



Delegation of German Industry and Commerce  
in Washington, DC  
Delegation der Deutschen Wirtschaft  
in Washington, DC

---

December 14, 2023

**Via Reginfo.gov**

Robert Costello, Chief Information Officer  
Cybersecurity and Infrastructure Security Agency  
U.S. Department of Homeland Security  
245 Murray Lane  
Washington, D.C. 20528-0380

RE: Request for Comments on the Secure Software Development Attestation Common Form

Mr. Costello:

On behalf of the German American business community, the Delegation of German Industry and Commerce (DGIC), would like to formally submit this letter in response to the *Request for Comments on the Secure Software Development Attestation Common Form* [Docket No: CISA-2023-0001].

German-owned affiliates play an important role in the U.S. economy, particularly in the technology sector, by contributing to the economic health, prosperity, and national security of this great nation. We are concerned with the most recent update to the common attestation form, particularly the removal of a designee to the Chief Executive Officer (CEO) to sign the form.

The software attestation common form's requirement for foreign national Chief Executive Officers (CEOs) or Chief Operating Officers (COOs) to sign the form contravenes 32 CFR § 117.11, National Industry Security Program Operating Manual (NISPOM) and the U.S. Department of Defense Manual Number 5220.32 by granting undue access and influence on foreign nationals over software considered critical to U.S. national security. Title 32 and National Institute of Standards and Technology (NIST) Special Publication 800-53 (NIST 800-53) outline specific protocols for managing access controls for foreign nationals involved in critical software development. By mandating foreign national CEO/COO signatures, the common form grants them direct control, bypassing crucial security protocols outlined in NISPOM and NIST 800-53.

To rectify this issue and ensure compliance with U.S. federal regulations and security requirements, we urge the Cybersecurity and Infrastructure Security Agency (CISA) and the Office of Management and Budget (OMB) to permit foreign-owned companies to designate a U.S. citizen to sign the common form.

In closing, DGIC encourages CISA and OMB to continue public engagement and consultation as the agency further develops the common form.

Respectfully Submitted,

Dr. Christoph Schemioneck  
President and CEO