



National Information Assurance Partnership Common Criteria Evaluation and Validation Scheme

NIAP Policy Letter #26

20 March 2019

SUBJECT: Limitation to Acceptance of a Product for NIAP Evaluation and Posting on the NIAP PCL

REFERENCES: Committee on National Security Systems Policy (CNSSP) No. 11
National Security Directive 42
Common Criteria Evaluation and Validation Scheme Publication, "Check-In/Check-Out Guidance"

PURPOSE: This policy clarifies the applicability and relationship of U.S. laws, regulations, and directives to product acceptance into NIAP and inclusion on the NIAP Product Compliant List.

BACKGROUND: The NSA's participation in NIAP is conducted pursuant to the Director, NSA's responsibilities as the National Manager for National Security Systems (NSS) under National Security Directive 42, and instruction issued under CNSSP No.11. In this capacity, NSA provides approved evaluation processes for all commercial off-the-shelf (COTS) information assurance (IA) and IA-enabled IT products to be used on or to protect NSS. The NIAP executes these responsibilities by certifying the NIAP Common Criteria Test Laboratories (CCTLs), ensuring evaluations and validations of COTS IA or IA-enabled IT products follow NSA-approved processes, and maintaining the NIAP Product Compliant List of COTS IA and IA-enabled IT products evaluated and validated pursuant to the NIAP.

Recent legislation, including the 2018 and 2019 National Defense Authorization Acts and the SECURE Technology Act, has placed limitations on the acquisition of certain products within the federal government that might otherwise meet Common Criteria Evaluation and Validation Scheme (CCEVS) standards. This policy clarifies the effect of recent legislation and implementing policies on the NIAP.

POLICY: Consistent with NSA's mission and authority, products evaluated under the NIAP for use on or protection of NSS and information contained therein may only include products that are not otherwise prohibited from use on an NSS by statute, executive order, or other directives applicable to NSS owners. In instances where a product will soon be subject to a prohibition from acquisition for use on NSS or has already been prohibited from a class of NSS, NIAP reserves the right to refuse evaluation and certification of the product. Vendors concerned that they may be affected by this limitation are encouraged to contact NIAP prior to contracting with a CCTL for evaluation under the NIAP Common Criteria Evaluation and Validation Scheme (CCEVS).

EFFECT: This policy provides authoritative guidance on how the NIAP will incorporate recent supply chain legislation and policies. NIAP publications will be updated to reflect these changes.

EFFECTIVE DATE: This policy letter is effective immediately.

Original Signed By

Mary L. Baish
Director, NIAP