest extent
7 possible, whether a comment is being sub-
8 mitted by a human being.

9 “(ii) Identify mass comments, includ-
10 ing how to leverage software tools to iden-
11 tify whether a comment is a mass com-
12 ment.

13 “(iii) Indicate (through a label or in-
14 dicator), in a machine- and human-read-
15 able format, that a comment is a mass
16 comment.

17 “(iv) Use new technology to offer new
18 opportunities for public participation in the
19 rulemaking process.

20 “(C) UPDATES.—The Director, in con-
21 sultation with the Administrator of General
22 Services, may update the guidance issued pur-
23 suant to subparagraph (A), as determined nec-
24 essary by the Director.

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

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

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

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

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

19 (b) INFORMATION SYSTEMS.—On a timetable estab-
20 lished by the Director, but not longer than 18 months,
21 the head of each agency shall update their website and/
22 or information systems to ensure compliance with these
23 requirements. The Administrator of General Services, act-
24 ing through the eRulemaking Program Management Of-
25 fice, shall update Regulations.gov as necessary to ensure

1 compliance with the requirements of section 206(e) of the
2 E–Government Act, as added by subsection (a). The Ad-
3 ministrator of General Services shall update the shared
4 eRulemaking system on behalf of participating agencies.

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 (2) DEFINITIONS.—In this subsection:

9 (A) COMPUTER-GENERATED COMMENTS.—
10 The term “computer-generated comment”
11 means a submission under section 553(c) of
12 title 5, United States Code, the substance of
13 which is primarily generated by computer soft-
14 ware, including through the use of artificial in-
15 telligence, rather than by a human being.

16 (B) DIRECTOR.—The term “Director”
17 means the Director of the Office of Manage-
18 ment and Budget.

19 (d) RULE OF CONSTRUCTION.—Nothing in this Act,
20 or any amendment made by this Act, shall be construed
21 to minimize an agency’s due consideration of mass com-
22 ments submitted during the rulemaking process.