

AN OFFERING IN THE BLUE CYBER SERIES:

Can I give my contractor CUI? You need to ask.

Compliance with NIST SP 800 - 171

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#4 in the Blue Cyber Education Series



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Federal Acquisition Regulation (FAR) and DFARS

Small Business contracts contains many FARs and DFARS, some are listed some are referenced and you have to look them up. These are not all, but some key security requirements.

What is a DFARS? The Defense Federal Acquisition Regulation Supplement (**DFARS**) contains requirements of **law**, DoD-wide policies, delegations of **FAR** authorities, deviations from **FAR** requirements, and policies/procedures that have a significant effect on the public.

DFARS Clause
252.239-7010
Cloud Computing
Services

FAR Clause
252.204-21
Basic Safeguarding
of Covered
Contractor
Information Systems

DFARS Clause
252.204-7012,
Safeguarding Covered
Defense Information
and Cyber Incident
Reporting

DFARS Clause
252.204-7008
Compliance with
safeguarding
covered defense
information controls

DFARS Clause
252.204-7020
NIST SP 800-171
DoD Assessment
Requirements.

DFARS Clause
252.204-7021
Cybersecurity
Maturity Model
Certification
Requirement



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DFARS 252.204-7012

Safeguarding Covered Defense Information (CDI) and Cyber Incident Reporting

- This DFARS calls out Adequate Security as an implementation of NIST SP 800-171.
- The contractor creates a System Security Plan which addresses how each of the 110 NIST SP 800-171 has been implemented. Also, A Plan of Action and Milestone Date (POAM) is created for any incomplete NIST SP 800-171 security requirements.
- This DFARS calls out safeguarding CDI which is the data which is collected/developed/received/transmitted/used/ stored by the contractor in performance of contract.



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DFARS 7012 “Adequate Security” quote red added for emphasis

... (b) *Adequate security.* The Contractor shall provide adequate security on all covered contractor information systems. To provide adequate security, the Contractor **shall implement, at a minimum, the following information security protections:**

...

(1) For covered contractor information systems that are part of an Information Technology (IT) service or system operated on behalf of the Government, the following security requirements apply:

(i) Except as provided in paragraph (b)(2)(ii) of this clause, the covered contractor information system **shall be subject to the security requirements in National Institute of Standards and Technology (NIST) Special Publication (SP) 800-171**, “Protecting Controlled Unclassified Information in Nonfederal Information Systems and Organizations” in effect at the time the solicitation is issued or as authorized by the Contracting Officer.

(ii)(A) The Contractor **shall implement NIST SP 800-171, as soon as practical, but not later than December 31, 2017.** ...



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DFARS 252.204-7008

Compliance with safeguarding covered defense information controls

This DFARS calls for the contractor to identify **an alternative but equally effective**, security measure to compensate for the inability to satisfy a particular requirement and achieve equivalent protection.

- For any POAM item, you need an alternative, but equally effective security measure



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DFARS 252.204-7020

DoD Assessment Requirements

- This DFARS calls for the contractor conduct a self-assessment of NIST SP 800-171 using the DOD NIST SP 800-171 Assessment Methodology and the contractor System Security Plan and POAM; the result is an overall score.
- The contractor documents this self-assessment score in the SPRS system.



Not all of the NIST SP 800-171 security requirements are equal

The NIST SP 800-171 DoD Assessment Methodology identifies **42 security requirements** that, if not implemented, could lead to **significant exploitation of the network, or exfiltration of DoD CUI.**

These high-risk security requirements are with 5 points in the DoD scoring rubric.

- For example, Failure to limit system access to authorized users (Requirement 3.1.1) **renders all the other Access Control requirements ineffective, allowing easy exploitation of the network**
- For example, Failure to control the use of removable media on system components (Requirement 3.8.7) **could result in massive exfiltration of CUI and introduction of malware.**

NIST SP 800-171 DoD Assessment Scoring Template

Security Requirement		Value	Comment
3.1.1*	Limit system access to authorized users, processes acting on behalf of authorized users, and devices (including other systems).	5	
3.1.2*	Limit system access to the types of transactions and functions that authorized users are permitted to execute.	5	
3.1.3	Control the flow of CUI in accordance with approved authorizations.	1	
3.1.4	Separate the duties of individuals to reduce the risk of malevolent activity without collusion.	1	
3.1.5	Employ the principle of least privilege, including for specific security functions and privileged accounts.	3	
3.1.6	Use non-privileged accounts or roles when accessing non-security functions.	1	
3.1.7	Prevent non-privileged users from executing privileged functions and capture the execution of such functions in audit logs.	1	
3.1.8	Limit unsuccessful logon attempts.	1	



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Answer today:

Can I give my contractor CUI? You need to ask.

Yes, if:

- The decision to share CUI is a risk-based decision based upon a conversation with the contractor regarding if they are ready to provide adequate protection to DoD CUI.
- There is not a cut and dried answer rubric.
- CUI protection is a shared responsibility between the DoD and industry.
- Adequate security will vary depending on the nature and sensitivity of the information on any given non-DoD information system.

See DFARS 252.204-7012 “Safeguarding Covered Defense Information and Cyber Incident Reporting, December 2019,” “Section b”, for a description of “Adequate Security”

If you need help with this decision, please contact your Program or Wing cybersecurity office. Also, Kelley Kiernan from the DAF CISO Office is available to talk with you. **Keep your contracting officer informed of your activities.**

This question is being studied across the DOD – check back for an updated answer



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Discuss with the contractor their readiness to provide adequate protection for DOD CUI

Risk-Based Decision Questions

- Review the contractor's System Security Plan and associated POAM
 - Are all 42, 5-point weighted security requirements implemented with no POAM?
 - Are all 14, 3-point weighted security requirements implemented with no POAM?
- Is the CUI that the DAF is considering sharing with the contractor in a sensitive category such as these categories? NOFORN, FED ONLY, NOCON, DL ONLY, REL TO [USA, LIST], DISPLAY ONLY, Attorney-Client, Attorney-WP or otherwise sensitive?
- Is the CUI that the DAF is considering sharing with the contractor mission-essential?
- Is the CUI the DAF is considering sharing with the contractor appropriate for research?
- Have you rejected the use of synthetic data in this contract?
- Apply these questions to contractor-created CUI and the government-provided CUI



DOD SAFE creates potential exposure

DOD Safe will let a CAC-holder send CUI to any email address. You must ask contractors if they are ready to provide adequate protection to any CUI sent via DOD SAFE and be satisfied with the answer you receive.

- Contractors who are not ready to protect CUI should not accept CUI

DoD SAFE Logged on as user: *KIER*

Home Drop-Off Request a Drop-Off Pick-up Outbox Help Logout

- + What is DoD SAFE?
- + What credentials are accepted?
- + What credentials are not accepted?
- + Problems accessing the DoD SAFE site by non-CAC users
- Sending Files

Authenticated CAC users can send files to any email address (i.e., .mil, .gov, .com). Guests (i.e., PIV holders, users with .com and .edu emails) can send files but only if solicited by CAC users.



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Any Questions?

- This briefing is not a substitute for reading the FARS/DFARS
- Resources and more modules like this are coming every day!
- Please provide questions, feedback or if you just want to talk about your cyber security /data protection questions to:
Kelley.Kiernan@us.af.mil
 - Office hours daily for answering/researching **your** DAF Small Business questions!