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**Subject:** DRAFT AGENCY IMPLEMENTATION GUIDANCE FOR HOMELAND SECURITY PRESIDENTIAL DIRECTIVE 12

**DEPARTMENT OF EDUCATION COMMENTS ON THE DRAFT AGENCY IMPLEMENTATION GUIDANCE FOR HOMELAND SECURITY PRESIDENTIAL DIRECTIVE 12 - Submitted May 6, 2005**

As requested, the Department of Education comments on the draft department and agency implementation guidance on Homeland Security Presidential Directive 12 (HSPD-12) are listed below:

First, the requirement of PKI for all of the user population regardless of access level i.e. confidential, secret or top secret and National security requirements, is burdensome upon agencies that have limited classified data and processing requirements. The PKI requirement should be optional for agencies based upon the overall mission of the agency and the need to secure data in a classified environment. A unilateral requirement across the Federal government, or application of the requirement where not necessary, will be unnecessarily burdensome and unnecessarily expensive.

The Department of Education is a non-National Security Agency comprised of approximately 9,500 employees and contractors. With 55% contractors and 45% Government employees, the contract employees are spread over numerous contracts and the Department is in constant contract re-competing. On average the Department submits 435 NACI clearances requests per month. Implementation of FIPS 201, which requires completion of the National Security Check prior to issuance of the credential, will be highly detrimental to the day-to-day business of the Department. The Departmental requirement for a substantial workforce in conjunction with changing of contractors would not allow substantial time to complete National Agency Checks of new oncoming contractors prior to the implementation of new contracts. The Department of Education has a limited number of positions requiring National Security Clearances.

In addition the implementation plan requires Federal agencies to have the National Agency Check (NAC) and/or the National Agency Check with Inquiry (NAIC) to be completed prior to issuance of the credential. This would be detrimental to the hiring process for most agencies, because the current Federal Investigative Service provider takes 90-120 days to conduct the NAC and NAIC background investigation. Agencies who do not conduct their own background investigations have no control over the time to process NAC and NAIC background, therefore this requirement takes the agency discretion of issuing interim clearances out of the agency.

Second, there should be flexibility for agencies to certify through E-Authentication Risk Assessment and results whether additional E-Authentication security features are required. There should also be flexibility in the implementation dates as it relates to Agency funding restrictions and integration of current ID access systems.

Please do not hesitate to contact me if you have questions.