



Request for Proposals—April 29, 2020
Mass, Computer-Generated, and Fraudulent Comments in Agency Rulemaking

The Administrative Conference is accepting proposals from individuals interested in serving as a consultant on a multi-member research team producing a jointly authored report on the issue of mass, computer-generated, and fraudulent comments in federal agency rulemakings.

Project Description and Consultant Responsibilities

A team of research consultants, led by the Conference’s Research Director, will prepare a report addressing agencies’ treatment of mass comments (*i.e.*, large batches of identical or nearly identical comments), computer-generated comments, and fraudulent comments (*i.e.*, comments that purport to come from a source other than the person or entity submitting them) in informal rulemakings. The report’s mass comment component will examine the legal and practical issues associated with addressing large numbers of public comments and consider possible alternative mechanisms for ascertaining public opinion. The report’s component on computer-generated and fraudulent comments will consider the legal and practical issues associated with those classes of comments, including whether agencies are required to consider such comments, whether there are certain types of rulemakings in which such comments are especially likely to pose problems, and whether agencies can and should undertake remedial measures to reduce or eliminate such comments.

Each consultant will bear primary responsibility for preparing the initial draft of one or more discrete parts of the report, as assigned by the Research Director. After the Research Director and the consultants have completed drafts of their respective parts of the report, they will work together to revise and integrate the different parts into a single draft report. The draft report will be completed by August 2020, and consultants will thereafter be expected to work with Conference staff and committees as the Conference develops recommendations from the report in time for the Conference’s December 2020 plenary session.¹ Consultants will receive a \$4,000 consulting fee for their efforts, plus a budget for related expenses.

Submitting a Proposal and Evaluation Criteria

If you are interested in serving as a consultant for the report, send an email to Mark Thomson (mthomson@acus.gov) with the phrase “ACUS Project Proposal” in the subject line. Attach your

¹ Both the report due date and the date of the plenary session are subject to change in light of COVID-19 and related matters.

curriculum vitae to the email, along with a short (ideally no more than one page) statement identifying the specific aspect of the mass, computer-generated, and fraudulent comment phenomenon you wish to address and what you see as the primary issues that the report should address within that topic area. **All responsible sources must submit a proposal by 5:00 p.m. Eastern Time on May 11, 2020, in order to be guaranteed consideration by the agency.**

Proposals will be evaluated based on quality, clarity, and the proposer's qualifications. The Conference has a strong preference for consultants who have previously authored scholarly work on notice and comment rulemaking, the intersection of administrative law and technology, and related topics.