

Calendar No. 723

115TH CONGRESS
2D SESSION**S. 3050****[Report No. 115–418]**

To improve executive agency digital services, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2018

Mr. PORTMAN (for himself, Mrs. MCCASKILL, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 5, 2018

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To improve executive agency digital services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “21st Century Inte-
5 grated Digital Experience Act” or the “21st Century
6 IDEA”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Restoring the global leadership position of
4 the United States Government in technology and
5 electronic government requires a new approach that
6 narrows the growing gap between the digital de-
7 mands of the people of the United States and the
8 manner in which the Government provides digital
9 services to the people of the United States.

10 (2) Legislation is needed to accelerate the tran-
11 sition from an analog and paper-based Government
12 to a 21st century digital Government.

13 (3) The recent passage of the Modernizing Gov-
14 ernment Technology Act as subtitle G of title X of
15 the National Defense Authorization Act for Fiscal
16 Year 2018 (Public Law 115–91; 131 Stat. 1283)
17 and the Connected Government Act (Public Law
18 115–114; 131 Stat. 2278) has laid the foundation
19 for the transformation of the Government to mod-
20 ern, digital platforms.

21 (4) Enhanced citizen-facing and internal digital
22 service delivery will dramatically reduce the cost of
23 Government operations and improve customer expe-
24 rience.

25 **SEC. 3. DEFINITIONS.**

26 In this Act:

1 (1) **DIGITAL SERVICE.**—The term “digital serv-
 2 ice” means the delivery of electronic information
 3 (such as data or content) and transactional services
 4 (such as online forms or benefits applications) across
 5 a variety of platforms, devices, and delivery mecha-
 6 nisms (such as websites, mobile applications, or so-
 7 cial media).

8 (2) **DIRECTOR.**—The term “Director” means
 9 the Director of the Office of Management and Budg-
 10 et.

11 (3) **EXECUTIVE AGENCY.**—The term “executive
 12 agency” has the meaning given the term “Executive
 13 agency” in section 105 of title 5, United States
 14 Code.

15 (4) **INTRANET.**—The term “Intranet” means a
 16 network belonging to an organization or group of or-
 17 ganizations and any subdepartment of the organiza-
 18 tion, accessible only by the authorized members and
 19 systems of the organization, employees of the organi-
 20 zations, or others with secure authentication.

21 **SEC. 4. WEBSITE MODERNIZATION.**

22 (a) **REQUIREMENTS FOR EXISTING EXECUTIVE**
 23 **AGENCY WEBSITES AND DIGITAL SERVICES.**—Not later
 24 than 1 year after the date of enactment of this Act, the

1 head of an executive agency that maintains a website or
2 digital service that is made available to the public shall—

3 (1) eliminate or consolidate websites or web
4 pages that are duplicative or overlapping;

5 (2) ensure that each public-facing website and
6 digital service has a consistent appearance;

7 (3) ensure that each website, web-based form,
8 and web-based application of the executive agency
9 are accessible to individuals with disabilities in ac-
10 cordance with section 508 of the Rehabilitation Act
11 of 1973 (29 U.S.C. 794d);

12 (4) ensure that each website or digital service
13 contains a search function that allows users to easily
14 search content intended for public use;

15 (5) provide the website or digital service
16 through an industry standard secure connection;

17 (6) ensure that each website or digital service
18 is designed around user needs with data-driven anal-
19 ysis influencing management and development deci-
20 sions, using qualitative and quantitative data to de-
21 termine user goals, needs, and behaviors, and contin-
22 ually test the website or digital service to ensure
23 that user needs are addressed; and

24 (7) ensure that users of the website or digital
25 service have the option for a more customized digital

1 experience that allows users to complete digital
2 transactions in an efficient and accurate manner.

3 ~~(b) RESEARCH ON DEVELOPMENT OF WEBSITES AND~~
4 ~~DIGITAL SERVICES.~~—Notwithstanding any other provi-
5 sion of law, quantitative and qualitative research, includ-
6 ing user testing, related to the development of websites
7 or other public-facing digital services of an executive agen-
8 cy shall not be considered a collection of information for
9 the purposes of section 3507 of title 44, United States
10 Code.

11 ~~(c) REQUIREMENTS FOR NEW WEBSITES AND DIG-~~
12 ~~ITAL SERVICES.~~—Any website or digital service of an exec-
13 utive agency that is made available to the public after the
14 date of enactment of this Act shall meet the requirements
15 described in subsection (a).

16 ~~(d) INTERNAL DIGITAL SERVICES.~~—The head of
17 each executive agency shall ensure to the greatest extent
18 practicable that any new Intranet conforms to the require-
19 ments in subsection (a).

20 ~~(e) PUBLIC REPORTING.~~—The head of each executive
21 agency shall submit to the Director an annual report on
22 the progress of the executive agency in implementing the
23 requirements described in this section for the previous
24 year and shall make the report available to the public.

1 (f) COMPLIANCE WITH UNITED STATES WEBSITE
 2 STANDARDS.—Any website of an executive agency that is
 3 made available to the public after the date of enactment
 4 of this Act shall be in compliance with the website stand-
 5 ards of the Technology Transformation Services of the
 6 General Services Administration.

7 **SEC. 5. DIGITIZATION OF GOVERNMENT SERVICES AND**
 8 **FORMS.**

9 (a) DIGITAL SERVICE OPTION REQUIRED.—Not later
 10 than 2 years after the date of enactment of this Act, the
 11 head of each executive agency shall make available to the
 12 public an online, mobile-friendly, digital service option for
 13 any in-person Government transaction or paper-based
 14 process in a manner that decreases cost, increases digital
 15 conversion rates, and improves customer experience.

16 (b) FORMS AND SERVICES REQUIRED TO BE DIG-
 17 ITAL.—Not later than 1 year after the date of enactment
 18 of this Act, the head of each executive agency shall ensure
 19 that any paper-based form, application, or service that is
 20 related to serving the public is made available to the public
 21 in a digital format.

22 **SEC. 6. ELECTRONIC SIGNATURES.**

23 (a) PLAN FOR USE OF ELECTRONIC SIGNATURES.—
 24 Not later than 180 days after the date of the enactment
 25 of this Act, the head of each executive agency shall submit

1 to the Director and the appropriate congressional commit-
 2 tees a plan to accelerate the use of electronic signatures
 3 standards established in the Electronic Signatures in
 4 Global and National Commerce Act (15 U.S.C. 7001 et
 5 seq.).

6 (b) EXECUTIVE AGENCY COMPLIANCE.—Not later
 7 than 180 days after the date of the enactment of this Act,
 8 the head of each executive agency shall certify and report
 9 full compliance with the Electronic Signatures in Global
 10 and National Commerce Act (15 U.S.C. 7001 et seq.) and
 11 Office of Management and Budget Circular A–130, or any
 12 successor thereto, to support the use of electronic signa-
 13 tures by the Federal Government.

14 **SEC. 7. CUSTOMER EXPERIENCE AND DIGITAL SERVICE DE-**
 15 **LIVERY.**

16 The Chief Information Officer of each executive agen-
 17 cy, or a designee, shall—

18 (1) coordinate and ensure alignment of the in-
 19 ternal and external customer experience programs
 20 and strategy of the executive agency;

21 (2) coordinate with the management leaders of
 22 the executive agency, including the head of the exec-
 23 utive agency, the Chief Financial Officer, and any
 24 program manager, to ensure proper funding to sup-
 25 port the implementation of this Act;

1 (3) continually examine the digital service deliv-
 2 ery strategy of the executive agency to the public
 3 and submit recommendations to the head of the ex-
 4 ecutive agency providing guidance and best practices
 5 suitable to the mission of the executive agency;

6 (4) using qualitative and quantitative data ob-
 7 tained from across the executive agency relating to
 8 the experience and satisfaction of customers; identify
 9 areas of concern that need improvement and im-
 10 prove the delivery of customer service; and

11 (5) coordinate and ensure, with the approval of
 12 the head of the executive agency, compliance by the
 13 executive agency with section 3559 of title 44,
 14 United States Code.

15 **SECTION 1. SHORT TITLE.**

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

18 **SEC. 2. DEFINITIONS.**

19 *In this Act:*

20 (1) *DIRECTOR.*—*The term “Director” means the*
 21 *Director of the Office of Management and Budget.*

22 (2) *EXECUTIVE AGENCY.*—*The term “executive*
 23 *agency” has the meaning given the term “Executive*
 24 *agency” in section 105 of title 5, United States Code.*

1 **SEC. 3. WEBSITE MODERNIZATION.**

2 (a) *REQUIREMENTS FOR NEW WEBSITES AND DIGITAL*
 3 *SERVICES.*—*Not later than 180 days after the date of enact-*
 4 *ment of this Act, an executive agency that creates a website*
 5 *or digital service that is intended for use by the public, or*
 6 *conducts a redesign of an existing legacy website or digital*
 7 *service that is intended for use by the public, shall ensure,*
 8 *to the greatest extent practicable, that any new or rede-*
 9 *signed website, web-based form, web-based application, or*
 10 *digital service—*

11 (1) *is accessible to individuals with disabilities*
 12 *in accordance with section 508 of the Rehabilitation*
 13 *Act of 1973 (29 U.S.C. 794d);*

14 (2) *has a consistent appearance;*

15 (3) *does not overlap with or duplicate any legacy*
 16 *websites and, if applicable, ensure that legacy websites*
 17 *are regularly reviewed, eliminated, and consolidated;*

18 (4) *contains a search function that allows users*
 19 *to easily search content intended for public use;*

20 (5) *is provided through an industry standard se-*
 21 *cure connection;*

22 (6) *is designed around user needs with data-*
 23 *driven analysis influencing management and develop-*
 24 *ment decisions, using qualitative and quantitative*
 25 *data to determine user goals, needs, and behaviors,*
 26 *and continually test the website, web-based form, web-*

1 *based application, or digital service to ensure that*
 2 *user needs are addressed;*

3 *(7) provides users of the new or redesigned*
 4 *website, web-based form, web-based application, or*
 5 *digital service with the option for a more customized*
 6 *digital experience that allows users to complete digital*
 7 *transactions in an efficient and accurate manner;*
 8 *and*

9 *(8) is fully functional and usable on common*
 10 *mobile devices.*

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

16 *(1) review each website or digital service; and*

17 *(2) submit to Congress a report that includes—*

18 *(A) a list of the websites and digital services*
 19 *maintained by the executive agency that are*
 20 *most viewed or utilized by the public or are oth-*
 21 *erwise important for public engagement;*

22 *(B) from among the websites and digital*
 23 *services listed under subparagraph (A), a*
 24 *prioritization of websites and digital services*

1 *that require modernization to meet the require-*
2 *ments under subsection (a); and*

3 *(C) an estimation of the cost and schedule*
4 *of modernizing the websites and digital services*
5 *prioritized under subparagraph (B).*

6 *(c) INTERNAL DIGITAL SERVICES.—The head of each*
7 *executive agency shall ensure, to the greatest extent prac-*
8 *ticable, that any intranet established after the date of enact-*
9 *ment of this Act conforms to the requirements described in*
10 *subsection (a).*

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

14 *(1) report to the Director on the progress of the*
15 *executive agency in implementing the requirements*
16 *described in this section for the previous year; and*

17 *(2) include the information described in para-*
18 *graph (1) in a publicly available report that is re-*
19 *quired under another provision of law.*

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

1 **SEC. 4. DIGITIZATION OF GOVERNMENT SERVICES AND**
 2 **FORMS.**

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

7 (1) *identify public non-digital, paper-based, or*
 8 *in-person Government services; and*

9 (2) *include in the budget request of the executive*
 10 *agency—*

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

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

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

25 (c) *FORMS REQUIRED TO BE DIGITAL.*—Not later
 26 than 2 years after the date of enactment of this Act, the

1 *head of each executive agency shall ensure that any paper-*
 2 *based form that is related to serving the public is made*
 3 *available in a digital format that meets the requirements*
 4 *described in section 3(a).*

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

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

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

14 *(3) each unit responsible for the in-person Gov-*
 15 *ernment service, form, or paper-based process and the*
 16 *location of each unit in the organizational hierarchy*
 17 *of the executive agency;*

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

21 *(5) any potential solutions that could allow the*
 22 *in-person Government service, form, or paper-based*
 23 *process to be made available under this section, in-*
 24 *cluding the implementation of existing technologies,*

1 procedural changes, regulatory changes, and legisla-
2 tive changes.

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

9 **SEC. 5. ELECTRONIC SIGNATURES.**

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

17 **SEC. 6. CUSTOMER EXPERIENCE AND DIGITAL SERVICE DE-**
18 **LIVERY.**

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

21 (1) coordinate and ensure alignment of the inter-
22 nal and external customer experience programs and
23 strategy of the executive agency;

24 (2) coordinate with the management leaders of
25 the executive agency, including the head of the execu-

1 *tive agency, the Chief Financial Officer, and any pro-*
2 *gram manager, to ensure proper funding to support*
3 *the implementation of this Act;*

4 *(3) continually examine the digital service deliv-*
5 *ery strategy of the executive agency to the public and*
6 *submit recommendations to the head of the executive*
7 *agency providing guidance and best practices suitable*
8 *to the mission of the executive agency;*

9 *(4) using qualitative and quantitative data ob-*
10 *tained from across the executive agency relating to the*
11 *experience and satisfaction of customers, identify*
12 *areas of concern that need improvement and improve*
13 *the delivery of customer service;*

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

18 *(6) to the extent practicable, coordinate with*
19 *other agencies and seek to maintain as much stand-*
20 *ardization and commonality with other agencies as*
21 *practicable in implementing the requirements of this*
22 *Act, to best enable future transitions to centralized*
23 *shared services.*

1 **SEC. 7. STANDARDIZATION.**

2 (a) *DESIGN AND IMPLEMENTATION.*—Each executive
3 agency shall, to the extent practicable, seek to maintain as
4 much standardization and commonality with other execu-
5 tive agencies as practicable in implementing the require-
6 ments of this Act to best enable future transitions to central-
7 ized shared services.

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

12 (c) *FEDERAL SUPPLY SCHEDULE.*—

13 (1) *IN GENERAL.*—The General Services Admin-
14 istration shall make available under a Federal Sup-
15 ply Schedule the systems and services necessary to ful-
16 fill the requirements of this Act.

17 (2) *REQUIREMENTS.*—The Federal Supply
18 Schedule described in paragraph (1) shall, to the ex-
19 tent practicable, ensure interoperability between exec-
20 utive agencies, compliance with industry standards,
21 and adherence to best practices for design, accessi-
22 bility, and information security.

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To improve executive agency digital services, and
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