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Comment on FR Doc # 2024-18110

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Comment

DARS-2020-0034-0194 RIN: 0750-AK81 CMMC Proposed Rule

Regarding revision to section 252.204-7021 .

1. Way too strict, way to broad, way too fuzzy regarding the 72 hour notice.

(4) Notify the Contracting Officer within 72 hours when there are any lapses in information security or changes in the status of CMMC certificate or CMMC self-assessment levels during performance of the contract;

2. Contracting Officers are not experts or problem solvers for potential system problems.

72 hours for status change notification or 72 hours for any lapses in information security are way too fuzzy and way too tight.

72 hours for a leak or a spill, sure.

But 72 hour reporting because the company has a concern, or an an internal audit finding or wants to improve things, should not impose a rushed and potentially punitive result from a notification.

3. 252.204-7021 should stand alone without the spec writer, and spec user having to correlate info from 252.204-7yyy, and having to piece together the requirement from several places including -7012.

Recommend:

1. Change to an appropriate person to report to, such as maybe an ombudsman who might be helpful, or a technical activity which might probe to understand the potential scope of problem or solution, as currently exists for leaks or spills.
2. Change to report within 2 weeks if a status or lapse concern is unresolved, (but with no known leakage of spill).
3. Use the proposed 72 hours notification, but only if a leak or a spill occurred, as required elsewhere, and clearly recognize that the 72 hour notification is NOT expected to include the solution or close out the issue. Then weekly update required till there is a closeout report with the system restored or improved to fully compliant again. 72 hours can be a successful cut off of the potential problem, isolate the system and

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problem, but maybe well before a good solution is achieved and the system is restored to an improved and stable status.

PLEASE:

Figure out how to achieve the goals, without being punitive against people who are working hard.

Figure out how the government can provide assistance as a result of reporting, instead of creating fear of being put out of business from self reporting or an audit.

It is best for everybody if vendors and contractors evolve as partners with the government instead of being adversaries trying to squeeze each other.

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