



UNITED STATES DEPARTMENT OF COMMERCE
National Institute of Standards and Technology
Gaithersburg, Maryland 20899-
OFFICE OF THE DIRECTOR

The Honorable Rush Holt
House of Representatives
Washington, D.C. 20515

Dear Representative Holt:

This is in response to your letter of May 21, 2007 to the Secretary of Commerce concerning implementation of Homeland Security Presidential Directive 12 (HSPD 12). I share your concern that the implementation of HSPD 12 should not be a liability that discourages scientists from working for the Federal government, whether they be employees or contractors. In developing the standard for implementing HSPD 12, the Commerce Department's National Institute of Standards and Technology (NIST) has taken great care not to create such a liability.

HSPD 12 requires the creation of a government-wide standard for reliable forms of identification, and mandates issuance of electronic identity credentials to support access by Federal employees and contractors to Federal facilities. More specifically, HSPD 12 requires that the identification credentials be issued to Federal employees and contractors only when a person's identity has been established using sound verification criteria. NIST developed and, following a notice and comment period, issued Federal Information Processing Standard (FIPS) 201, "Personal Identity Verification of Federal Employees and Contractors."

One of the objectives of HSPD 12 is to have a consistent identity verification process for all Federal employees and employees of Federal contractors. FIPS 201 accomplishes this objective by using existing Federal procedures and requiring simply that, prior to the issuance of a FIPS 201 identification credential, the standard minimal investigation for Federal employees be used for contractors, too. In short, FIPS 201 does nothing more than extend to contractors Executive Orders 8781 and 10450, which for more than 50 years have required a Federal Bureau of Investigation (FBI) fingerprint check of each Federal employee. This use of fingerprint information is consistent with the Privacy Act as a routine use and is in compliance with applicable law.

FIPS 201 sets the minimum background check required to ensure identification and thus contains no requirement for the review of the financial or medical history of any employee or contractor. Entirely separate from the identity verification requirements of FIPS 201 and HSPD 12 are Federal procedures for establishing the suitability of Federal or contractor employees for sensitive positions. Individual agencies are responsible for establishing the sensitivity level for each job, and for requiring the appropriate background checks for employees who are in "public trust" positions.

If you have any questions about this matter, please contact Mr. James Schufreider, Director of NIST's Office of Congressional and Legislative Affairs, at 301-975-5675.

Sincerely,

William Jeffrey
Director

NIST