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# Review of E-Rulemaking Comments Systems

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**BEFORE THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS AND THE SUBCOMMITTEE ON REGULATORY AFFAIRS AND  
FEDERAL MANAGEMENT, SENATE HOMELAND**

**SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE**

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Good morning Chairman Portman, Chairman Lankford, Ranking Member Carper, Ranking Member Sinema, and the other Members of the Subcommittees. My name is Beth Angerman, and I am the Principal Deputy Associate Administrator for the Office of Government-wide Policy at the U.S. General Services Administration (GSA). Thank you for inviting me here today to discuss GSA's recent assignment as Managing Partner for the eRulemaking Program and GSA's plans to effectively execute this new area of responsibility.

Before delving into the substance of the eRulemaking Program, I would like to briefly discuss GSA's new role in this space. While the Environmental Protection Agency has managed this program since 2002, on July 1, 2019, the Office of Management and Budget (OMB) announced that GSA would become the new Managing Partner for the Program. GSA was selected as the Managing Partner because the Administration recognized the important synergies that could be achieved by moving the eRulemaking Program to GSA. This transition became effective October 1, 2019.

GSA was designated as the Managing Partner for several noteworthy reasons. First, this new role is consistent with the goals of the President's Management Agenda and the vision outlined in OMB Memorandum M-19-16, Centralized Mission Support Capabilities for the Federal Government. GSA has a key role in implementing OMB M-19-16 because of its long history in offering shared services for Federal real estate and acquisition.

Second, GSA will leverage its expertise in technology modernization to ensure that the eRulemaking Program delivers a modern service with secure and innovative technical solutions that are responsive to the needs of the interagency community.

Third, GSA is already home to the Regulatory Information Service Center (RISC) which offers support to agencies and OMB's Office of Information and Regulatory Affairs (OIRA) in the creation of the Spring and Fall Unified Agendas, and in managing the process by which OIRA executes its regulatory and information collection review authorities. GSA is uniquely positioned to collaborate both internally with RISC and externally with the Office of the Federal Register (OFR), the Government Publishing Office (GPO), and other regulatory stakeholders.

### **Components of the eRulemaking Program**

With that in mind, the eRulemaking Program is a shared service that provides the public with one-stop access to review electronic dockets and electronically submit comments on proposed rulemaking and other agency actions for multiple Federal agencies. It is comprised of both the Federal Docket Management System (FDMS), used by Partner agencies to create electronic dockets, and Regulations.gov, which allows the public to interact with those dockets. The eRulemaking Program allows rulemaking agencies to fulfill the requirements of the E-Government Act of 2002. Participation is voluntary and the shared service is funded through interagency agreements with those that participate. As of today, there are 221 partner agencies, including subcomponents of agencies, using the eRulemaking program.

To use the system, partner agencies post electronic dockets for proposed rules and other actions on Regulations.gov. Members of the public can search the site for information in dockets by name or by topic area. A member of the public may participate in the development of a proposed rule by entering a comment and/or uploading relevant files through Regulations.gov. The policies for submitting information vary greatly by agency. Some agencies require multiple fields, such as name and address. Other agencies allow for anonymous comments. GSA provides a shared technology service that allows participating agencies to configure the information flow to the needs of their rulemaking policies and processes.

GSA's primary focus since assuming ownership has been to ensure continuity of service to agency partners and the public. GSA also recognizes its responsibility to deliver a secure, innovative, and modern platform to agencies, the public, OMB, and other stakeholders moving forward. The Office of Regulation Management has already awarded a contract to assess the current technology platform and design a roadmap for modernization, both for the eRulemaking program and the RISC and OIRA Consolidated Information System (ROCIS).

Office of Regulation Management

In recognition of the importance of the program, GSA has established a new Office of Regulation Management within the Office of Government-wide Policy. This office will enable GSA to create a more integrated and streamlined federal rulemaking program using modernized technology. While the missions of RISC and of the eRulemaking program remain the same -- to promote transparency and efficiency in the rulemaking process -- GSA's overarching vision for Rulemaking Modernization is three-fold:

- Better integration of data and information technology between the Program and other systems to support data analytics, both for rulemakers and members of the public.
- Apply innovative approaches to promote public access, accountability, and transparency.
- In support of the President's Management Agency and Cross Agency Priority Goal #5, provide a quality shared service to modernize and standardize the technology platform, while reducing duplication in support of improved services across the Federal rulemaking landscape.

Some of the potential outcomes we plan to explore:

- Improving value, reducing costs, and ensuring secure implementations for underlying technology, including best practices for shared hardware components and software licensing.
- Improving customer experience for existing services provided by the eRulemaking and RISC programs.

- Expanding the portfolio of shared services to address aspects of the regulatory process that are still performed redundantly by partner agencies. GSA will investigate the extent to which participating agencies supplement their use of eRulemaking systems with investments in labor and technology for their regulatory programs and docket centers.
- Addressing any unmet needs for non-participating agencies, and expanding the membership in the eRulemaking Program.
- In partnership with the OFR, GPO, and other stakeholders, enabling federal-wide regulatory analysis for rulemakers and the public. This includes:
  - Improved practices for data standards, data quality, and data governance.
  - Improved system interfaces among eRulemaking, RISC, OFR and GPO to integrate datasets, streamline the publication process and track a rulemaking throughout its lifecycle.
  - New approaches and technologies for making the unstructured content in regulatory documents and comments more machine-readable and accessible for automated analysis.

## **Challenges and Opportunities**

GSA is also prepared to research potential risks posed by external forces related to data integrity, falsified identities, and the automated generation of public comments. Although we will vigorously work to mitigate any identified risks, we understand this to be a complex dynamic that extends beyond technology fixes to legal and policy considerations with multiple interested stakeholders. It is our intention to protect the transparency and accessibility of the process to the American public while providing the best, most cost effective tools possible to agencies to ensure they have sophisticated analytics programs necessary to make data driven regulatory decisions.

As GSA embarks on this technology modernization initiative, it is our intent to engage with stakeholders -- agencies, Congress, and the public -- to better understand their priorities and concerns as we design a roadmap to improve the efficiency and effectiveness of the program. An initial version of that roadmap should be complete by the end of FY 2020.

In conclusion, GSA is proud and honored to be the Managing Partner for the eRulemaking Program. GSA's establishment of a new Office of Regulation Management recognizes the high value placed on the integrity of the regulatory process as a foundation of our nation's democratic system and our deep respect for the importance of this program as a cornerstone of the democratic process.

Thank you, again, Chairman Portman, Chairman Lankford, Ranking Member Carper, Ranking Member Sinema, and the other Members of the Subcommittees, for inviting me here today.  
I look forward to your questions.