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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R.

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

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 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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

8 (2) Incidents of identity theft and identity
9 fraud continue to rise in the United States, where
10 more than 164,000,000 consumer records containing
11 personally identifiable information were breached in
12 2019, increasing the total number of data breaches
13 by 17 percent from the previous year.

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

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

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

1 (6) The inadequacy of current digital identity
2 solutions degrades security and privacy for all Amer-
3 icans, and next generation solutions are needed that
4 improve both security and privacy.

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

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

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

21 (10) The 2016 bipartisan Commission on En-
22 hancing National Cybersecurity called for the Fed-
23 eral Government to “create an interagency task
24 force directed to find secure, user-friendly, privacy-
25 centric ways in which agencies can serve as one au-

1 thoritative source to validate identity attributes in
2 the broader identity market. This action would en-
3 able government agencies and the private sector to
4 drive significant risk out of new account openings
5 and other high-risk, high-value online services, and
6 it would help all citizens more easily and securely
7 engage in transactions online”.

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

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

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

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

23 (b) PURPOSE.—The purpose of the Task Force is to
24 establish a governmentwide effort to develop secure meth-
25 ods for Federal, State, and local agencies to validate iden-

1 tity attributes to protect the privacy and security of indi-
2 viduals and support reliable, interoperable digital identity
3 verification in the public and private sectors.

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

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

8 (1) FEDERAL GOVERNMENT MEMBERSHIP.—

9 (A) The Secretary of the Treasury.

10 (B) The Secretary of Homeland Security.

11 (C) The Secretary of State.

12 (D) The Secretary of Education.

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

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

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

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

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

24 (2) STATE GOVERNMENT MEMBERSHIP.—The
25 Task Force shall include 5 State government offi-

1 cials who represent State agencies that issue identity
2 credentials and who have knowledge of the systems
3 used to provide such credentials. Such officials shall
4 include the following:

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

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

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

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

1 (E) A member appointed by the President.

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

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

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

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

24 (D) A member appointed by the minority
25 leader of the Senate, in consultation with the

1 Ranking Member of the Committee on Home-
2 land Security and Governmental Affairs of the
3 Senate.

4 (E) A member appointed by the President.

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

7 (f) DUTIES.—The Task Force shall—

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

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

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

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

22 (5) identify funding or resources needed to sup-
23 port such agencies that provide digital identity
24 verification, including a recommendation with re-

1 spect to additional funding required for the grant
2 program under section 5;

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

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

14 (8) assess risks related to potential criminal ex-
15 ploitation of digital identity verification services;

16 (9) evaluate the security, effectiveness, and ben-
17 efits of a digital identity as compared to legacy
18 physical identity verification; and

19 (10) to the extent practicable, seek input from
20 and collaborate with interested parties in the private
21 sector to carry out the purpose under subsection (b).

22 (g) RECOMMENDATIONS.—Not later than 180 days
23 after the date of the enactment of this Act, the Task Force
24 shall publish a report on the activities of the Task force,
25 including recommendations on—

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

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

6 **SEC. 4. DIGITAL IDENTITY FRAMEWORK.**

7 (a) ESTABLISHMENT OF A FRAMEWORK.—Not later
8 than 1 year after the date of the enactment of this Act,
9 the Director of the National Institute of Standards and
10 Technology (in this section referred to as the “Director”)
11 shall develop and periodically update a framework of
12 standards, methodologies, procedures, and processes (in
13 this section referred to as the “Framework”) as a guide
14 for Federal, State, and local governments to follow when
15 providing services to support digital identity verification.

16 (b) CONSIDERATION.—In developing the Framework,
17 the Director shall consider—

18 (1) methods to protect the privacy of individ-
19 uals;

20 (2) security needs; and

21 (3) the needs of potential end-users and individ-
22 uals that will use services related to digital identity
23 verification.

24 (c) CONSULTATION.—In carrying out subsection (a)
25 the Director shall consult with—

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

3 (2) potential end-users and individuals that will
4 use services related to digital identity verification;
5 and

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

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

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

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

18 (1) feedback from Federal, State, and local
19 agencies that provide services related to digital iden-
20 tity verification; and

21 (2) any technological changes to the systems
22 that enable digital identity verification.

23 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Secretary of Com-

1 merce \$10,000,000 for each of fiscal years 2022 through
2 2026 to carry out this Act.

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

4 (a) ESTABLISHMENT.—Not later than 18 months
5 after the date of the enactment of this Act, the Secretary
6 of Homeland Security (in this section referred to as the
7 “Secretary”) shall award grants to States to upgrade sys-
8 tems that provide drivers’ licenses or other types of iden-
9 tity credentials to support the development of highly se-
10 cure, interoperable State systems that enable digital iden-
11 tity verification.

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

14 (1) grant funds for services related to digital
15 identity verification using the Framework developed
16 pursuant to section 4; and

17 (2) not less than 10 percent of grant funds to
18 provide services that assist individuals with obtain-
19 ing identity credentials or identity verification serv-
20 ices needed to obtain a digital driver’s license or dig-
21 ital State identity card.

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

1 **SEC. 6. REPORT AND RECOMMENDATION ON THE USE OF**
2 **SOCIAL SECURITY NUMBERS BY NON-**
3 **GOVERNMENTAL ORGANIZATIONS.**

4 Not later than 1 year after the date of the enactment
5 of this Act, the Comptroller General of the United States
6 shall submit to the Committees on Ways and Means and
7 Financial Services of the House of Representatives and
8 the Committee on Finance of the Senate a report that in-
9 cludes the following:

10 (1) An analysis of legal and regulatory require-
11 ments with respect to the collection and retention of
12 Social Security numbers by nongovernmental organi-
13 zations.

14 (2) A recommendation on the necessity and ef-
15 fectiveness of any legal and regulatory requirement
16 analyzed pursuant to paragraph (1) and the use of
17 a form of identification other than a Social Security
18 number.

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

20 (a) **DIRECTIVES FOR FEDERAL AGENCIES.**—Not
21 later than 6 months after the date of the enactment of
22 this Act, the Secretary of Homeland Security shall issue
23 binding operational directives to Federal agencies for pur-
24 pose of implementing—

25 (1) the guidelines published by the National In-
26 stitute of Standards and Technology in “Special

1 Publication 800–63” (commonly referred to as the
2 “Digital Identity Guidelines”); and

3 (2) the memorandum of the Office of Manage-
4 ment and Budget issued on May 21, 2019, which in-
5 cludes the subject “Enabling Mission Delivery
6 through Improved Identity, Credential, and Access
7 Management”.

8 (b) REPORTS.—

9 (1) FEDERAL AGENCY REPORTS.—Not later
10 than 1 year after the date of the enactment of this
11 Act, the head of each Federal agency shall submit
12 to the Secretary of Homeland Security a report on
13 the efforts of each such Federal agency to imple-
14 ment the directives issued pursuant to subsection
15 (a).

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

21 (A) The Committee on Homeland Security
22 of the House of Representatives.

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

1 (C) The Committee on Homeland Security
2 and Governmental Affairs of the Senate.

3 **SEC. 8. DEFINITIONS.**

4 For purposes of this Act:

5 (1) **DIGITAL IDENTITY VERIFICATION.**—The
6 term “digital identity verification” means a process
7 to verify the identity of an individual accessing a
8 service online or through another electronic means.

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