

## Sawhill, Steven George

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**From:** Sawhill, Steven George  
**Sent:** Tuesday, September 27, 2022 9:16 AM  
**To:** Sawhill, Steven George  
**Subject:** FW: CMCC Program C3PAO Certification Issue  
**Attachments:** DNV C3PAO Proposal.docx; NOR CMMC Letter to Mr Vaccaro\_.pdf; About DNV BA USA.pdf

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**From:** Sawhill, Steven George  
**Sent:** Friday, August 5, 2022 5:05 PM  
**To:** Bostjanick, Stacy S SES OSD DOD CIO (USA) <stacy.s.bostjanick.civ@mail.mil>  
**Cc:** Cardwell, Carrie M CIV OSD OUSD A-S (USA) <carrie.m.cardwell.civ@mail.mil>; McCurdy, Cydney M CIV OSD DOD CIO (USA) <cydney.m.mccurdy.civ@mail.mil>; Knight, Diane L CIV OSD OUSD A-S (USA) <diane.l.knight10.civ@mail.mil>; Mason, Dana C CIV OSD OUSD A-S (USA) <dana.c.mason.civ@mail.mil>; PierreLouis, Dimitry CTR (USA) <dimitry.pierrelouis.ctr@mail.mil>; Peranich, Stephen C. <stephen.peranich@blankrome.com>; Bondareff, Joan <joan.bondareff@BlankRome.com>  
**Subject:** RE: CMCC Program C3PAO Certification Issue

Dear Ms. Bostjanick,

I want to thank you and your staff for meeting with us earlier this week to discuss the potential participation of foreign-owned assurance companies in the CMMC program. Understanding your desire to implement CMMC as quickly and effectively as possible, we appreciate your invitation to submit the attached proposal for consideration.

In short, our proposal is that the DOD accept for consideration C3PAO applications from companies of the United States' trusted defense partners. In practical terms, that would be defined relatively simply:

A qualified contractor for third-party cybersecurity assessment in the United States includes a company that meets the following requirements:

- (a). The contractor is a United States subsidiary of a company headquartered in a country that has a [reciprocal] defense industrial cooperation agreement with the United States; and
- (b). The Government of the country with whom the United States has the [reciprocal] defense cooperation agreement has signified in writing to the Secretary of Defense that the company is established and well-recognized in that country and that the Government supports its application as a third-party cybersecurity assessment organization to the U.S. Department of Defense, in keeping with the cooperative intentions of its defense industrial cooperation agreement with the United States.

As we describe in our attached proposal, DOD would benefit from a quicker, smoother rollout of the CMMC program by the involvement of a defense contractor's ISO 9001 / AS 9100 auditor. As many defense contractors already certify their management systems to the ISO/AS standards, it would be most efficient to conduct CMMC certification in parallel with their ISO/AS management systems certification where possible. The U.S. subsidiaries of foreign-owned assurance companies are already extensively involved in providing independent quality assurance and inspection verification services to U.S. defense contractors. These include such globally recognized names as DNV, BV, BSI, Intertek, LRQA, SGS, and TÜV, among others.

Understanding your need for trustworthiness, our proposal is focused on accepting only those companies from your trusted international defense partners: that is, with countries where you have a mutual defense industrial cooperation agreement in place, and where that government supports the company's application as a C3PAO. Such a definition allows the Department to avail the expertise of several of the world's leading assurance providers as well as strengthen its relationships with the United States' most trusted allies.

In the case of DNV, for example, Norway has a comprehensive set of bilateral agreements with the U.S. that supports this, including the Reciprocal Defense Procurement MoU (1978), Declaration of Principles for Enhanced Cooperation on Defense Equipment (2005) and the more recent Security of Supply Arrangement (2018). Moreover, the Norwegian government has already communicated to the Department its support of our application (see attached letter from the Norwegian embassy to Mr. Michael Vaccaro, Principal Deputy Assistant Secretary of Defense for Industrial Base Policy).

Besides the above principal proposal, we also offer the following additional measures that the CMMC AB might wish to consider in vetting a foreign-owned assurance company:

1. It is an established assurance company of long standing.
2. It has an established subsidiary in the USA as a US legal entity with relevant tax relationships to the US, and has personnel and other capital resources located in the USA.
3. It has established business relationships serving US Defense Industrial Base (DIB) customers.
4. It has an established trust relationship with the US Government in some capacity.
5. It is accredited by the American National Standards Institute National Accreditation Board (ANAB) to certify US companies to the AS 9100 standard (Quality Management System – Requirements for Aviation, Space and Defense Organizations) and provides these services in the USA.
6. It is accredited to certify companies to the ISO/IEC 27001 standard (Information Security Management Systems) and provides these services in the USA.
7. Business records and project data are maintained by the US subsidiary in the USA and are open to US Government inspection/audit on demand.

The CMMC AB might also consider imposing one or more additional conditions on foreign-owned assurance companies, such as:

8. Using only US-citizen employees of the US-based subsidiary and resident in the USA in the delivery and management of CMMC-related services.
9. Using auditors who are ITAR compliant.
10. Imposing a firewall between the US-based subsidiary and other parts of the company, such that information on CMMC assessments is restricted to those individuals in the US-based subsidiary who are specifically authorized and directly involved in the delivery and management of CMMC services.

Thank you again for meeting with us and giving us the opportunity to share our proposal with you. We look forward to an opportunity to discuss this further and answer any questions you may have.

Kind regards,

**Steven Sawhill**

Director, US Government and Public Affairs  
Group Communications

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**Sent:** Thursday, July 7, 2022 4:41 PM  
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**Subject:** RE: CMCC Program C3PAO Certification Issue

Stephen,

We certainly are open to meeting with you. Please work with Mr. PierreLouis to find time on our calendar to accommodate this meeting.

v/r  
Stacy

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**From:** Peranich, Stephen C. <[stephen.peranich@blankrome.com](mailto:stephen.peranich@blankrome.com)>  
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**To:** Bostjanick, Stacy S SES OSD DOD CIO (USA) <[stacy.s.bostjanick.civ@mail.mil](mailto:stacy.s.bostjanick.civ@mail.mil)>  
**Cc:** Sawhill, Steven George <[Steven.Sawhill@dnv.com](mailto:Steven.Sawhill@dnv.com)>  
**Subject:** [Non-DoD Source] CMCC Program C3PAO Certification Issue

Ms. Bostjanick,

My name is Stephen Peranich, and I work at Blank Rome Government Relations LLC—a subsidiary of Blank Rome LLP, a nationwide law firm. My purpose in reaching out to you is on behalf of my firm's client DNV USA Inc. , a Texas -based company with (headquarters are located in Katy).

I'd like to introduce you to Steven Sawhill, DNV USA's Director of US Government and Public Affairs (copied here) and myself. We wish to make you aware of our concern that the DoD's Cybersecurity Maturity Model Certification (CMMC) program is currently excluding DNV Business Assurance USA Inc. from consideration as a CMMC third-party assessor organization.

We have attached for your review two (2) background documents on DNV USA and its concerns with the CMMC program in general as well as a copy of a letter recently sent from Einar Gustafsson, Counselor for Defense Industry Cooperation at the Royal Norwegian Embassy, to Michael J. Vaccaro, Principal Deputy Assistant Secretary of Defense for Industrial Base Policy, asking for his review and consideration on this matter.

We'd greatly appreciate an opportunity to meet with you and/or the appropriate members of your team to discuss this matter in greater detail as soon as you're available. According to media reports, the DOD CIO's office may soon be submitting its CMMC program package to OMB sometime this month or next for review.

Please let us know when you are available to meet or if you need additional information or have any questions regarding this matter or meeting request. Thank you for your consideration of our meeting request.

Very respectfully,  
-Stephen

**Stephen C. Peranich | Principal | BLANKROME Government Relations LLC**  
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