

CLIENT ALERT

Buy 1 Get 2 Free Special on Cyber Regulations: DoD Interim Rule Unveils 3 New Clauses Geared at Cybersecurity Assessments

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The Department of Defense (DoD) has released its eagerly anticipated Interim Rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement two major initiatives: the National Institute of Standards and Technology (NIST) Special Publication (SP) 800-171 DoD Assessment Methodology and the Cybersecurity Maturity Model Certification (CMMC). The Interim Rule introduces the related clauses DFARS 252.204-7019, *Notice of NIST SP 800-171 DoD Assessment Requirements* and DFARS 252.204-7020, *NIST SP 800-171 DoD Assessment Requirements*; as well as the separate clause DFARS 252.204-7021, *Cybersecurity Maturity Model Certification Requirements*.

-7019 requires contractors to have a current NIST SP 800-171 DoD Assessment in order to be considered for award, which may have been met where contractors have had a recent Defense Industrial Base Cybersecurity Assessment Center (DIBCAC) Assessment. Relatedly, -7020 requires contractors to provide the Government with access to their facilities and systems for higher-level Assessments, in addition to ensuring that subcontractors handling Covered Defense Information (CDI) have made their Assessments available to the Government.

-7021 implements the long-expected CMMC framework, where contractors must receive a third-party certification that they have met one of five specified cybersecurity levels – and maintain that certification for the duration of their contracts. The CMMC clause will begin appearing in select solicitations later this year, and eventually in all solicitations above the micro-purchase threshold by October 1, 2025, excluding those exclusively for commercially available off-the-shelf (COTS) items.

The Interim Rule goes into effect on November 30, 2020, with comments due the same day.

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