

CONNECTED GOVERNMENT ACT

NOVEMBER 13, 2017.—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. 2331]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom was referred the bill (H.R. 2331) to require a new or updated Federal website that is intended for use by the public to be mobile friendly, and for other purposes, having considered the same, 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:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Connected Government Act”.

SEC. 2. FEDERAL WEBSITES REQUIRED TO BE MOBILE FRIENDLY.

(a) **IN GENERAL.**—If, on or after the date that is 6 months after the date of the enactment of this Act, an agency creates a website that is intended for use by the public or updates a website that is intended for use by the public, the agency shall ensure that the website is mobile friendly.

(b) **OMB REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, shall make publicly available and submit to Congress a report that describes the implementation of the requirement described under subsection (a) and assesses the compliance of each agency with such requirement.

(c) **DEFINITIONS.**—In this section:

(1) **AGENCY.**—The term “agency” has the meaning given that term in section 551 of title 5, United States Code.

(2) **MOBILE FRIENDLY.**—The term “mobile friendly” means, with respect to a website, that the website is configured in such a way that the website may be easily navigated and viewed on a smartphone, tablet computer, or similar mobile device.

COMMITTEE STATEMENT AND VIEWS**PURPOSE AND SUMMARY**

H.R. 2331, the Connected Government Act, codifies an existing Office of Management and Budget (OMB) rule (OMB Memorandum M–17–06) requiring federal agencies to ensure any new or updated website intended for public use is mobile friendly.¹

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2331 ensures that federal agencies take necessary steps to provide the public with convenient access to government services. In 2016, the OMB issued a rule requiring public-facing agency websites to be mobile friendly.² However, a study conducted this year found that an estimated 40 percent of all government websites are not accessible or are difficult to access on a mobile device.³ H.R. 2331 directs federal agencies to implement the mobile friendly requirement for all public-facing websites updated or created after enactment. This requirement is not intended to apply to minor or technical updates. H.R. 2331 also requires OMB to conduct a government-wide review of the implementation of the bill to ensure that agencies are complying with the mobile friendly requirement.

H.R. 2331 is an important step in the effort to modernize the information technology infrastructure of the federal government.

LEGISLATIVE HISTORY

On May 3, 2017, Representative Robin Kelly (D–IL) introduced H.R. 2331, the Connected Government Act, with Representative Frank Pallone (D–NJ). H.R. 2331 was referred to the Committee on Oversight and Government Reform. The Committee considered H.R. 2331 at a business meeting on September 13, 2017, and ordered the bill reported favorably, as amended, by voice vote.

¹ Office of Mgmt. & Budget, M–17–06, Policies for Federal Agency Public Websites and Digital Services (2016).

² *Id.*

³ Alan McQuinn & Daniel Castro, Info. Tech. & Innovation Found., Benchmarking U.S. Government Websites 2 (2017).

SECTION-BY-SECTION

Section 1. Short title

Section 1 establishes the short title of the bill.

Section 2. Federal websites required to be mobile friendly

Section 2 codifies an existing OMB requirement (OMB Memorandum M-17-06) requiring federal agencies to ensure any website intended for use by the public is mobile friendly. Any website that is created or updated more than six months after the bill's enactment must implement mobile friendly website configuration.

Section 2 also requires an OMB report on each agency's implementation and compliance with the bill.

EXPLANATION OF AMENDMENTS

During Full Committee consideration of the bill, Representative Robin Kelly offered an amendment in the nature of a substitute to remove the provision that required the Federal Communications Commission to submit a mobile friendly compliance report to four specific Committees. The amendment instead requires OMB to conduct the government-wide review and submit a report to Congress. The Kelly amendment was adopted by voice vote.

COMMITTEE CONSIDERATION

On September 13, 2017, 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 Full Committee consideration of H.R. 2331.

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 requires each new or updated Federal website intended for use by the public to be mobile friendly. As such, this bill does not relate to employment or access to public services and accommodations.

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 descriptive portions of this report.

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 require a new or updated Federal website that is intended for use by the public to be mobile friendly.

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 and Impoundment Control Act (Pub. L. 113-67) 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, September 22, 2017.

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. 2331, the Connected Government Act.

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.

Enclosure.

H.R. 2331—Connected Government Act

H.R. 2331 would require all federal agencies that create or update a website intended for use by the public to ensure that the website is mobile friendly. A mobile friendly website is defined as one that is configured in such a way that it may be easily navigated and viewed on a smartphone, tablet computer, or similar mobile device. In addition, the Office of Management and Budget (OMB), in consultation with the General Services Administration (GSA), would report on the implementation of these requirements within 18 months.

Under current executive branch guidance (see OMB Memorandum M-17-06, which was issued on November 8, 2016) all new or redesigned federal websites must allow for access by mobile devices. In addition, GSA's Digital Government Division works with agencies to help them provide electronic information and services to the public in any digital form. Because of those ongoing efforts, CBO estimates that implementing H.R. 2331 would have no significant cost.

Enacting H.R. 2331 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 2331 would not increase direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 2331 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

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