Removal of “Comment on Open Rules” page from HHS.gov
Website Monitoring Report (Mini-report 6’1)
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Summary of findings and context:

Between June 1, 2019, and June 8, 2019, the Department of Health and Human Services (HHS) removed the “Comment on Open Rules” page (Webpage 2) from HHS.gov. Two prominent links to the page were removed from the “Laws & Regulations” page (Webpage 1), including a link at the center of the page which read “Comment on Open Rules.”

**Update:** Shortly after an inquiry from the Web Integrity Project (WIP), HHS restored the “Comment on Open Rules” page (Webpage 1) on July 3, 2019. An HHS spokesperson told WIP that the page was inadvertently removed while “in the process of being updated to insure (sic) information … was not out of date,” and noted that the page had been restored.

The “Comment on Open Rules” page included several useful resources for the public:

- The “HHS Regulations Toolkit” page, which answers basic questions about the rulemaking process and provides links to resources. The “HHS Regulations Toolkit” page is still live, but it is effectively orphaned. There appears to be no way to navigate to the page using menus and links on the site.
- An infographic, titled “5 Things You Need to Know About HHS Regulations,” which provided succinct information about commenting on rules. This page is still live, but appears to be orphaned.
- A series of links to Regulations.gov, which is the federal government’s centralized portal for publishing and seeking public comment on open rules. These links led to an index of rules open for comment, organized by HHS office or subagency.
- A section called “More on Regulations” with links to more technical resources and the Regulations.gov homepage.

While some members of the public may know to head directly to Regulations.gov to comment on proposed rules, many may not. The “Comment on Open Rules” page and the links to it from the “Laws & Regulations” page provided an additional avenue for the public to get to Regulations.gov, and provided additional resources for those less familiar with the rulemaking process.

Links to Regulations.gov were tailored to return only rules open for comment. A confusingly named and still live page from the same section of the website, the “Find Rules by Operating

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1 The purpose of “mini-reports” is to inform journalists, experts, and the public about a reported or developing news story. A “mini-report” is a condensed version of one of the Web Integrity Project’s website monitoring reports, created on a rapid timeline to explain a narrowly scoped alteration, and is not a comprehensive analysis of a website.
Division” page, is superficially similar, in that it contains links to Regulations.gov. However, those links are to searches of all rules (whether in force or proposed) by HHS office or subagency. Additionally, the page does not contain or link to educational resources like the “HHS Regulations Toolkit” or the “5 Things You Need to Know About HHS Regulations” infographic.

This removal comes at a time when more members of the public than usual are likely to be looking to comment on HHS proposed rules. On May 24, 2019, HHS publicly announced a significant proposed rule, related to nondiscrimination in health and health education programs or activities, made pursuant to Section 1557 of the Affordable Care Act (ACA.) The public comment period for that rule began on June 14, 2019, since which time 9,868 comments on the proposed 1557 rule had been submitted on Regulations.gov.

Webpage 1:
Page title: Laws & Regulations
Page status: Altered (this occurred between June 1, 2019, and June 8, 2019, according to WIP’s website monitoring software. The Internet Archive’s Wayback Machine versions of the page, which correspond to a wider time window due to less frequent captures of snapshots, are provided below.)
- Before: May 31, 2019
- After: June 8, 2019
URL: https://www.hhs.gov/regulations/index.html

Description of change:
1. The “Laws & Regulations” page was altered between June 1, 2019 and June 8, 2019 (Screenshot 1):
   a. Removed the text “HHS rules open for comment,” which linked to the “Comment on Open Rules” page (Webpage 2) from the “I would like info on…” panel.
   b. Removed panel called “Comment on Open Rules”.
      i. The panel contained the following text and link:
         “Comment on Open Rules
         You can play an important role in the Department’s decisions by commenting on proposed rules.”
      ii. The text “Comment on Open Rules” linked to Webpage 2.
Webpage 2:

Page title: Comment on Open Rules
Page status: Removed (this occurred between June 1, 2019 and June 8, 2019 according to WIP’s website monitoring software. The Internet Archive’s Wayback Machine versions of the page, which correspond to a wider time window due to sporadic captures of snapshots, are provided below)

- Before: January 9, 2019
- After: June 18, 2019

URL: https://www.hhs.gov/regulations/comment-on-open-rules/index.html

Description of change:

1. The “Comment on Open Rules” page was removed between June 1, 2019 and June 8, 2019 (Screenshot 2).
2. The page contained:
   a. The following introductory text:
      “The public plays an important role in the rulemaking process by commenting on proposed rules. Your comments can help shape the Department’s decisions.”
   b. A link to the “HHS Regulations Toolkit” page.
      i. The toolkit answers basic questions about the rulemaking process, like “What is a rule?” and “How do public comments influence the development of a rule?,” and provides links to additional resources.
      ii. The page is still live.
   c. An infographic titled ‘5 Things YOU Need To Know About HHS Regulations.’
      i. The infographic is still live.
   d. Links to all HHS rules that are open for comment on Regulations.gov.
   e. Links to rules open for comment by HHS office and subagency on Regulations.gov.
   f. A “More on Regulations” section with links to more resources relating to Executive Order 12866 (Regulatory Review) and Executive Order 13563 (Improving Regulation and Regulatory Review).
Screenshot 2: The “Comment on Open Rules” page as captured by the Internet Archive’s Wayback Machine on January 9, 2019, before its removal.
Screenshot 3: The “Comment on Open Rules” page as captured by the Internet Archive’s Wayback Machine on June 18, 2019, after its removal.