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(Original Signature of Member)

116TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To establish a governmentwide approach to improving digital identity, and  
for other purposes.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Mr. FOSTER introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To establish a governmentwide approach to improving digital  
identity, and for other purposes.

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 “Improving Digital  
5 Identity Act of 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The lack of an easy, affordable, and reliable  
9 way for organizations, businesses, and government

1 agencies to identify whether an individual is who  
2 they claim to be online creates an attack vector that  
3 is widely exploited by adversaries in cyberspace, and  
4 precludes many high value transactions from being  
5 available online.

6 (2) Incidents of identity theft and identity  
7 fraud continue to rise in the United States, where  
8 more than 164,000,000 consumer records containing  
9 personally identifiable information were breached in  
10 2019, increasing the total number of data breaches  
11 by 17 percent from the previous year.

12 (3) In 2019, losses resulting from identity  
13 fraud amounted to \$16,900,000,000.

14 (4) In 2019, the Director of the Treasury De-  
15 partment Financial Crimes Enforcement Network  
16 stated, “The abuse of personally identifiable infor-  
17 mation, and other building blocks of identity, is a  
18 key enabler behind much of the fraud and  
19 cybercrime affecting our nation today.”

20 (5) Trustworthy digital identity solutions can  
21 help under-banked and unbanked individuals better  
22 access to digital financial services through innovative  
23 delivery channels that promote financial inclusion.

24 (6) The inadequacy of current digital identity  
25 solutions degrades security and privacy for all Amer-

1       icans, and next generation solutions are needed that  
2       improve both security and privacy.

3           (7) Government entities, as authoritative  
4       issuers of identity in the United States, are uniquely  
5       positioned to deliver critical components that ad-  
6       dress deficiencies in our digital identity infrastruc-  
7       ture and augment private sector digital identity and  
8       authentication solutions.

9           (8) State governments are particularly well  
10      suited to play a role in enhancing digital identity so-  
11      lutions used by both the public and private sectors,  
12      given the role of State governments as the issuers of  
13      driver's licenses and other identity documents com-  
14      monly used today.

15          (9) The private sector drives much of the inno-  
16      vation around digital identity in the United States  
17      and has an important role to play in delivering dig-  
18      ital identity solutions.

19          (10) The 2016 bipartisan Commission on En-  
20      hancing National Cybersecurity called for the Fed-  
21      eral government to “create an interagency task force  
22      directed to find secure, user-friendly, privacy-centric  
23      ways in which agencies can serve as one authori-  
24      tative source to validate identity attributes in the  
25      broader identity market. This action would enable

1 government agencies and the private sector to drive  
2 significant risk out of new account openings and  
3 other high-risk, high-value online services, and it  
4 would help all citizens more easily and securely en-  
5 gage in transactions online.”

6 (11) The public and private sectors should col-  
7 laborate to deliver solutions that promote confidence,  
8 privacy, choice, and innovation.

9 (12) It should be the policy of the Government  
10 to use the authorities and capabilities of the Govern-  
11 ment to enhance the security, reliability, privacy,  
12 and convenience of digital identity solutions that  
13 support and protect transactions between individ-  
14 uals, government entities, and businesses, and that  
15 enable Americans to prove who they are online.

16 **SEC. 3. IMPROVING DIGITAL IDENTITY TASK FORCE.**

17 (a) ESTABLISHMENT.—There is established in the  
18 Executive Office of the President a task force to be known  
19 as the “Improving Digital Identity Task Force” (in this  
20 section referred to as the “Task Force”).

21 (b) PURPOSE.—The purpose of the Task Force is to  
22 establish a governmentwide effort to develop secure meth-  
23 ods for Federal, State, and local agencies to validate iden-  
24 tity attributes to protect the privacy and security of indi-

1 viduals and support reliable, interoperable digital identity  
2 verification in the public and private sectors.

3 (c) DIRECTOR.—The Task Force shall have a Direc-  
4 tor who shall be appointed by the President.

5 (d) MEMBERSHIP.—The Task Force shall include the  
6 following individuals or the designees of such individuals:

7 (1) FEDERAL GOVERNMENT MEMBERSHIP.—

8 (A) The Secretary of the Treasury.

9 (B) The Secretary of Homeland Security.

10 (C) The Secretary of State.

11 (D) The Secretary of Education.

12 (E) The Director of the Office of Manage-  
13 ment and Budget.

14 (F) The Commissioner of the Social Secu-  
15 rity Administration.

16 (G) The Director of the National Institute  
17 of Standards and Technology.

18 (H) The Administrator of General Serv-  
19 ices.

20 (I) The heads of other Federal agencies  
21 and offices who the President may designate or  
22 invite.

23 (2) STATE GOVERNMENT MEMBERSHIP.—The  
24 Task Force shall include 5 State government offi-  
25 cials who represent State agencies that issue identity

1 credentials and who have knowledge of the systems  
2 used to provide such credentials. Such officials shall  
3 include the following:

4 (A) A member appointed by the Speaker of  
5 the House of Representatives, in consultation  
6 with the Chairman of the Committee on Over-  
7 sight and Reform and the Chairman of the  
8 Committee on Homeland Security of the House  
9 of Representatives.

10 (B) A member appointed by the minority  
11 leader of the House of Representatives, in con-  
12 sultation with the Ranking Member of the Com-  
13 mittee on Oversight and Reform and the Rank-  
14 ing Member of the Committee on Homeland Se-  
15 curity of the House of Representatives.

16 (C) A member appointed by the majority  
17 leader of the Senate, in consultation with the  
18 Chairman of the Committee on Homeland Secu-  
19 rity and Governmental Affairs of the Senate.

20 (D) A member appointed by the minority  
21 leader of the Senate, in consultation with the  
22 Ranking Member of the Committee on Home-  
23 land Security and Governmental Affairs of the  
24 Senate.

25 (E) A member appointed by the President.

1           (3) LOCAL GOVERNMENT MEMBERSHIP.—The  
2           Task Force shall include 5 local government officials  
3           who represent local agencies that issue identity cre-  
4           dentials and who have knowledge of the systems  
5           used to provide such credentials. Such officials shall  
6           include the following:

7                   (A) A member appointed by the Speaker of  
8                   the House of Representatives, in consultation  
9                   with the Chairman of the Committee on Over-  
10                  sight and Reform and Chairman of the Com-  
11                  mittee on Homeland Security of the House of  
12                  Representatives.

13                  (B) A member appointed by the minority  
14                  leader of the House of Representatives, in con-  
15                  sultation with the Chairman of the Committee  
16                  on Oversight and Reform and the Chairman of  
17                  the Committee on Homeland Security of the  
18                  House of Representatives.

19                  (C) A member appointed by the majority  
20                  leader of the Senate, in consultation with the  
21                  Chairman of the Committee on Homeland Secu-  
22                  rity and Governmental Affairs of the Senate.

23                  (D) A member appointed by the minority  
24                  leader of the Senate, in consultation with the  
25                  Ranking Member of the Committee on Home-

1 land Security and Governmental Affairs of the  
2 Senate.

3 (E) A member appointed by the President.

4 (e) MEETINGS.—The Task Force shall convene at the  
5 call of the Director.

6 (f) DUTIES.—The Task Force shall—

7 (1) identify Federal, State, and local agencies  
8 that issue identity information or hold information  
9 related to identifying an individual;

10 (2) assess restrictions with respect to the abili-  
11 ties of such agencies to verify identity information  
12 for other agencies and for nongovernmental organi-  
13 zations;

14 (3) assess any necessary changes in statute,  
15 regulation, or policy to address any restrictions de-  
16 termined under paragraph (2);

17 (4) recommend a standards-based architecture  
18 to enable agencies to provide services related to dig-  
19 ital identity verification in a way that is secure, pro-  
20 tects privacy, and is rooted in consumer consent;

21 (5) identify funding or resources needed to sup-  
22 port such agencies that provide digital identity  
23 verification, including a recommendation with re-  
24 spect to additional funding required for the grant  
25 program under section 5;



1           (6) determine whether it would be practicable  
2           for such agencies to use a fee-based model to provide  
3           digital identity verification to private sector entities;

4           (7) determine if any additional steps are nec-  
5           essary with respect to Federal, State, and local  
6           agencies to improve digital identity verification and  
7           management processes for the purpose of enhancing  
8           the security, reliability, privacy, and convenience of  
9           digital identity solutions that support and protect  
10          transactions between individuals, government enti-  
11          ties, and businesses;

12          (8) assess risks related to potential criminal ex-  
13          ploitation of digital identity verification services; and

14          (9) to the extent practicable, seek input from  
15          and collaborate with interested parties in the private  
16          sector to carry out the purpose under subsection (b).

17          (g) RECOMMENDATIONS.—Not later than 180 days  
18          after the date of the enactment of this Act, the Task Force  
19          shall publish a report on the activities of the Task force,  
20          including recommendations on—

21                 (1) priorities for research and development in  
22                 the systems that enable digital identity verification,  
23                 including how such priorities can be executed; and

24                 (2) the standards-based architecture developed  
25                 pursuant to subsection (f)(4).

1 **SEC. 4. DIGITAL IDENTITY STANDARDS.**

2 (a) ESTABLISHMENT OF A STANDARDS FRAME-  
3 WORK.—The Director of the National Institute of Stand-  
4 ards and Technology (in this section referred to as the  
5 “Director”) shall develop a framework of standards, meth-  
6 odologies, procedures, and processes (in this section re-  
7 ferred to as the “Framework”) as a guide for Federal,  
8 State, and local governments to follow when providing  
9 services related to digital identity verification.

10 (b) CONSIDERATION.—In developing the Framework,  
11 the Director shall consider—

12 (1) methods to protect the privacy of individ-  
13 uals;

14 (2) security needs; and

15 (3) the needs of potential end-users and individ-  
16 uals that will use services related to digital identity  
17 verification.

18 (c) CONSULTATION.—In carrying out subsection (a),  
19 the Director shall consult with—

20 (1) the Improving Digital Identity Task Force  
21 established under section 3;

22 (2) potential end-users and individuals that will  
23 use services related to digital identity verification;  
24 and

1           (3) experts with relevant experience in the sys-  
2           tems that enable digital identity verification, as de-  
3           termined by the Director.

4           (d) INTERIM PUBLICATION.—Not later than 240  
5           days after the date of the enactment of this Act, the Direc-  
6           tor shall publish an interim version of the Framework.

7           (e) FINAL PUBLICATION.—Not later than 1 year  
8           after the date of the enactment of this Act, the Director  
9           shall publish a final version of the Framework.

10          (f) UPDATES TO THE FRAMEWORK.—The Director  
11          shall, from time to time, update the Framework, with con-  
12          sideration given to—

13               (1) feedback from Federal, State, and local  
14               agencies that provide services related to digital iden-  
15               tity verification; and

16               (2) any technological changes to the systems  
17               that enable digital identity verification.

18       **SEC. 5. DIGITAL IDENTITY INNOVATION GRANTS.**

19          (a) ESTABLISHMENT.—Not later than 18 months  
20          after the date of the enactment of this Act, the Secretary  
21          of Homeland Security (in this section referred to as the  
22          “Secretary”) shall award grants to States to upgrade sys-  
23          tems that provide drivers’ licenses or other types of iden-  
24          tity credentials to support the development of highly se-

1 cure, interoperable State systems that enable digital iden-  
2 tity verification.

3 (b) USE OF FUNDS.—A State that receives a grant  
4 under this section shall use—

5 (1) grant funds for services related to digital  
6 identity verification using the Framework developed  
7 pursuant to section 4; and

8 (2) not less than 10 percent of grant funds to  
9 provide services that assist individuals with obtain-  
10 ing identity credentials or identity verification serv-  
11 ices needed to obtain a driver’s license or State iden-  
12 tity card.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
14 authorized to be appropriated to the Secretary such sums  
15 as may be necessary to carry out this section.

16 **SEC. 6. REPORT AND RECOMMENDATION ON THE USE OF**  
17 **SOCIAL SECURITY NUMBERS BY NON-**  
18 **GOVERNMENTAL ORGANIZATIONS.**

19 Not later than 1 year after the date of the enactment  
20 of this Act, the Comptroller General of the United States  
21 shall submit to the Committees on Ways and Means and  
22 Financial Services of the House of Representatives and  
23 the Committee on Finance of the Senate a report that in-  
24 cludes the following:

1           (1) An analysis of legal and regulatory require-  
2           ments with respect to the collection and retention of  
3           Social Security numbers by nongovernmental organi-  
4           zations.

5           (2) A recommendation on the necessity and ef-  
6           fectiveness of any legal and regulatory requirement  
7           analyzed pursuant to paragraph (1) and the use of  
8           a form of identification other than a Social Security  
9           number.

10 **SEC. 7. SECURITY ENHANCEMENTS TO FEDERAL SYSTEMS.**

11       (a) **DIRECTIVES FOR FEDERAL AGENCIES.**—Not  
12 later than 6 months after the date of the enactment of  
13 this Act, the Secretary of Homeland Security shall issue  
14 binding operational directives to Federal agencies for pur-  
15 pose of implementing—

16           (1) the guidelines published by the National In-  
17           stitute of Standards and Technology in “Special  
18           Publication 800-63” (commonly referred to as the  
19           “Digital Identity Guidelines”); and

20           (2) the memorandum of the Office of Manage-  
21           ment and Budget issued on May 21, 2019, which in-  
22           cludes the subject “Enabling Mission Delivery  
23           through Improved Identity, Credential, and Access  
24           Management”.

25       (b) **REPORTS.**—

1           (1) FEDERAL AGENCY REPORTS.—Not later  
2 than 1 year after the date of the enactment of this  
3 Act, the head of each Federal agency shall submit  
4 to the Secretary of Homeland Security a report on  
5 the efforts of each such Federal agency to imple-  
6 ment the directives issued pursuant to subsection  
7 (a).

8           (2) REPORT TO CONGRESS.— Not later than 2  
9 years after the date of the enactment of this Act, the  
10 Secretary of Homeland Security shall submit a re-  
11 port summarizing the efforts from the reports sub-  
12 mitted pursuant to paragraph (1) to the following:

13                   (A) The Committee on Homeland Security  
14 of the House of Representatives.

15                   (B) The Committee on Oversight and Re-  
16 form of the House of Representatives.

17                   (C) The Committee on Homeland Security  
18 and Governmental Affairs of the Senate.

19 **SEC. 8. DEFINITIONS.**

20 For purposes of this Act:

21           (1) DIGITAL IDENTITY VERIFICATION.—The  
22 term “digital identity verification” means a process  
23 to verify the identity of an individual accessing a  
24 service online or through another electronic means.

1           (2) IDENTITY CREDENTIAL.—The term “iden-  
2           tity credential” means a document or other evidence  
3           of the identity of an individual issued by a govern-  
4           ment agency that conveys the identity of the indi-  
5           vidual, including a driver’s license or passport.