

Calendar No. 723

115TH CONGRESS }
2d Session }

SENATE

{ REPORT
115-418 }

21ST CENTURY INTEGRATED DIGITAL
EXPERIENCE ACT

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 3050

TO IMPROVE EXECUTIVE AGENCY DIGITAL SERVICES, AND FOR
OTHER PURPOSES



DECEMBER 5, 2018.—Ordered to be printed

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21ST CENTURY INTEGRATED DIGITAL EXPERIENCE ACT

DECEMBER 5, 2018.—Ordered to be printed

Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 3050]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 3050) to improve executive agency digital services, and for other purposes, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

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I. PURPOSE AND SUMMARY

S. 3050, the 21st Century Integrated Digital Experience Act, or, 21st Century IDEA Act, seeks to improve government services by improving existing digital services and websites and requiring a plan and cost estimates for digitizing high priority in-person and paper-based services.

II. BACKGROUND AND THE NEED FOR LEGISLATION

Federal Government agencies provide a variety of services to citizens, ranging from Social Security benefits to care for veterans.

Some of these government services are digital or can be completed via online forms, while many others require an in-person or paper-based process. According to the 2016 American Consumer Satisfaction Index, government services lag an average of nine percentage points behind the private sector.¹ A key component to improving government services is to enhance existing websites and digital services, and to digitize paper-based and in-person services where the benefit outweighs the costs.

Traditionally, the Federal Government has performed poorly when attempting to digitize paper-based processes. For example the United States Customs and Immigration Services (USCIS) attempted digitize scores of immigration forms at a cost of around \$500 million, with a target completion date of 2013.² By 2015, the project was nowhere near complete, had a new cost estimate of \$3.1 billion, and a target completion of 2017.³

Cloud computing and other technologies have advanced significantly since the early failures of the USCIS project. This advancement of technology, combined with the enactment of the Modernizing Government Technology Act,⁴ should give the Federal Government the accountability, oversight, and funding to improve customer service by improving websites and digitizing services.

In March 2018, the Office of Management and Budget released the President's Management Agenda which included plans for improving customer service through improved use of information technology.⁵ The agenda asks agencies to focus on four strategies to achieve an improved customer experience: "improving digital services; modernizing customer experiences for high-impact Federal programs; rewarding programs and people that demonstrate outstanding services; and creating a support and accountability network to ensure sustainable customer experience improvement across government."⁶

The 21st Century IDEA Act supports the goals of the President's Management Agenda and two of the four agency strategies by requiring that, as agencies develop new digital services and websites, they meet certain requirements that will improve customer service. For existing websites and services, the bill requires agencies to identify and prioritize those with the greatest impact on customer service and report in their budget requests the cost of modernization.

III. LEGISLATIVE HISTORY

Senator Rob Portman introduced S. 3050 on June 12, 2018. The bill was referred to the Committee on Homeland Security and Gov-

¹ Off. Of Mgmt. & Budget, The President's Management Agenda: Modernizing Government for the 21st Century 28 (2018), available at <https://www.whitehouse.gov/wp-content/uploads/2018/04/ThePresidentsManagementAgenda.pdf>.

² Jerry Markon, *A decade into a project to digitize U.S. immigration forms, just 1 is online*, Wash. Post (Nov. 8, 2015), available at https://www.washingtonpost.com/politics/a-decade-into-a-project-to-digitize-us-immigration-forms-just-1-is-online/2015/11/08/f63360fc-830e-11e5-a7ca-6ab6ec20f839_story.html?utm_term=.6f306f38a565.

³ *Id.*

⁴ Modernizing Government Technology Act of 2017, as considered in H.R. 2227 and S. 990, was passed in the National Defense Authorization Act for Fiscal Year 2018, Pub. L. No. 115-91, 131 Stat. 1283 (2018).

⁵ Off. Of Mgmt. & Budget, The President's Management Agenda: Modernizing Government for the 21st Century (2018), available at <https://www.whitehouse.gov/wp-content/uploads/2018/04/ThePresidentsManagementAgenda.pdf>.

⁶ *Id.* at 7.

ernmental Affairs on the same day. The Committee considered S. 3050 at a September 26, 2018, business meeting.

The Committee ordered S. 3050, as amended by a Portman substitute amendment, reported favorably en bloc by voice vote. Senators present for the vote were Johnson, Portman, Lankford, Enzi, Hoeven, McCaskill, Carper, Heitkamp, Peters, Hassan, Harris, and Jones.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

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

Section 2. Definitions

This section includes definitions of the terms “Director” and “executive agency.”

Section 3. Website modernization

Subsection (a) outlines the requirements for an executive agency to follow if such agency creates or redesigns a website intended for public use. The executive agency must ensure the websites are accessible to individuals with disabilities, have a consistent appearance, contain search functions, provide industry standard connection, designed around user needs with a data driven analysis, allow users to complete digital transaction in an efficient manner and must be fully functional on a mobile device. The new websites must not overlap with any legacy websites, and legacy websites must be reviewed and eliminated.

Subsection (b) describes the requirements for executive agencies that maintain public websites. Within one year after the enactment of this Act, the heads of each executive agency must review each website available to the public; submit a report to congress that lists the websites that are beneficial to the public; and prioritize them based on which websites require modernizations based on subsection (a). This report must also include the cost and schedule for modernization of the websites listed in subparagraph (B).

Subsection (c) requires the head of each executive agency to ensure that any intranet established after the enactment of this Act follows the requirements of subsection (a).

Subsection (d) requires the head of each executive agency to submit a report within one year after enactment of the bill, and every year after for four years, detailing the progress made in meeting the requirements section 3.

Subsection (e) mandates that any executive agency public website made a year after the enactment of the bill comply with the website standards established by the General Services Administration.

Section 4. Digitization of Government services and forms

Subsection (a) requires OMB to issue guidance to the head of each executive agency within 180 days of the enactment. This guidance must establish a process for the executive agency to identify public non-digital services and include a list of non-digital services

that could be made available to the public in a digital cost effective format. The list must also include a cost and time estimate for digitizing the aforementioned non-digital services.

Subsection (b) instructs the head of each executive agency to regularly review public applications and services to ensure that they are made available to the public in a digital format.

Subsection (c) requires the head of each executive agency to ensure that any paper-based form related to serving the public is made available in digital format that meets the requirements of section 3(a) within two years after enactment.

Subsection (d) provides instructions for the head of an executive agency to follow if there are government services that cannot be made in digital format.

Subsection (e) requires each executive agency to maintain a non-digitized method of using digital services so that those without digital access are still able to use those services.

Section 5. Electronic signatures

Requires the head of each executive agency to submit a plan to increase the use of electronic signatures standards established under the Electronic Signatures in Global and National Commerce Act to the Director and appropriate congressional committee within 180 days after the date of enactment.

Section 6. Customer experience and digital service delivery

Lists requirements for the Chief Information Officer (CIO) of each executive agency. The CIO must ensure the alignment of customer service experience programs; coordinate with the management leaders of the executive agency to ensure proper funding for the implementation of this Act; examine the digital service delivery strategy and submit recommendations to the head of the executive agency; and use data to customer service areas that need improvement.

Section 7. Standardization

Subsection (a) mandates that each executive agency maintain standardization with other executive agencies.

Subsection (b) instructs the CIO of each executive agency to coordinate implementation.

Subsection (c) requires the General Services Administration to make the systems necessary available and put the systems in a Federal Supply Schedule. The Federal Supply Schedule must ensure interoperability between executive agencies, and compliance with industry standards and best practices.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
 Washington, DC, November 29, 2018.

Hon. RON JOHNSON,
 Chairman, Committee on Homeland Security and Governmental Affairs,
 U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 3050, 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.

S. 3050—21st Century IDEA

S. 3050 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.

S. 3050 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 S. 3050 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 S. 3050 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,

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.

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 S. 3050 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 S. 3050 would not significantly increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

S. 3050 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On November 28, 2018, CBO transmitted a cost estimate for H.R. 5759, the 21st Century IDEA as ordered reported by the House Committee on Oversight and Government Reform on September 27, 2018. The two bills are similar and CBO's estimates of the budgetary effects are the same.

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

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

Because this legislation would not repeal or amend any provision of current law, it would make no changes in existing law within the meaning of clauses (a) and (b) of paragraph 12 of rule XXVI of the Standing Rules of the Senate.