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National Institute of Standards and Technology
U.S. Department of Commerce
100 Bureau Dr.
Gaithersburg, MD 20899

Submitted via email: dig-comments@nist.gov.

Re: NIST Special Publication, Digital Identity Guidelines, Second Public Draft, NIST SP-800-63-4 2pd

To whom it may concern:

The American Federation of State, County & Municipal Employees (AFSCME) is pleased to respond to the National Institute of Standards and Technology (NIST) on the second public draft of the Digital Identity Guidelines. We generally support the guidelines because of their implications for timely, accurate benefit delivery and program integrity. AFSCME further recommends updates to the equity and access section.

AFSCME members provide the vital services that make America happen. With 1.4 million members in communities across the nation, serving in hundreds of different occupations — from nurses to corrections officers, child care providers to sanitation workers — AFSCME advocates for fairness in the workplace, excellence in public services and freedom and opportunity for all working families. Nationwide, thousands of AFSCME members work in federally funded, state-administered programs serving millions of people in need of assistance. Many of these programs require digital identity verification for receipt of benefits. Further, many AFSCME members' families include individuals who are enrolled in these programs.

In their roles determining program eligibility or gathering application information, AFSCME members understand the importance of efficient, accurate identity verification to timely benefit delivery and, more importantly, the consequences of delays in the verification process. Errors and unnecessary delays could be catastrophic, given the dangers of applicants going without needed assistance. The effects of these mistakes reverberate in the form of case backlogs that heavily affect clients, who in turn feed their justifiable frustrations back to dwindling public benefits staff across the country.

AFSCME supports NIST's improvements to the general equity requirements and the addition of subsections on redress processes and requirements. We note, however, that governments must invest in additional frontline staff who verify identity when digital

American Federation of State, County and Municipal Employees, AFL-CIO

TEL (202) 429-1000 FAX (202) 429-1293 TDD (202) 659-0446 WEB www.afscme.org 1625 L Street, NW, Washington, DC 20036-5687

or other options fail. NIST's suggested verification improvements focused on in-person services highlight the need for such an investment to provide the person-to-person support necessary for applicants with barriers to successful identity verification. Across public benefits programs, claimants have struggled with verification through ID.me and Login.gov and continue to endure a lengthy appeals process as a result of these challenges. These delays drive up call volume in call centers and for eligibility determination staff, prevent frontline workers from addressing other application delays or processing new applications, and, as a result, increase case backlogs. The guidelines could improve equity and accessibility by requiring an in-person option for identity verification, greater engagement with program applicants and frontline workers when developing these services, and equity assessments.

Absent sufficient frontline staff, the implementation of improved guidelines will only partially address the problems that create barriers to successful identity verification. The automation of verification or any other program function, including through artificial intelligence, is often a response to overwhelming backlogs and frontline workers' large caseloads and heavy workloads. Automation errors, including digital identity verification mistakes, exacerbate program administration problems. Implementing digital identity services should not unduly burden agencies' program administration budgets, nor should state and local governments endorse contracted services as a replacement for government functions. Federal law and NIST guidelines¹ govern the collection or use of personal information by the federal government, but there is no similar overarching federal privacy law covering the collection and sale of personal information among private sector companies.

The second draft guidelines also make progress toward implementing the recommendations of the Electronic Privacy Information Center (EPIC) and the American Civil Liberties Union (ACLU) in their joint comment on the first draft of the guidelines. AFSCME supports these changes and suggests fully implementing the EPIC/ACLU recommendations as requested: 1) reduce repeat, remote collections of biometric information in favor of on-device biometric verification and robust in-person or live-help alternatives; 2) remove the Social Security number as a valid attribute for identity verification and invest in alternatives; 3) evaluate W3C Verifiable Credentials as a technical standard to improve remote identity verification; 4) target fraud prevention controls toward large-scale attacks and deprioritize fraud prevention that creates barriers to claiming benefits; and 5) further strengthen steps to address equity concerns by requiring agencies to provide multiple options for identity verification and other measures.

Finally, AFSCME suggests that NIST refer to successful identity verification models already implemented by state and local governments. For example, as part of its recent unemployment insurance (UI) modernization, New Jersey revamped its digital identity verification processes with significant positive results.² The state improved emails to UI applicants on the identity verification process and status, showed the claim status and a call to action on the claim status webpage, and, to overcome trust issues, moved the identity verification tool to a state-hosted

¹ The [Privacy Act of 1974](#) and the E-Government Act of 2002 ([Public Law 107 – 347](#)) govern the federal government's use of personal information. [NIST 800-63A](#) provides technical requirements for federal agencies when implementing digital identity services.

² "Unemployment Insurance Identity Verification Modernization," New Jersey Office of Innovation, updated Sept. 26, 2024, <https://innovation.nj.gov/projects/ui-id-verification/>.

site with an easily identifiable 10-character weblink — a vast improvement from the 40-character link previously in use. The state saw a 70% decrease in support calls about identity verification, a 20% increase in applicants who start verification immediately after submitting their application and a \$65,000 monthly savings in program costs. The new identity verification flow, released in late fall 2023, has saved the New Jersey Department of Labor over \$585,000 in operating costs as of September 2024, and annual savings are projected to be \$780,000 for 2024.

NIST's second draft Digital Identity Guidelines represent an important step toward accurate identity verification in public benefits programs. AFSCME supports these draft guidelines with additional recommendations to ensure that the right people get public benefits accurately and on time.

Sincerely,

/s/ Dalia R. Thornton

Dalia R. Thornton
Director
Department of Research and
Collective Bargaining
Services