

< [Back to Document Comments \(/document/DARS-2020-0034-0194/comment?sortBy=postedDate&sortDirection=desc\)](/document/DARS-2020-0034-0194/comment?sortBy=postedDate&sortDirection=desc)

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Comment on FR Doc # 2024-18110

Posted by the **Defense Acquisition Regulations System** on Oct 9, 2024

[Docket \(/docket/DARS-2020-0034\)](/docket/DARS-2020-0034) / [Document \(DARS-2020-0034-0194\) \(/document/DARS-2020-0034-0194\)](/document/DARS-2020-0034-0194)
/ [Comment](#)

Comment

The following comment is in response to publication of the Cybersecurity Maturity Model Certification (CMMC) Program in the Federal Register at: <https://www.federalregister.gov/documents/2024/08/15/2024-18110/defense-federal-acquisition-regulation-supplement-assessing-contractor-implementation-of>. The first bullet on page 66329 of the 48 CFR proposed rule states: “Require the contractor to complete and maintain on an annual basis, or when security changes occur, the affirmation of continuous compliance with the security requirements identified at 32 CFR part 170. The affirmation of continuous compliance is made by a senior company official (see definition of “senior company official” at 32 CFR 170.4 in the proposed rule published at 88 FR 89058) to affirm that its CMMC self-assessment of CMMC certification for each DoD UID applicable to the contractor information systems that process, store, or transmit FCI or CUI during contract performance remains current and the information system(s) covered by the CMMC self-assessment or CMMC certificate continue to be in compliance with the security requirements identified at 32 CFR 170.”

I went back and looked at section 32 CFR 170.4 of the proposed rule from last December and can't find a definition of “senior company official”. In fact, the term “senior company official” cannot be found anywhere in the 32 CFR proposed rule which instead refers to an “affirming official”, described in Section 170.22 as: “the OSA senior official who is responsible for ensuring OSA compliance with CMMC Program requirements”. Is that a contracting official at the OSA, a program manager, or perhaps someone else? Is the affirmation expected for each contract or at the information system UID level?

The definition of “senior company official” needs to be fully understood by the DIB and is important for DoD to ensure someone of adequate authority performs the affirmation. Will that definition be included in the final 32 CFR rule to which we do not yet have access? If not, would you please add it to that rule?

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