

21ST CENTURY INTEGRATED DIGITAL EXPERIENCE ACT

NOVEMBER 29, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GOWDY, from the Committee on Oversight and Government Reform, submitted the following

R E P O R T

[To accompany H.R. 5759]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom was referred the bill (H.R. 5759) to improve executive agency digital services, and for other purposes, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “21st Century Integrated Digital Experience Act” or the “21st Century IDEA”.

SEC. 2. DEFINITIONS.

In this Act:

- (1) **DIRECTOR.**—The term “Director” means the Director of the Office of Management and Budget.
- (2) **EXECUTIVE AGENCY.**—The term “executive agency” has the meaning given the term “Executive agency” in section 105 of title 5, United States Code.

SEC. 3. WEBSITE MODERNIZATION.

(a) **REQUIREMENTS FOR NEW WEBSITES AND DIGITAL SERVICES.**—Not later than 180 days after the date of enactment of this Act, an executive agency that creates a website or digital service that is intended for use by the public, or conducts a redesign of an existing legacy website or digital service that is intended for use by the public, shall ensure to the greatest extent practicable that any new or redesigned website, web-based form, web-based application, or digital service—

- (1) is accessible to individuals with disabilities in accordance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d);
- (2) has a consistent appearance;
- (3) does not overlap with or duplicate any legacy websites and, if applicable, ensure that legacy websites are regularly reviewed, eliminated, and consolidated;
- (4) contains a search function that allows users to easily search content intended for public use;
- (5) is provided through an industry standard secure connection;
- (6) is designed around user needs with data-driven analysis influencing management and development decisions, using qualitative and quantitative data to determine user goals, needs, and behaviors, and continually test the website, web-based form, web-based application, or digital service to ensure that user needs are addressed;
- (7) provides users of the new or redesigned website, web-based form, web-based application, or digital service with the option for a more customized digital experience that allows users to complete digital transactions in an efficient and accurate manner; and
- (8) is fully functional and usable on common mobile devices.

(b) **REQUIREMENTS FOR EXISTING EXECUTIVE AGENCY WEBSITES AND DIGITAL SERVICES.**—Not later than 1 year after the date of enactment of this Act, the head of each executive agency that maintains a website or digital service that is made available to the public shall—

- (1) review each website or digital service; and
- (2) submit to Congress a report that includes—
 - (A) a list of the websites and digital services maintained by the executive agency that are most viewed or utilized by the public or are otherwise important for public engagement;
 - (B) from among the websites and digital services listed under subparagraph (A), a prioritization of websites and digital services that require modernization to meet the requirements under subsection (a); and
 - (C) an estimation of the cost and schedule of modernizing the websites and digital services prioritized under subparagraph (B).

(c) **INTERNAL DIGITAL SERVICES.**—The head of each executive agency shall ensure, to the greatest extent practicable, that any Intranet established after the date of enactment of this Act conforms to the requirements described in subsection (a).

(d) **PUBLIC REPORTING.**—Not later than 1 year after the date of enactment of this Act and every year thereafter for 4 years, the head of each executive agency shall—

- (1) report annually to the Director on the progress of the executive agency in implementing the requirements described in this section for the previous year; and
- (2) include the information described in paragraph (1) in a publicly available report that is required under another provision of law.

(e) **COMPLIANCE WITH UNITED STATES WEBSITE STANDARDS.**—Any website of an executive agency that is made available to the public after the date of enactment of this Act shall be in compliance with the website standards of the Technology Transformation Services of the General Services Administration.

SEC. 4. DIGITIZATION OF GOVERNMENT SERVICES AND FORMS.

(a) **NON-DIGITAL SERVICES.**—Not later than 180 days after the date of enactment of this Act, the Director shall issue guidance to the head of each executive agency that establishes a process for the executive agency to—

- (1) identify public non-digital, paper-based, or in-person Government services; and
- (2) include in the budget request of the executive agency—

(A) a list of non-digital services with the greatest impact that could be made available to the public through an online, mobile-friendly, digital service option in a manner that decreases cost, increases digital conversion rates, and improves customer experience; and

(B) an estimation of the cost and schedule associated with carrying out the modernization described in subparagraph (A).

(b) **SERVICES REQUIRED TO BE DIGITAL.**—The head of each executive agency shall regularly review public-facing applications and services to ensure that those applications and services are, to the greatest extent practicable, made available to the public in a digital format.

(c) **FORMS REQUIRED TO BE DIGITAL.**—Not later than 2 years after the enactment of this Act, the head of each executive agency shall ensure that any paper based form that is related to serving the public is made available in a digital format that meets the requirements described in section 3(a).

(d) **NON-DIGITIZABLE PROCESSES.**—If the head of an executive agency cannot make available in a digital format under this section an in-person Government service, form, or paper-based process, the head of the executive agency shall document—

(1) the title of the in-person Government service, form, or paper-based process;

(2) a description of the in-person Government service, form, or paper-based process;

(3) each unit responsible for the in-person Government service, form, or paper-based process and the location of each unit in the organizational hierarchy of the executive agency;

(4) any reasons why the in-person Government service, form, or paper-based process cannot be made available under this section; and

(5) any potential solutions that could allow the in-person Government service, form, or paper-based process to be made available under this section, including the implementation of existing technologies, procedural changes, regulatory changes, and legislative changes.

(e) **PHYSICAL AVAILABILITY.**—Each executive agency shall maintain an accessible method of completing digital services through in-person, paper-based, or other means, such that individuals without the ability to use digital services are not deprived of or impeded in access to those digital services.

SEC. 5. ELECTRONIC SIGNATURES.

Not later than 180 days after the date of the enactment of this Act, the head of each executive agency shall submit to the Director and the appropriate congressional committees a plan to accelerate the use of electronic signatures standards established under the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 et seq.).

SEC. 6. CUSTOMER EXPERIENCE AND DIGITAL SERVICE DELIVERY.

The Chief Information Officer of each executive agency, or a designee, shall—

(1) coordinate and ensure alignment of the internal and external customer experience programs and strategy of the executive agency;

(2) coordinate with the management leaders of the executive agency, including the head of the executive agency, the Chief Financial Officer, and any program manager, to ensure proper funding to support the implementation of this Act;

(3) continually examine the digital service delivery strategy of the executive agency to the public and submit recommendations to the head of the executive agency providing guidance and best practices suitable to the mission of the executive agency;

(4) using qualitative and quantitative data obtained from across the executive agency relating to the experience and satisfaction of customers, identify areas of concern that need improvement and improve the delivery of customer service;

(5) coordinate and ensure, with the approval of the head of the executive agency, compliance by the executive agency with section 3559 of title 44, United States Code; and

(6) to the extent practicable, coordinate with other agencies and seek to maintain as much standardization and commonality with other agencies as practicable in implementing the requirements of this Act, to best enable future transitions to centralized shared services.

SEC. 7. STANDARDIZATION.

(a) **DESIGN AND IMPLEMENTATION.**—Each executive agency shall, to the extent practicable, seek to maintain as much standardization and commonality with other executive agencies as practicable in implementing the requirements of this Act to best enable future transitions to centralized shared services.

(b) COORDINATION.—The Chief Information Officer of each executive agency, or a designee, shall coordinate the implementation of the requirements of this Act, including the development of standards and commonalities.

(c) FEDERAL SUPPLY SCHEDULE.—

(1) IN GENERAL.—The General Services Administration shall make available under a Federal Supply Schedule the systems and services necessary to fulfill the requirements of this Act.

(2) REQUIREMENTS.—The Federal Supply Schedule described in paragraph (1) shall, to the extent practicable, ensure interoperability between executive agencies, compliance with industry standards, and adherence to best practices for design, accessibility, and information security.

SUMMARY AND PURPOSE OF LEGISLATION

H.R. 5759, the 21st Century Integrated Digital Experience Act, requires the modernization of new or redesigned websites and digital services, including forms. The bill creates processes and requires a schedule for existing websites and services to be modernized or digitized.

BACKGROUND AND NEED FOR LEGISLATION

The U.S. Federal Customer Experience Index measures citizen interactions with the Federal Government.¹ The 2018 Index gave many Federal agencies failing scores.² In contrast, most private sector companies received passing scores.³

In the President’s Management Agenda released in March of this year, one of the performance goals is to improve the customer experience.⁴ This goal prioritizes improving the usability and dependability of digital services offered by the government by leveraging technology.⁵ H.R. 5759 achieves this goal through a systematic approach to modernizing websites, services, and forms.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee’s oversight findings and recommendations are reflected in the previous section.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee’s performance goal or objective of this bill is to improve executive agency digital services, and for other purposes.

LEGISLATIVE HISTORY

On May 10, 2018, Representative Ro Khanna (D–CA) introduced H.R. 5759, the 21st Century Integrated Digital Experience Act,

¹ Rick Parrish, et.al, *The US Federal Customer Experience Index, 2018*, FORRESTER (May 31, 2018), <https://www.forrester.com/report/The+US+Federal+Customer+Experience+Index+2018/-/E-RES142378>.

² Aaron Boyd, *Report: Citizens Have Better Experience With Airlines, Insurers Than Federal Agencies*, NEXTGOV (May 31, 2018), <https://www.nextgov.com/cio-briefing/2018/05/report-citizens-have-better-experience-airlines-insurers-federal-agencies/148635/>.

³ *Id.*

⁴ Chase Gunter, *IT, workforce, customer service central to President’s Management Agenda*, FCW (Mar. 20, 2018), [https://fcw.com/articles/2018/03/20/trump-management-agenda.aspx?m=1;OFFICE OF MGMT. & BUDGET, PRESIDENT’S MANAGEMENT AGENDA, 28 \(2018\), https://www.performance.gov/CAP/CAP_goal_4.html](https://fcw.com/articles/2018/03/20/trump-management-agenda.aspx?m=1;OFFICE%20OF%20MGMT.%20&%20BUDGET,%20PRESIDENT’S%20MANAGEMENT%20AGENDA,%2028%20(2018),%20https://www.performance.gov/CAP/CAP_goal_4.html).

⁵ *Id.*

with Representatives John Ratcliffe (R-TX), Robin Kelly (D-IL), Steve Russell (R-OK), Gerald Connolly (D-VA), Cathy McMorris Rogers (R-WA), Raja Krishnamoorthi (D-IL), Brian Fitzpatrick (R-PA), Jamie Raskin (D-MD), Ryan Costello (R-PA), Bonnie Watson Coleman (D-NJ), Duncan Hunter (R-CA), Brenda Lawrence (D-MI), Barbara Comstock (R-VA), Anna Eshoo (D-CA), and John Curtis (R-UT). H.R. 5759 was referred to the Committee on Oversight and Government Reform. The Committee considered H.R. 5759 at a business meeting on September 27, 2018, and ordered the bill favorably reported, as amended, by voice vote.

Senator Rob Portman (R-OH) introduced S. 3050, the Senate companion to H.R. 5759, on June 12, 2018. The Senate Committee on Homeland Security and Governmental Affairs considered S. 3050 at a business meeting on September 26, 2018, and ordered the bill reported favorably, as amended, by voice vote.

COMMITTEE CONSIDERATION

On September 27, 2018, the Committee met in open session and, with a quorum being present, ordered the bill favorably reported, as amended, by voice vote.

ROLL CALL VOTES

There were no roll call votes requested or conducted during Committee consideration of H.R. 5759.

EXPLANATION OF AMENDMENTS

During Committee consideration of the bill, Representative Steve Russell (R-OK) offered an amendment in the nature of a substitute. The amendment in the nature of a substitute requires new websites and digital services created by Federal agencies to meet updated requirements to ensure a modern, streamlined experience online. In addition, agencies will survey their current websites and services to prioritize modernizing those most used by the public and create a plan to update such websites and services. Agencies will also be responsible for updating their paper-based forms to digitized forms using electronic signatures.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104-1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill to improve executive agency digital services, and for other purposes. As such, this bill does not relate to employment or access to public services and accommodations.

DUPLICATION OF FEDERAL PROGRAMS

In accordance with clause 2(c)(5) of rule XIII no provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

This bill does not direct the completion of any specific rule makings within the meaning of section 551 of title 5, United States Code.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of Section 5(b) of the appendix to title 5, United States Code.

UNFUNDED MANDATES STATEMENT

Pursuant to section 423 of the Congressional Budget Act of 1974 the Committee has included a letter received from the Congressional Budget Office below.

EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the House of Representatives.

COMMITTEE ESTIMATE

Pursuant to clause 3(d)(2)(B) of rule XIII of the Rules of the House of Representatives, the Committee includes below a cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the House of Representatives, the cost estimate prepared by the Congressional Budget Office and submitted pursuant to section 402 of the Congressional Budget Act of 1974 is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 28, 2018.

Hon. TREY GOWDY,
*Chairman, Committee on Oversight and Government Reform,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5759, the 21st Century IDEA.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 5759—21st Century IDEA

H.R. 5759 would require agencies to update their websites, increase the use of electronic forms, implement the use of e-signatures, standardize information technology (IT) throughout the federal government, and improve the overall government IT experience for users.

Reports on www.digital.gov indicate that the U.S. government has about 6,000 websites and over 400 domains. The Administration estimates that the federal government has over 23,000 forms—some on paper and some in various stages of digital form. The federal government spends about \$95 billion annually on IT services, and according to the Budget of the U.S. Government, Fiscal Year 2019: Analytical Perspectives: “federal agencies have a poor track record of appropriately planning and budgeting for continuous modernization of their legacy IT systems. Further, transition to other services such as cloud and shared services remains slow.” Recent Administrations have made improvements to IT a management priority, and those efforts continue.

H.R. 5759 does not specifically authorize an appropriation of funds for agencies to achieve the goals of the legislation. Many of the provisions would generally codify current policies and practices. From CBO’s review of the current federal digital environment, it is not clear that agencies would take any extra steps to implement H.R. 5759 beyond those measures already under way or planned.

Several Government Accountability Office reports have indicated that many agencies, including the Department of Veterans Affairs and the Internal Revenue Service, have invested billions of dollars in IT programs that have had significant cost overruns and many operational problems.¹ In CBO’s view, implementing H.R. 5759 would not lead to additional costs beyond those already expected. If agencies did respond to the legislation with greater efforts to expand electronic forms and signatures and generally enhance IT services, those efforts would probably involve discretionary costs of at least \$100 million over the next five years. An expenditure of that scale evenly distributed across 20 major federal department and agencies would average \$1 million per year for five years for each department or agency.

Enacting H.R. 5759 could affect direct spending by some agencies (the Tennessee Valley Authority, for example) that are authorized to use fees, receipts from the sale of goods, and other collections to cover their operating costs; therefore, pay-as-you-go procedures apply. Because most such agencies can adjust the amounts they collect, however, CBO estimates that any net changes in direct spending would not be significant. Enacting the bill would not affect revenues.

CBO estimates that enacting H.R. 5759 would not significantly increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 5759 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

¹Government Accountability Office, *VA IT Modernization: Preparations for Transitioning to a New Electronic Health Record System Are Ongoing*, GAO-18-636T (June 26, 2018), www.gao.gov/Products/GAO-18-636T, and *Information Technology: Management Attention Is Needed to Successfully Modernize Tax Processing Systems*, GAO-18-153T (October 4, 2017), www.gao.gov/products/GAO-18-153T.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 establishes the short title of the bill.

Sec. 2. Definitions

Section 2 defines “Director” and “Executive agency.”

Sec. 3. Website modernization

Section 3 creates requirements for new websites and digital services to enhance the public’s experience. It also requires agencies to report annually to Congress information on their existing websites and digital services, including a cost estimate and plan to modernize existing websites and digital services prioritized based on public impact. Agencies will also annually report to the Office of Management and Budget (OMB) their progress in meeting the standards outlined in this section. Agencies will make every effort to ensure internal websites or digital services meet these requirements.

Sec. 4. Digitization of government services and forms

Section 4 requires OMB to issue guidance on establishing a process to identify public transactions and processes that currently are not digital. Agencies then have 180 days to submit a report to Congress on these services, whether they can be digitized, and a process and schedule to digitize services. This section also requires agencies to digitize any paper-based form within one year of enactment. Should an agency choose not to digitize a service, then the agency must provide documentation. All agencies will maintain an accessible method for digital services to be completed.

Sec. 5. Electronic signatures

Section 5 requires agencies to report a plan to Congress and OMB to accelerate the use of electronic signature standards on their forms and digital services.

Sec. 6. Customer experience and digital service delivery

Section 6 requires the Chief Information Officer (CIO) of each agency to coordinate the alignment of internal and external customer experience programs and agency strategies and identify areas for improvement. The CIO will also coordinate with the agency head and Chief Financial Officer to ensure proper funding for implementation.

Sect. 7. Standardization

Section 7 requires coordination by the CIO to standardize, to the extent practicable, the requirements in this Act.