



May 12, 2015

National Institute of Standards and Technology
Attn.: Computer Security Division, Information Technology Laboratory
100 Bureau Drive (Mail Stop 8930)
Gaithersburg, MD 20899-8930
VIA ELECTRONIC SUBMISSION: sec-cert@nist.gov

RE: NIST Special Publication 800-171

Dear Sirs/Madams,

I am writing on behalf of the Association of University Export Control Officers (AUECO), a group of senior export practitioners from more than 75 accredited institutions of higher learning in the United States. AUECO members monitor proposed changes in laws and regulations affecting academic activities and advocate for policies and procedures that advance effective university compliance with applicable U.S. export controls and trade sanction regulations.

AUECO is providing the following comments in response to the NIST Special Publication 800-171, *Protecting Controlled Unclassified Information in Nonfederal Information Systems and Organizations* Final Public Draft. We concur with the comments being provided by the Council on Government Relations and the Association of American Universities (COGR/AAU) dated May 12, 2015 as well as those provided by Virginia Polytechnic Institute and State University (Virginia Tech) also dated May 12, 2015. As stated in both of these comments, we are concerned that the implementation of NIST 800-171 will have the unintended consequence of increased regulatory burden for academic institutions.

We appreciate the clarification in the guidance on the applicability of Special Publication 800-171. We also appreciate the careful calling out in the basic assumptions that non-federal organizations may implement “alternative, but equally effective security measures to compensate for the inability to satisfy a particular requirement.” AUECO is concerned, however; that federal agencies responsible for compliance with 800-171 will view the standards as prescriptive, particularly in the context of referencing 800-171 in the absence of an implementing FAR clause. The decentralized IT infrastructure and information management described in the Virginia Tech comment is indeed the norm at most of our members’ institutions. As a result, the recommended cost-effective strategy of isolating CUI into its own security domain would in and of itself be expensive and burdensome to implement. We do not believe such decentralization and the resulting high costs of compliance should the guidance become prescriptive has been adequately considered.

AUECO recognizes the importance of safeguarding Controlled Unclassified Information (CUI), regardless of where such information is located. We believe that our members' universities already have in place systems and procedures to support such safeguarding. We urge NIST to consider how it might ensure that the guidance provided in 800-171 does not become prescriptive.

We thank NIST for the opportunity to provide this comment.

Sincerely,



Mary Beran

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