117TH CONGRESS
1ST SESSION **H. R. 4259**

To direct the Secretary of Commerce, acting through the Director of the
National Institute of Standards and Technology, to direct the Institute
to establish a robust program focusing on driving improvements in Amer-
ica's cybersecurity posture by creating more robust digital identity man-
agement standards and guidelines.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2021

Mr. FOSTER (for himself and Ms. WEXTON) introduced the following bill;
which was referred to the Committee on Science, Space, and Technology

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A BILL

To direct the Secretary of Commerce, acting through the
Director of the National Institute of Standards and
Technology, to direct the Institute to establish a robust
program focusing on driving improvements in America's
cybersecurity posture by creating more robust digital
identity management standards and guidelines.

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 "Strengthening Digital

5   Identity Act of 2021".

SEC. 2. FINDINGS.

Congress finds the following:

(1) NIST's work in identity research and standards is unmatched anywhere in the world, with global standards development organizations like the Financial Action Task Force (FATF) pointing to NIST guidance in its own standards. Given that adversaries continue to exploit weaknesses in digital identity systems to conduct successful cyber-attacks, additional NIST resources are needed to help government and industry secure identity in cyberspace.

(2) The lack of an easy, affordable, and reliable way for organizations and businesses to identify whether an individual is who they claim to be online creates an attack vector that is widely exploited by adversaries in cyberspace and precludes many high value transactions from being available online.

(3) According to the identity theft resource center, incidents of identity theft and identity fraud continue to rise in the United States, where more than 164,000,000 consumer records containing personally identifiable information were breached in 2019, increasing the total number of data breaches by 17 percent from the previous year.

1   (4) According to the Insurance Information In-

2   stitute, in 2018, losses resulting from identity fraud

3   amounted to $16,800,000,000.

4   (5) The inadequacy of current digital identity

5   solutions degrades security and privacy for all Amer-

6   icans, and next generation solutions are needed that

7   improve both security and privacy.

8   (6) Government entities, as authoritative

9   issuers of identity in the United States, are uniquely

10   positioned to deliver critical components that ad-

11   dress deficiencies in our digital identity infrastruc-

12   ture and augment private sector digital identity and

13   authentication solutions.

14   (7) State governments are particularly well

15   suited to play a role in enhancing digital identity so-

16   lutions used by both the public and private sectors,

17   given the role of State governments as the issuers of

18   driver's licenses and other identity documents com-

19   monly used today.

20   (8) It should be the policy of the Government

21   to use the authorities and capabilities of the Govern-

22   ment to enhance the security, reliability, privacy,

23   and convenience of digital identity solutions that

24   support and protect transactions between individ-

1 uals, government entities, and businesses, and that

2 enable Americans to prove who they are online.

SEC. 3. IDENTITY MANAGEMENT RESEARCH AND DEVELOP-

MENT.

5 Section 504 of the Cybersecurity Enhancement Act

6 of 2014 (15 U.S.C. 7464) is amended to read as follows:

"SEC. 504. IDENTITY MANAGEMENT RESEARCH AND DEVEL-

OPMENT.

9 "(a) IN GENERAL.—The Director shall administer a

10 program to support the development of voluntary and

11 cost-effective technical standards, metrology, testbeds, and

12 conformance criteria, taking into account appropriate user

13 concerns—

14 "(1) to improve interoperability among identity

15 management technologies;

16 "(2) to strengthen identity proofing and au-

17 thentication methods used in identity management

18 systems;

19 "(3) to improve privacy protection in identity

20 management systems, including health information

21 technology systems, through authentication and se-

22 curity protocols; and

23 "(4) to improve the usability and inclusivity of

24 identity management systems.

1 "(b) DIGITAL IDENTITY TECHNICAL ROADMAP.—
2 The Director, in consultation with other relevant Federal
3 agencies and stakeholders from the private sector, shall
4 develop, implement, and maintain a technical roadmap for
5 identity management research and the development of
6 standards and guidelines focused on enabling the use and
7 adoption of modern digital identity solutions that align
8 with the four criteria in subsection (a). This roadmap and
9 any subsequent updates shall be made public.

10 "(c) ACTIVITIES.—In carrying out the program de-
11 scribed under subsection (a), the Director shall give con-
12 sideration to activities that—

13   "(1) accelerate the development, in collabora-
14   tion with the private sector, of standards that ad-
15   dress interoperability and portability of digital iden-
16   tity solutions;

17   "(2) addresses gaps in current private-sector-
18   led identity management research and development
19   and standards work, both for consumer-focused and
20   enterprise-focused identity management;

21   "(3) advances the development of conformance
22   testing performed by the private sector in support of
23   digital identity standardization;

1 ''(4) addresses challenges with inclusivity of ex-
2 isting digital identity and identity management tools;
3 and

4 ''(5) support, in consultation with other rel-
5 evant Federal agencies and stakeholders from the
6 private sector, the development of appropriate secu-
7 rity frameworks and reference materials, and the
8 identification of best practices, for use by Federal
9 agencies and the private sector to address security
10 and privacy requirements to enable the use and
11 adoption of digital identity services.''.

12 **SEC. 4. DIGITAL IDENTITY FRAMEWORK.**

13 (a) ESTABLISHMENT OF A FRAMEWORK.—Not later
14 than 1 year after the date of the enactment of this Act,
15 the Director shall develop and periodically update a frame-
16 work of standards, methodologies, procedures, and proc-
17 esses (in this section referred to as the ''Framework'') as
18 a guide for Federal, State, and local governments to follow
19 when providing services to support digital identity
20 verification.

21 (b) CONSIDERATION.—In developing the Framework,
22 the Director shall consider—

23 (1) methods to protect the privacy of individ-
24 uals;

25 (2) security needs; and

1 (3) the needs of potential end-users and individ-

2 uals that will use services related to digital identity

3 verification.

4 (c) CONSULTATION.—In carrying out subsection (a)

5 the Director shall consult with—

6 (1) Federal and State agencies;

7 (2) potential end-users and individuals that will

8 use services related to digital identity verification;

9 and

10 (3) experts with relevant experience in the sys-

11 tems that enable digital identity verification, as de-

12 termined by the Director.

13 (d) INTERIM PUBLICATION.—Not later than 240

14 days after the date of the enactment of this Act, the Direc-

15 tor shall publish an interim version of the Framework.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—There is

17 authorized to be appropriated to the Secretary

18 $10,000,000 for each of fiscal years 2022 through 2026

19 to carry out this Act and the amendments made by this

20 Act.

21 **SEC. 5. DEFINITIONS.**

22 For purposes of this Act:

23 (1) DIGITAL IDENTITY VERIFICATION.—The

24 term ''digital identity verification'' means a process

1 to verify the identity of an individual accessing a

2 service online.

3 (2) DIRECTOR.—The term ''Director'' means

4 the Director of the National Institute of Standards

5 and Technology.

6 (3) INSTITUTE.—The term ''Institute'' means

7 the National Institute of Standards and Technology.

8 (4) SECRETARY.—The term ''Secretary'' means

9 the Secretary of Commerce.

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