

United States Department of the Interior



Homeland Security Presidential Directive 12 **HSPD-12**

Guidance for National Park Service Non-federal Staff

*Including Volunteers-In-Parks, Cooperating Associations,
Interns, and other partners*

Homeland Security Presidential Directive - 12 (HSPD-12)

BACKGROUND

On August 27, 2004, the President signed Homeland Security Presidential Directive 12 (HSPD-12), "Policy for a Common Identification Standard for Federal Employees and Contractors." HSPD-12 directs the implementation of a new standardized credentialing process to enhance security, reduce identity fraud, and protect personal privacy by establishing a mandatory, government-wide standard for secure and reliable forms of identification issued to federal employees, contractors, and "other" individuals. This Presidential Directive has the force of law.

HSPD-12 mandates the creation of a Common ID for use by all government agencies including agencies of the Department of the Interior; requires that the ID system be integrated and that it be used by all Federal employees and non-federal workers who have access to federally-controlled space not open to the public or federally-controlled information systems.

In addition to federal employees and contractors, the Department of the Interior Office of Law Enforcement and Security has determined that HSPD-12 applies to "other" non-federal workers when certain criteria are met. These non-federal workers, for purposes of applicability of HSPD-12, are referred to as "non-federal staff or staff member."

The National Park Service program or facility manager, in each individual situation, must determine whether an individual's job duties require a federally-issued HSPD-12-compliant ID before proceeding with the process of obtaining the ID. Once this has been done, non-federal staff identified by the manager are subject to a HSPD-12 background check (a National Agency Check with Inquiries or NACI) and must be fingerprinted. A NACI is the minimum background check required under HSPD-12 for both NPS employees and non-Federal staff members.

What is a HSPD-12 PIV II Compliant Card?

The HSPD-12 Personal Identity Verification Compliant Card (PIV II Card) supports the federal goal for workforce security. DOI issues secure and reliable forms of identification to individuals whose identity has been verified and whose background has been checked, and then uses that identification as the basis for securing access to DOI physical (facilities) and logical (information systems) assets.

A PIV II Card is good for five (5) years, but its expiration date for a foreign national working as a non-federal staff member cannot exceed the expiration date of documents required by the Immigration and Naturalization Service (e.g., green card, work permit, etc.)

What determines the need for a HSPD-12 PIV II Compliant Card to be issued to non-federal staff?

Based on the criteria below, the appropriate NPS facility or program manager is responsible for making the determination whether or not the individual's job duties require a federally issued PIV II Card. Criteria of making such a determination include the following:

- Non-federal staff who have *unsupervised access on a regular basis* to federally-controlled space and who are affiliated with DOI for more than 180 days. The 180-day period begins the first day the potential card recipient is officially affiliated with the agency, regardless of the frequency of the work activity. Non-Federal staff whose period of affiliation is less than 180 days is not required to be issued a PIV II Card.
- Non-federal staff who have *access on a regular basis* to a federally-controlled information system *for more than 180 days*. [NOTE: Any non-federal staff with access on a regular basis to a federally-controlled information system for less than 180 days will require a SAC (fingerprint check) only.]

What is federally-controlled space?

Federally-controlled space is federally-owned or leased space, whether for single or multi-tenant occupancy, all or any portion of which is under the jurisdiction, custody, or control of the Department, its Bureaus or Offices. For the purposes of determining where PIV II Cards are needed for non-federal staff, federally-controlled space is further defined as a physical structure/building containing records/correspondence necessary in the operation of daily government business such as NPS staff offices. A maintenance building or fee booth would not meet the definition of a federally-controlled space unless it contains government files or a federally-controlled information system.

Many National Park Service facilities are a combination of public areas as well as federally-controlled spaces (non-public areas). It is important to make that distinction when determining the status of space within any given structure as this may determine whether there is a need for a background investigation and a PIV II Card.

What is a federally-controlled Information System?

- Any records system or data base that has been created by the federal government, managed by the government and/or for which the government has administrative control.
- Hard copies of documents/files that are sensitive are considered federally-controlled. Hard copies of non-sensitive documents/files are not considered part of the federally-controlled information system.
- A networked computer or any computer that is connected to the National Park Service or DOI network. Stand alone computers that are not connected to the network do not fall under the definition of federally-controlled Information System.

BACKGROUND INVESTIGATIONS FAQs

1. Who will NOT need a Background Investigation/ NACI?

Following are examples of those types of non-federal staff members that do not need a PIV II Card.

- Any non-federal staff member who works in public areas of the Visitor Center and does not have unsupervised access to NPS staff office areas or sensitive files within the Visitor Center, regardless of his/her duration of service.

Examples:

- Non-federal staff member working outside and without access to staff offices or sensitive files, regardless of his/her duration of service.
- Non-federal staff member working in a cooperating association sales outlet and without unsupervised access to NPS staff offices or sensitive files, regardless of his/her duration of service.
- Non-federal staff member attending a meeting with paid staff and is escorted by another PIV II Card-authenticated staff member (non-federal staff member or a federal employee with a PIV II Card) to/from the meeting while within federally-controlled space.
- Non-federal staff member having access to sensitive files, but, PIV II Card-authenticated staff are present while the non-federal staff member is on duty.
- Non-federal staff member working without supervision at a fee booth or maintenance building and with supervised access to staff offices or sensitive files, regardless of his/her duration of service.
 - Any non-federal staff collecting fees, issuing permits, or selling passes is required to be bonded in accordance with Director's Order #7 and Reference Manual #32.
 - Director's Order #7: VIPs: 6.1. "A VIP may sell permits and collect recreation fees... However, the VIP must be bonded under a surety bond ... per guidelines set forth in Director's Order #22: Fee Collection."
 - Reference Manual #32: Cooperating Associations: Association employees may be asked to perform functions regularly carried out by the NPS, and specifying that when they perform these functions they do so as NPS VIPs. These functions include issuing back-country or fishing permits, entry passes. As is the case with other VIPs performing such duties, these association employees must be bonded.
- Any non-federal staff with duties in a federally-controlled space for less than 180 days with supervised access. Supervised access means PIV-authenticated staff escorts the non-federal staff member from the time he/she enters the federally-controlled space until he/she leaves.

Examples:

- Non-federal staff member attending a meeting in federally-controlled space. That non-federal staff member is escorted by another PIV II Card-authenticated staff to/from the meeting.
- Non-federal staff member having access to sensitive files while a PIV II Card-authenticated staff is present as long as the non-federal staff member is on duty.

2. How does someone obtain a NACI?

Non-federal staff is required to undergo a NACI as determined by the appropriate program and/or facility manager in order to be issued a PIV II Card. To complete the process, non-federal staff must:

- Complete a PIV Credential Request Form (<http://www.test.myinterior.doi.net/HSPD12/Documents/PIV%20Credential%20Request%20Form.pdf>)
- Complete a Background Investigation Form SF-85 (OMB Questionnaire for Non-Sensitive Positions) (http://www.opm.gov/forms/pdf_fill/SF85.pdf). For purposes of meeting the requirement of HSPD-12 this includes non-federal staff. Non-federal staff must use the SF-85 even though the form specifies the use is for “applicants or incumbents either employed by the government or working for the government under contract.”
- Be fingerprinted (SF 87 – fingerprint card).
- Be photographed as part of the PIV Credential Request.

Once the background/fingerprint forms have been completed, they will be sent to the NPS Servicing Personnel Office for the primary duty location at which the non-federal staff will report to initiate any required Background Investigations. The Administrative Officer or, if available, Human Resources Officer, at the field station level can assist the non-federal staff in completing any of the forms. All supporting documentation will be forwarded to the appropriate adjudicating officer and a finding will be rendered in accordance to regulatory guidelines.

Proper and adequate adjudication begins with a multi-faceted suitability and security screening process. The adjudicator is charged with determining whether an individual is loyal, reliable, and trustworthy enough to promote the efficiency of the federal service and possibly be entrusted with access to federally-controlled space and/or information systems. The adjudication process simply determines whether the applicant receives a PIV II card, not whether he/she should be hired. Once the finding is made, it will be forwarded to the program and/or facility managers for a final determination with respect to whether the PIV II Card will be issued.

3. How long does it take to complete a NACI?

A NACI can take up to 180 days to complete. The fingerprint check takes approximately 5-7 days after OPM receives the SF-87 fingerprint card. OMB Memo M0524 dated August 5, 2005, states that agencies should receive notification of results of the National Agency Checks before issuing a credential. However, the memo provides that the identity credential can be issued based on the FBI National Criminal History Check (fingerprint check) if the results are not received in 5 days. Furthermore, the guidance includes instruction for distinguishing adjudicated individuals from those who have not yet been adjudicated; it does not prohibit access. Each agency is to follow its own implementation policy for access authorization when a final identity verification and successful criminal background check are pending.

4. What length of time does a NACI cover and can it be used with other agencies?

A NACI is approved for a lifetime, as long as it can be verified and as long as the non-federal staff is not separated from their government affiliation (i.e., terminated volunteer agreement) for more than two (2) years. If the individual moves into a position that requires a higher security review level, such as a secret or top secret security clearance, a new background investigation may be initiated. A NACI is reciprocal among federal agencies.

5. What happens to the non-federal staff member's personal information collected as part of the NACI?

HSPD-12 explicitly states that protecting personal privacy is a requirement. Information received as part of the NACI is protected by the NPS in accordance with 5 U.S.C. 552a (Privacy Act of 1974). For the NPS, this means that private information related to VIPs and other non-Federal staff must be stored in locked rooms and file cabinets for paper records and protected with secure passwords for electronic records. Information received as part of the NACI will be returned to the cooperating association or other non-federal employer once the application has been adjudicated and will be protected to at least the same standards as federal employees and contractors. For the Service, this means that private information must be stored in locked rooms and file cabinets with posted warnings to include access limitation, standards of conduct for employees in handling Privacy Act records, and possible criminal penalties for violations. Electronic records will be protected with secure passwords. Offices responsible for managing non-federal staff security records should also take other precautionary steps, such as positioning computer screens to avoid sight in high traffic areas.

6. What is the cost for a NACI?

The cost to run a NACI is approximately \$100 for a non-federal staff member plus approximately \$85 to issue the PIV II Card. At present, all costs for NACIs and issuance of the PIV II Card is expected to be covered by the hiring organization. For example, in the case of the NPS, this would be the park/office/division employing a VIP. In the case of a cooperating association, this would be the cooperating association that hired the individual in question.

7. Termination of Employment or Need for Access

The PIV II Card is government property. The responsibility for returning the PIV II Card lies with the employer. In the case of employees who have severed their relationship with the cooperating association, it shall be the cooperating association's responsibility to obtain the PIV II Card from their employee and surrender it to the government.

INTERNATIONAL VOLUNTEERS AND FOREIGN WORKERS

It is anticipated that a certain number of volunteers and cooperating association employees will not be U.S. Citizens.

Minimum guidance requirements for non-U.S. citizens affiliated with the National Park Service for more than 180 days working in a federally-controlled space:

- Any non-U.S. citizen who has resided in this country for more than three (3) years must present his/her Visa (*or passport if in the U.S. in tourist status from a visa-waiver country where visas are not required [B-1/B-2]*) for review and verification and have a favorably adjudicated NACI completed. As with U.S. citizens, a PIV II Card can be issued after the successful adjudication of a FBI criminal history fingerprint check pending the completion of a NACI.
- Any non-U.S. citizen who has resided in this country for less than three (3) years must present his/her Visa (*or passport – see above*) for review and verification and is subject to a favorably adjudicated FBI criminal history fingerprint check. (NOTE: An individual who arrived in the U.S. less than one year prior to the initiation of the background investigation may not have accrued enough history in the U.S. to warrant a NACI, but, in all cases, a fingerprint check will be done.)
- All non-U.S. citizens who are residing in the country, no matter the number of years residing in the U.S., must present their Visa for review and verification and are subject to a favorably adjudicated FBI criminal history fingerprint check.

CONTACTS FOR ADDITIONAL QUESTIONS

As a first step, you should contact your servicing Human Resources Office for more details about background investigation/NACI. General information on HSPD-12 is also available at www.doi.gov/hspd12.

NPS HSPD-12 Project Manager:

Kim Martinez

Security Program Manager

Phone: 202-354-6924

Mobile: 202-538-0031

Email : Kim_martinez@nps.gov

NPS HSPD-12 Volunteers-In-Parks point of contact:

Joy M. Pietschmann

Service-wide Volunteer Program Coordinator

Phone: 202-513-7141

Fax: 202-371-6662

Email: joy_pietschmann@nps.gov

NPS HSPD-12 Cooperating Association point of contact:

Rose Fennell

Service-wide Cooperating Association

Program Coordinator

Phone: 202-513-7143

Fax: 202-371-6662

Email: rose_fennell@nps.gov