

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

May 6, 2021

The Honorable Shalanda Young
Acting Director
Office of Management and Budget
725 17th Street, N.W.
Washington, D.C. 20503

Dear Acting Director Young:

We write to request that the Office of Management and Budget (OMB) immediately issue implementation guidance to all executive agencies to ensure compliance with the 21st Century Integrated Digital Experience Act (IDEA).¹ It has been more than two years since Congress enacted the legislation. Because the Trump Administration failed to issue statutorily required guidance to assist agency implementation of the law, federal agency implementation has been inconsistent, creating uneven access to the federal government's essential information and services.

Since Congress passed the 21st Century IDEA in 2018, the nature of how individuals engage government has fundamentally changed—in large part because of the pandemic. These changes underscore an even stronger need to implement the 21st Century IDEA and allow federal agencies to deliver an excellent customer experience from anywhere, to anyone, on any device. Moreover, the burgeoning telework environment demands that agencies provide the public the ability to efficiently interact with their government on a digital medium. The 21st Century IDEA helps ensure those interactions are clear, efficient, and useful to agency customers.

The intent of the 21st Century IDEA was to accelerate digital modernization at agencies to improve how individuals access federal services, and to increase trust in government while driving down the cost of government operations. The law requires agencies to upgrade their websites, intranets, and related online experiences; provide digital and mobile-responsive options to replace paper-based forms; and create plans for the expanded use of electronic signatures. The law had several implementation deadlines—ranging from 180 days to two years from enactment—all of which have passed with limited and unequal agency compliance.

¹ Pub. L. No. 115-336 (2018).

The new Administration has an opportunity to help achieve the original vision of the law. We ask that OMB expedite the release of implementation guidance and include within it the following:

1. Accelerated Use of Electronic Signatures: The 21st Century IDEA required agencies to develop plans to accelerate the use of electronic signatures within 180 days of the law's enactment. Most agencies failed to produce such plans. OMB should require agencies to develop and submit these plans as originally required within 60 days of the issuance of OMB's 21st Century IDEA implementing guidance. In addition, we ask OMB to consider updating its "Use of Electronic Signatures in Federal Organizations Transactions—Version 1.0" general standards and guidance document regarding federal agency use of electronic signatures in connection with electronic records and electronic transactions.²
2. Website Modernization: The legislation included eight requirements for new or redesigned federal websites. The websites must: (1) be accessible to those with disabilities; (2) have a consistent appearance; (3) be non-duplicative; (4) contain a search function; (5) be provided via a secure connection; (6) be designed with user needs in mind; (7) have an option for a customized digital experience, fully functional and usable on common mobile devices; and (8) follow the principles of the U.S. Web Design Standards of the General Services Administration (GSA). Congress intended these requirements to serve as "guiding principles" in the development and modernization of both new and existing websites and digital services. Instead GSA's approach was to codify or mandate U.S. Web Design Standards as a standard across executive agency websites. We believe it is critical that OMB reinforce congressional intent related to these principles in the implementation guidance.
3. Digitizing Forms: No later than two years after the date of enactment of the law, each executive agency was required to digitize any paper-based form that is related to serving the public. Although the language of the bill does not specifically require the issuance of guidance, it was the intent of Congress that OMB issue guidance to ensure full and consistent agency compliance with this requirement. These digital forms should be adaptive and mobile responsive. OMB should ensure that agencies offer forms that can be filled out electronically on all digital devices. An agency's simply posting an electronic version of a static PDF form to a website does not satisfy the requirements of this section. We request that OMB's guidance define the forms modernization requirement in a way that leads to true improvements in user experience.

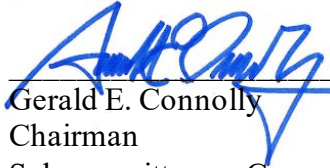
The requirements of this law are intended to give agencies the tools needed to deliver a world-class digital experience to the public and federal employees. While we believe the law effectively clarifies and defines what is expected of agencies in complying with the 21st Century

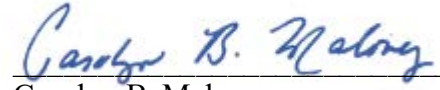
² Office of Management and Budget, *Use of Electronic Signatures in Federal Organization Transactions* (Jan. 25, 2013) (online at http://s3.amazonaws.com/sitesusa/wp-content/uploads/sites/1151/2016/10/Use_of_ESignatures_in_Federal_Agency_Transactions_v1-0_20130125.pdf).


IDEA, guidance from OMB is needed to harmonize the various requirements of the law with other administration initiatives.

For these reasons, we respectfully request that OMB issue 21st Century IDEA implementation guidance to all executive agencies and the public within 45 days of this letter.


Sincerely,

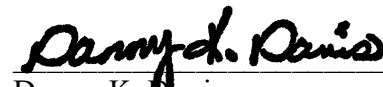

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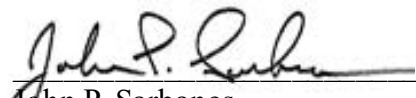

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cc: Clare Martorana
Federal Chief Information Officer
Office of Management and Budget

The Honorable Jody Hice, Ranking Member
Subcommittee on Government Operations