

August 2, 2019

National Institute of Standards and Technology
ITL - Computer Security Division
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Portland State University, an urban research university with over 28,000 students and 65 million dollars in research expenditures, appreciates the opportunity to comment on the draft publication of NIST 800-171(b).

Portland State University is concerned that the controls delineated in NIST 800-171(b) will be applied in an unpredictable manner on a case-by-case basis.

Currently, university researchers can anticipate if a DoD sponsored project will require the protection of NIST 800-171 compliant systems, as DFARS clause 252.204-7012 mandates that contractor information systems must be compliant with NIST 800-171 if DoD controlled CUI is present. Since Covered Defense Information is relatively well defined in the CUI Registry, researchers can anticipate if a project will require 800-171 compliance at the proposal stage.

With the draft publication, researchers and university administrators will have no way to anticipate if a project will involve CUI that is part of a critical program or is a high-value asset before a contract is presented by the contracting officer, as those terms are not specifically defined.

Due to time and cost constraints, it would be exceedingly burdensome if not impossible for universities to implement NIST 800-171(b) in response to an individual award. Therefore, many university contractors could be effectively locked out from performing work requiring compliance with NIST 800-171(b) as notified at an award.

The requirement for a 24/7 SOC staffed by personnel creates costly operational expenses. This is most especially challenging with regard to federally funded research projects with universities. The objective of 24/7 ongoing monitoring, spanning detection, alerting, and response, can often be accomplished through the use of automated tools, manned by daily staffing and 24/7 on call.

It would be helpful if the publication clearly defined the criteria for designating a program critical or defining something as a high-value asset. Requiring agencies to state in funding announcements if NIST 800-171(b) compliance will be required to perform the work is essential.

Sincerely,



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