

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 America’s cybersecurity posture by creating more robust digital identity management standards and guidelines.

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## 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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) NIST's work in identity research and stand-  
4 ards is unmatched anywhere in the world, with glob-  
5 al standards development organizations like the Fi-  
6 nancial Action Task Force (FATF) pointing to  
7 NIST guidance in its own standards. Given that ad-  
8 versaries continue to exploit weaknesses in digital  
9 identity systems to conduct successful cyber-attacks,  
10 additional NIST resources are needed to help gov-  
11 ernment and industry secure identity in cyberspace.

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

18 (3) According to the identity theft resource cen-  
19 ter, incidents of identity theft and identity fraud  
20 continue to rise in the United States, where more  
21 than 164,000,000 consumer records containing per-  
22 sonally identifiable information were breached in  
23 2019, increasing the total number of data breaches  
24 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.

3 **SEC. 3. IDENTITY MANAGEMENT RESEARCH AND DEVELOP-**  
4 **MENT.**

5 Section 504 of the Cybersecurity Enhancement Act  
6 of 2014 (15 U.S.C. 7464) is amended to read as follows:

7 **“SEC. 504. IDENTITY MANAGEMENT RESEARCH AND DEVEL-**  
8 **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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