

Congress of the United States
House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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October 8, 2024

The Honorable Laurie E. Locascio Ph.D.
Director
National Institute of Standards and Technology
100 Bureau Drive
Gaithersburg, MD 20899

Dear Director Locascio:

In June 2017, the National Institute of Standards and Technology (NIST) published its updated Digital Identity Guidelines.¹ These guidelines provide a structure for achieving defined identity,² authentication,³ and federation assurance levels.⁴ Taken together, the Digital Identity Guidelines provide agencies with a set of voluntary risk management capabilities intended to minimize risks associated with failures of identity systems resulting from impersonation, account take-overs, and fraud.⁵ Within the context of these guidelines, agencies may use face recognition technology as one method to verify the identity of an individual attempting to access information related to federal online services, including potentially sensitive personal, proprietary, or government information.⁶ We ask that you share the findings of both your digital identity and face recognition technology work with the House Committee on Science Space and Technology (the Committee) and explain how the Digital Identity Guidelines work to alleviate concerns about the reliability, accuracy, and security of these technologies.

¹ Paul A. Grassi et al., NIST Special Publication 800-63-3: Digital Identity Guidelines (Nat'l Inst. of Standards and Tech., U.S. Dep't of Com., Rev. 3, Oct. 2023) <https://pages.nist.gov/800-63-3/sp800-63-3.html>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Paul A. Grassi et al., NIST Special Publication 800-63-3: Digital Identity Guidelines 2 (Nat'l Inst. of Standards and Tech., U.S. Dep't of Com., June 2017) <https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-63-3.pdf>.

⁶ Paul A. Grassi et al., NIST Special Publication 800-63A: Digital Identity Guidelines: Enrollment and Identity Proofing Requirements 4.4 & Table 5-1 (Nat'l Inst. of Standards and Tech., U.S. Dep't of Com., June 2017) <https://pages.nist.gov/800-63-3/sp800-63a.html#sec4>.

Despite the many advantages of face recognition technology, its trustworthiness has long been questioned, particularly as it relates to personal privacy issues.⁷ There have also been concerns raised about the accuracy of face recognition technology and the use of biometrics to authenticate a user.⁸

On August 21, 2024, the second public draft of NIST's Digital Identity Guidelines were published, which aim to provide updated guidance that makes access to online services more secure.⁹ Jim St. Pierre, during his tenure as Acting Director of the Information Technology Laboratory, assuaged some of these concerns as they relate to the Identity Assurance Level (IAL) standards.¹⁰ That said, some concerns remain with the reliability, accuracy, and security of the technology as well as future developments in face recognition technology and other forms of digital identity.¹¹

NIST plays an integral role in the development of standards for digital identities and face recognition technology. Your office is uniquely situated and staffed with experts regarding the technology's current capabilities as well as those on the horizon. As such, we ask that you respond to the below questions no later than October 22, 2024.

1. What is NIST's process for updating and refining its digital identity guidelines as new threats and challenges emerge?
2. How does NIST participate in the development of standards for face recognition?
3. What measures has NIST implemented to promote the accuracy and reliability of face recognition technology, particularly in terms of identifying users across diverse demographic groups?
4. How do NIST's Digital Identity Guidelines, including revision 3 and the recently released revision 4, address privacy concerns and the potential for misuse of Personally Identifiable Information (PII)?

⁷ Stewart Baker, *The Flawed Claims About Bias in Facial Recognition*, LAWFARE, (Feb. 2, 2022), <https://www.lawfaremedia.org/article/flawed-claims-about-bias-facial-recognition>; Press Release, Nat'l Academies, *Advances in Facial Recognition Tech. Have Outpaced Laws, Regs; New Report Recommends Fed'l Gov't Take Action on Privacy, Equity, and Civil Liberties Concerns* (Jan. 17, 2024), <https://www.nationalacademies.org/news/2024/01/advances-in-facial-recognition-technology-have-outpaced-laws-regulations-new-report-recommends-federal-government-take-action-on-privacy-equity-and-civil-liberties-concerns>; Thaddeus L. Johnson & Natasha N. Johnson, *Police Facial Recognition Technology Can't Tell Black People Apart*, SCIENTIFIC AMERICAN, (May 18, 2023), <https://www.scientificamerican.com/article/police-facial-recognition-technology-cant-tell-black-people-apart/>.

⁸ *Id.*

⁹ Press Release, Nat'l Inst. of Standards and Tech., U.S. Dep't of Com., *NIST Releases Second Public Draft of Digital Identity Guidelines for Final Review* (Aug. 21, 2024), <https://www.nist.gov/news-events/news/2024/08/nist-releases-second-public-draft-digital-identity-guidelines-final-review> (reporting "[t]he guidance aims to ensure security, privacy and accessibility during the identity-proofing process for people accessing government services").

¹⁰ *Login.gov Doesn't Meet the Standard Before the U.S. H. Comm. on Oversight and Accountability Subcomm. on Gov't Operations and the Fed. Workforce, 118th Cong. (2023)* (Testimony of James A. St. Pierre, Acting Director, Nat'l Inst. of Standards and Tech., U.S. Dep't of Com.) <https://oversight.house.gov/wp-content/uploads/2023/03/NIST-Testimony-GSA-Login-Hearing-3-29-23.pdf>.

¹¹ See *supra* note 7.

5. What safeguards are in place regarding the storage, duration, and potential use of sensitive PII data collected through facial recognition technology?
6. How does NIST support federal agencies with implementation of the digital identity guidelines and face recognition technology?

Pursuant to Rule X of the U.S. House of Representatives, the Committee on Science, Space, and Technology is delegated oversight jurisdiction over all laws, programs, and government activities relating to nonmilitary research and development.¹² If you have any questions or concerns, please contact Anna Ferrara at (202) 225-6371. Thank you for your attention to this important matter.

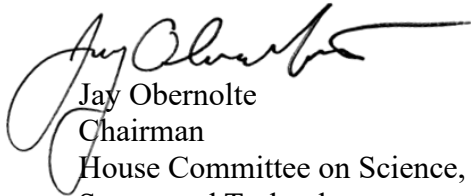
Sincerely,



Frank Lucas
Chairman
House Committee on Science,
Space, and Technology



Mike Collins
Chairman
House Committee on Science,
Space, and Technology
Subcommittee on
Research and Technology



Jay Obernolte
Chairman
House Committee on Science,
Space, and Technology
Subcommittee on
Investigations and Oversight

cc: Zoe Lofgren, Ranking Member House Committee on Science, Space, and Technology

¹² Rule X, Organization of Committees, U.S. House of Representatives.