

# OMB Releases 21<sup>st</sup> Century Integrated Digital Experience Act Guidance

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On September 22, 2023, the White House Office of Management and Budget (OMB) released [Memorandum M-22-23](#), which contains guidance for agencies on implementation of the 21<sup>st</sup> Century Integrated Digital Experience Act (21<sup>st</sup> Century IDEA; P.L. 115-336). The law establishes agency requirements for website modernization, digitization of forms and signatures, and customer service and digital service delivery. According to the [House report](#) on the 21<sup>st</sup> Century IDEA, the law aligns with a 2018 President's Management Agenda goal to prioritize “improving the usability and dependability of digital services offered by the government by leveraging technology.”

OMB released implementation guidance on the act more than four years after the law's enactment on December 20, 2018. This Insight identifies key components of the guidance, areas where the guidance may intersect with other statutes or OMB directives, and considerations for Congress.

## Website Modernization

Memorandum M-22-23 emphasizes [user-centered design](#) principles for public-facing [agency](#) websites, including web applications. Agencies are expected to define the “core customer,” “segmented group,” or “user” for every website. Further, agencies are to identify these users' wants and needs and engage actual users from the public in the design and development of websites to reduce burden. The memorandum specifies ways agencies should use research, engage users, and make websites accessible to the widest possible range of people, including to individuals with disabilities as required by [Section 508 of the Rehabilitation Act of 1973](#) (29 U.S.C. §794d). The memorandum also stipulates that agencies should test the readability of website content; [use plain language](#); and use a consistent visual design and agency brand identity across websites, digital services, email, text, and social media.

The memorandum also establishes the expectation that agencies will make “data-driven” design and development decisions using feedback surveys and web analytics and requires agency participation in the General Services Administration's (GSA's) [Digital Analytics Program](#). In 2011, OMB issued a [memorandum](#) detailing a “fast track” clearance process for certain types of customer feedback methods, including website usability studies, under the [Paperwork Reduction Act of 1995](#) (P.L. 104-13).

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OMB states that agencies are required by the 21<sup>st</sup> Century IDEA to use the website standards developed by GSA, which are reflected in the [U.S. Web Design System](#). Agencies are also advised to optimize their websites for search engines and ensure they contain “rich, descriptive metadata” to maximize discoverability.

## Digitization of Forms and Signatures, Privacy

Memorandum M-22-23 broadly requires agencies to digitize their forms, offer digital and traditional service channels for customers, and adopt and accept electronic signatures. OMB directs agencies to prioritize the digitization of forms that have the greatest impact on the public, and where agencies are unable to do so, agencies must document the reasons why digitization is not an option and identify potential solutions to aid in the conversion process. [Consistent with](#) the 21<sup>st</sup> Century IDEA provision that individuals without access to or ability to use digital channels are “not deprived of or impeded in access to those digital services,” OMB also requires agencies to maintain a traditional access method (such as in-person or paper-based service) in addition to a digital access method.

The guidance appears to be in dialogue with earlier directives from the Government Paperwork Elimination Act (Title XVII of P.L. 105-277) and the Creating Advanced Streamlined Electronic Services for Constituents Act of 2019 (CASES Act; P.L. 116-50) to encourage agency adoption and acceptance of digital signatures on forms. However, Memorandum M-22-23 does not appear to incorporate the remote identity-proofing and authentication discussion from the CASES Act guidance in [Memorandum M-21-04](#), issued in November 2020. Although the law requires the guidance to provide agencies with a process to estimate the costs associated with digitization processes, Memorandum M-22-23 does not appear to explicitly provide such criteria.

## Customer Service and Digital Service Delivery

In Memorandum M-22-23, as well as [Executive Order 14058](#), OMB and the President define *customer experience* as “the public’s perceptions of and overall satisfaction with interactions with an agency, product, or service.” OMB states that digital service delivery is crucial to agencies’ customer experience strategies. To implement these strategies, OMB instructs agencies to apply the customer experience principles described in [OMB Memorandum A-11](#), collect customer feedback data, provide transparency to users, use the [Digital Services Playbook](#), and build cross-functional teams that “have expertise in human-centered design and agile development practices.”

[Section 7](#) of the 21<sup>st</sup> Century IDEA instructs agencies to maintain as much standardization as practicable with other agencies to ensure a cohesive digital experience across the federal government. In this memorandum, OMB instructs agencies to increase standardization by streamlining and consolidating legacy IT systems and enabling data sharing among agencies and with state and local governments. Additionally, agencies are instructed to use government-wide resources and programs, many of which reside in GSA. These programs include [Digital.gov](#), which centralizes resources and best practices for the implementation of the 21<sup>st</sup> Century IDEA and assistance with digital services procurement.

## Issues for Congress

In [Section IV](#) of Memorandum M-22-23, OMB provides several implementation deadlines for agencies, GSA, and the Chief Information Officers Council. For example, OMB states that, to the extent practicable, agencies should address the memorandum’s requirements “when designing new or redesigning existing websites and digital services” within 180 days. In the time since enactment of the 21<sup>st</sup> Century IDEA, Congress and the executive branch have advanced policies relating to identity authentication and digitization of forms and public interactions. Given OMB’s delay in issuing guidance

to agencies, Congress may consider oversight options related to agency adherence to the implementation deadlines described in the memorandum and whether OMB's guidance is consistent among digital issue areas.

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