

Calendar No. 383117TH CONGRESS
2^D SESSION**S. 3099****[Report No. 117-115]**

To amend title 44, United States Code, to establish the Federal Risk and Authorization Management Program within the General Services Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 28, 2021

Mr. PETERS (for himself, Ms. HASSAN, Mr. HAWLEY, and Mr. DAINES) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

MAY 24, 2022

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 44, United States Code, to establish the Federal Risk and Authorization Management Program within the General Services Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Secure Cloud
3 Improvement and Jobs Act of 2021”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Ensuring that the Federal Government can
7 securely leverage cloud computing products and serv-
8 ices is key to expediting the modernization of legacy
9 information technology systems, increasing cyberse-
10 curity within and across departments and agencies,
11 and supporting the continued leadership of the
12 United States in technology innovation and job cre-
13 ation.

14 (2) According to independent analysis, as of
15 calendar year 2019, the size of the cloud computing
16 market had tripled since 2004, enabling more than
17 2,000,000 jobs and adding more than
18 \$200,000,000,000 to the gross domestic product of
19 the United States.

20 (3) The Federal Government, across multiple
21 presidential administrations and Congresses, has
22 continued to support the ability of agencies to move
23 to the cloud, including through—

24 (A) President Barack Obama’s “Cloud
25 First Strategy”;

1 (B) President Donald Trump’s “Cloud
2 Smart Strategy”;

3 (C) the prioritization of cloud security in
4 Executive Order 14208 (86 Fed. Reg. 26633;
5 relating to improving the Nation’s cybersecu-
6 rity), which was issued by President Joe Biden;
7 and

8 (D) more than a decade of appropriations
9 and authorization legislation that provides
10 agencies with relevant authorities and appro-
11 priations to modernize on-premises information
12 technology systems and more readily adopt
13 cloud computing products and services.

14 (4) Since it was created in 2011, the Federal
15 Risk and Authorization Management Program (re-
16 ferred to in this section as “FedRAMP”) at the
17 General Services Administration has made steady
18 and sustained improvements in supporting the se-
19 cure authorization and reuse of cloud computing
20 products and services within the Federal Govern-
21 ment, including by reducing the costs and burdens
22 on both agencies and cloud companies to quickly and
23 securely enter the Federal market.

24 (5) According to data from the General Services
25 Administration, as of the end of fiscal year 2021,

1 there were 239 cloud providers with FedRAMP au-
 2 thorizations, and those authorizations had been re-
 3 used more than 2,700 times across various agencies.

4 (6) Providing a legislative framework for
 5 FedRAMP and new authorities to the General Serv-
 6 ices Administration, the Office of Management and
 7 Budget, and Federal agencies will—

8 (A) improve the speed at which new cloud
 9 computing products and services can be se-
 10 curely authorized;

11 (B) enhance the ability of agencies to ef-
 12 fectively evaluate FedRAMP authorized pro-
 13 viders for reuse;

14 (C) reduce the costs and burdens to cloud
 15 providers seeking a FedRAMP authorization;
 16 and

17 (D) provide for more robust transparency
 18 and dialogue between industry and the Federal
 19 Government to drive stronger adoption of se-
 20 cure cloud capabilities, create jobs, and reduce
 21 wasteful legacy information technology.

22 **SEC. 3. TITLE 44 AMENDMENTS.**

23 (a) AMENDMENT.—Chapter 36 of title 44, United
 24 States Code, is amended by adding at the end the fol-
 25 lowing:

1 **“§ 3607. Definitions**

2 “(a) **IN GENERAL.**—Except as provided under sub-
3 section (b), the definitions under sections 3502 and 3552
4 apply to this section through section 3616.

5 “(b) **ADDITIONAL DEFINITIONS.**—In this section
6 through section 3616:

7 “(1) **CLOUD COMPUTING.**—The term ‘cloud
8 computing’ has the meaning given the term in Spe-
9 cial Publication 800–145 of the National Institute of
10 Standards and Technology.

11 “(2) **CLOUD SERVICE PROVIDER.**—The term
12 ‘cloud service provider’ means an entity offering
13 cloud computing products or services to agencies.

14 “(3) **FEDRAMP.**—The term ‘FedRAMP’
15 means the Federal Risk and Authorization Manage-
16 ment Program established under section 3608.

17 “(4) **FEDRAMP AUTHORIZATION.**—The term
18 ‘FedRAMP authorization’ means a certification that
19 a cloud computing product or service has—

20 “(A) completed a FedRAMP authorization
21 process, as determined by the Administrator of
22 General Services; or

23 “(B) received a FedRAMP provisional au-
24 thorization to operate, as determined by the
25 FedRAMP Board.

1 “(5) FEDRAMP AUTHORIZATION PACKAGE.—

2 The term ‘FedRAMP authorization package’ means
3 the essential information that can be used by an
4 agency to determine whether to authorize the oper-
5 ation of an information system or the use of a des-
6 ignated set of common controls for all cloud com-
7 puting products and services authorized by
8 FedRAMP.

9 “(6) FEDRAMP BOARD.—The term ‘FedRAMP
10 Board’ means the board established under section
11 3610.

12 “(7) INDEPENDENT ASSESSMENT ORGANIZA-
13 TION.—The term ‘independent assessment organiza-
14 tion’ means a third-party organization accredited by
15 the Administrator of General Services to undertake
16 conformity assessments of cloud service providers
17 and their products or services.

18 “(8) SECRETARY.—The term ‘Secretary’ means
19 the Secretary of Homeland Security.

20 **“§ 3608. Federal Risk and Authorization Management**
21 **Program**

22 “‘There is established within the General Services Ad-
23 ministration the Federal Risk and Authorization Manage-
24 ment Program. The Administrator of General Services,
25 subject to section 3613, shall establish a Government-wide

1 program that provides a standardized, reusable approach
2 to security assessment and authorization for cloud com-
3 puting products and services that process unclassified in-
4 formation used by agencies.

5 **“§ 3609. Roles and responsibilities of the General**
6 **Services Administration**

7 “(a) ROLES AND RESPONSIBILITIES.—The Adminis-
8 trator of General Services shall—

9 “(1) in consultation with the Secretary, develop,
10 coordinate, and implement a process to support
11 agency review, reuse, and standardization, where ap-
12 propriate, of security assessments of cloud com-
13 puting products and services, including, as appro-
14 priate, oversight of continuous monitoring of cloud
15 computing products and services, pursuant to guid-
16 ance issued by the Director pursuant to section
17 3613;

18 “(2) establish processes and identify criteria
19 consistent with guidance issued by the Director
20 under section 3613 to make a cloud computing prod-
21 uct or service eligible for a FedRAMP authorization
22 and validate whether a cloud computing product or
23 service has a FedRAMP authorization;

24 “(3) develop and publish templates, best prac-
25 tices, technical assistance, and other materials to

1 support the authorization of cloud computing prod-
2 ucts and services and increase the speed, effective-
3 ness, and transparency of the authorization process,
4 consistent with standards established by the Director
5 of the National Institute of Standards and Tech-
6 nology and relevant statutes;

7 “(4) grant FedRAMP authorizations to cloud
8 computing products and services consistent with the
9 guidance and direction of the FedRAMP Board;

10 “(5) establish and maintain a public comment
11 process for proposed guidance and other FedRAMP
12 directives that may have a direct impact on cloud
13 service providers and agencies before the issuance of
14 such guidance or other FedRAMP directives;

15 “(6) coordinate with the FedRAMP Board, the
16 Director of the Cybersecurity and Infrastructure Se-
17 curity Agency, and other entities identified by the
18 Administrator of General Services, with the concu-
19 rence of the Director and the Secretary, to establish
20 and regularly update a framework for continuous
21 monitoring under section 3553;

22 “(7) provide a secure mechanism for storing
23 and sharing necessary data, including FedRAMP
24 authorization packages, to enable better reuse of
25 such packages across agencies, including making

1 available any information and data necessary for
2 agencies to fulfill the requirements of section 3612;

3 “(8) provide regular updates to applicant cloud
4 service providers on the status of any cloud com-
5 puting product or service during an assessment
6 process;

7 “(9) regularly review, in consultation with the
8 FedRAMP Board, the costs associated with the
9 independent assessment services of the third-party
10 organizations described in section 3611;

11 “(10) support the Federal Secure Cloud Advi-
12 sory Committee established pursuant to section
13 3616; and

14 “(11) take such other actions as the Adminis-
15 trator of General Services may determine necessary
16 to carry out FedRAMP.

17 “(b) WEBSITE.—

18 “(1) IN GENERAL.—The Administrator of Gen-
19 eral Services shall maintain a public website to serve
20 as the authoritative repository for FedRAMP, in-
21 cluding the timely publication and updates for all
22 relevant information, guidance, determinations, and
23 other materials required under subsection (a).

24 “(2) CRITERIA AND PROCESS FOR FEDRAMP
25 AUTHORIZATION PRIORITIES.—The Administrator of

1 General Services shall develop and make publicly
2 available on the website described in paragraph (1)
3 the criteria and process for prioritizing and selecting
4 cloud computing products and services that will re-
5 ceive a FedRAMP authorization, in consultation
6 with the FedRAMP Board and the Chief Informa-
7 tion Officers Council.

8 “(c) EVALUATION OF AUTOMATION PROCEDURES.—

9 “(1) IN GENERAL.—The Administrator of Gen-
10 eral Services, in coordination with the Secretary,
11 shall assess and evaluate available automation capa-
12 bilities and procedures to improve the efficiency and
13 effectiveness of the issuance of FedRAMP authoriza-
14 tions, including continuous monitoring of cloud com-
15 puting products and services.

16 “(2) MEANS FOR AUTOMATION.—Not later than
17 1 year after the date of enactment of this section,
18 and updated regularly thereafter, the Administrator
19 of General Services shall establish a means for the
20 automation of security assessments and reviews.

21 “(d) METRICS FOR AUTHORIZATION.—The Adminis-
22 trator of General Services shall establish annual metrics
23 regarding the time and quality of the assessments nec-
24 essary for completion of a FedRAMP authorization proc-
25 ess in a manner that can be consistently tracked over time

1 in conjunction with the periodic testing and evaluation
2 process pursuant to section 3554 in a manner that mini-
3 mizes the agency reporting burden.

4 **“§ 3610. FedRAMP Board**

5 “(a) ESTABLISHMENT.—There is established a
6 FedRAMP Board to provide input and recommendations
7 to the Administrator of General Services regarding the re-
8 quirements and guidelines for, and the prioritization of,
9 security assessments of cloud computing products and
10 services.

11 “(b) MEMBERSHIP.—The FedRAMP Board shall
12 consist of not more than 7 senior officials or experts from
13 agencies appointed by the Director, in consultation with
14 the Administrator of General Services, from each of the
15 following:

16 “(1) The Department of Defense.

17 “(2) The Department of Homeland Security.

18 “(3) The General Services Administration.

19 “(4) Such other agencies as determined by the
20 Director, in consultation with the Administrator of
21 General Services.

22 “(c) QUALIFICATIONS.—Members of the FedRAMP
23 Board appointed under subsection (b) shall have technical
24 expertise in domains relevant to FedRAMP, such as—

25 “(1) cloud computing;

1 ~~“(2) cybersecurity;~~
2 ~~“(3) privacy;~~
3 ~~“(4) risk management; and~~
4 ~~“(5) other competencies identified by the Direc-~~
5 ~~tor to support the secure authorization of cloud serv-~~
6 ~~ices and products.~~

7 ~~“(d) DUTIES.—The FedRAMP Board shall—~~

8 ~~“(1) in consultation with the Administrator of~~
9 ~~General Services, serve as a resource for best prac-~~
10 ~~tices to accelerate the process for obtaining a~~
11 ~~FedRAMP authorization;~~

12 ~~“(2) establish and regularly update require-~~
13 ~~ments and guidelines for security authorizations of~~
14 ~~cloud computing products and services, consistent~~
15 ~~with standards established by the Director of the~~
16 ~~National Institute of Standards and Technology, to~~
17 ~~be used in the determination of FedRAMP author-~~
18 ~~izations;~~

19 ~~“(3) monitor and oversee, to the greatest extent~~
20 ~~practicable, the processes and procedures by which~~
21 ~~agencies determine and validate requirements for a~~
22 ~~FedRAMP authorization, including periodic review~~
23 ~~of the agency determinations described in section~~
24 ~~3612(b);~~

1 “(4) ensure consistency and transparency be-
2 tween agencies and cloud service providers in a man-
3 ner that minimizes confusion and engenders trust;
4 and

5 “(5) perform such other roles and responsibil-
6 ities as the Director may assign, with concurrence
7 from the Administrator of General Services.

8 “(e) DETERMINATIONS OF DEMAND FOR CLOUD
9 COMPUTING PRODUCTS AND SERVICES.—The FedRAMP
10 Board may consult with the Chief Information Officers
11 Council to establish a process, which may be made avail-
12 able on the website maintained under section 3609(b), for
13 prioritizing and accepting the cloud computing products
14 and services to be granted a FedRAMP authorization.

15 **“§ 3611. Independent assessment organizations**

16 “(a) REQUIREMENTS FOR ACCREDITATION.—The
17 Administrator of General Services may, consistent with
18 guidance issued by the Director, determine the require-
19 ments for accreditation of a third-party organization to
20 perform independent assessments and other activities that
21 will improve the overall performance of FedRAMP and re-
22 duce the cost of FedRAMP authorizations for cloud serv-
23 ice providers. Such requirements may include developing
24 or requiring certification programs for individuals em-

1 ployed by the third-party organization seeking accredita-
2 tion.

3 “(b) CERTIFICATION.—The Administrator of General
4 Services may accredit any third-party organization that
5 meets the requirements for accreditation determined
6 under subsection (a). If accredited pursuant to the re-
7 quirements determined under subsection (a), a certified
8 independent assessment organization may assess, validate,
9 and attest to the quality and compliance of security assess-
10 ment materials provided by cloud service providers.

11 **“§ 3612. Roles and responsibilities of agencies**

12 “(a) IN GENERAL.—In implementing the require-
13 ments of FedRAMP, the head of each agency shall, con-
14 sistent with guidance issued by the Director pursuant to
15 section 3613—

16 “(1) promote the use of cloud computing prod-
17 ucts and services that meet FedRAMP security re-
18 quirements and other risk-based performance re-
19 quirements as determined by the Director, in con-
20 sultation with the Secretary;

21 “(2) confirm whether there is a FedRAMP au-
22 thorization in the secure mechanism provided under
23 section 3609(a)(7) before beginning the process of
24 granting a FedRAMP authorization for a cloud com-
25 puting product or service;

1 “(3) to the extent practicable, for any cloud
2 computing product or service the agency seeks to au-
3 thorize that has received a FedRAMP authorization,
4 use the existing assessments of security controls and
5 materials within the FedRAMP authorization pack-
6 age; and

7 “(4) provide data and information required to
8 the Director pursuant to section 3613 to determine
9 how agencies are meeting metrics established by the
10 Administrator of General Services.

11 “(b) ATTESTATION.—Upon completing an assess-
12 ment or authorization activity with respect to a particular
13 cloud computing product or service, if an agency deter-
14 mines that the information and data the agency has re-
15 viewed under paragraph (2) or (3) of subsection (a) is
16 wholly or substantially deficient for the purposes of per-
17 forming an authorization of the cloud computing product
18 or service, the head of the agency shall document as part
19 of the resulting FedRAMP authorization package the rea-
20 sons for this determination.

21 “(c) SUBMISSION OF AUTHORIZATIONS TO OPERATE
22 REQUIRED.—Upon issuance of an agency authorization to
23 operate based on a FedRAMP authorization, the head of
24 the agency shall provide a copy of its authorization to op-
25 erate letter and any supplementary information required

1 pursuant to section 3609(a) to the Administrator of Gen-
2 eral Services.

3 “(d) SUBMISSION OF POLICIES REQUIRED.—Not
4 later than 180 days after the date on which the Director
5 issues guidance in accordance with section 3613, the head
6 of each agency, acting through the agency chief informa-
7 tion officer of the agency, shall submit to the Director all
8 agency policies relating to the authorization of cloud com-
9 puting products and services.

10 “(e) PRESUMPTION OF ADEQUACY.—

11 “(1) IN GENERAL.—The assessment of security
12 controls and materials within the authorization
13 package for a FedRAMP authorization shall be pre-
14 sumed adequate for use in an agency authorization
15 to operate cloud computing products and services.

16 “(2) INFORMATION SECURITY REQUIRE-
17 MENTS.—The presumption under paragraph (1)
18 does not modify or alter—

19 “(A) the responsibility of any agency to en-
20 sure compliance with subchapter II of chapter
21 35 for any cloud computing products or services
22 used by the agency; or

23 “(B) the authority of the head of any
24 agency to make a determination that there is a
25 demonstrable need for additional security re-

1 quirements beyond the security requirements
 2 included in a FedRAMP authorization for a
 3 particular control implementation.

4 **“§ 3613. Roles and responsibilities of the Office of**
 5 **Management and Budget**

6 “(a) ROLES AND RESPONSIBILITIES.—The Director
 7 shall—

8 “(1) in consultation with the Administrator of
 9 General Services and the Secretary, issue guidance
 10 that—

11 “(A) specifies the categories or characteris-
 12 ties of cloud computing products and services
 13 that are within the scope of FedRAMP;

14 “(B) includes requirements for agencies to
 15 obtain a FedRAMP authorization when oper-
 16 ating a cloud computing product or service de-
 17 scribed in subparagraph (A) as a Federal infor-
 18 mation system; and

19 “(C) encompasses, to the greatest extent
 20 practicable, all necessary and appropriate cloud
 21 computing products and services;

22 “(2) issue guidance describing additional re-
 23 sponsibilities of FedRAMP and the FedRAMP
 24 Board to accelerate the adoption of secure cloud
 25 computing services by the Federal Government;

1 “(3) oversee the effectiveness of FedRAMP and
 2 the FedRAMP Board, including the compliance by
 3 the FedRAMP Board with the duties described in
 4 section 3610(d); and

5 “(4) to the greatest extent practicable, encour-
 6 age and promote consistency of the assessment, au-
 7 thorization, adoption, and use of cloud computing
 8 products and services within and across agencies.

9 **“§ 3614. Authorization of appropriations for**
 10 **FedRAMP**

11 “There is authorized to be appropriated to the Ad-
 12 ministrators of General Services \$20,000,000 for each fis-
 13 cal year for FedRAMP and the FedRAMP Board.

14 **“§ 3615. Reports to congress; GAO report**

15 “(a) REPORTS TO CONGRESS.—Not later than 1 year
 16 after the date of enactment of this section, and annually
 17 thereafter, the Director shall submit to the Committee on
 18 Oversight and Reform of the House of Representatives
 19 and the Committee on Homeland Security and Govern-
 20 mental Affairs of the Senate a report that includes the
 21 following:

22 “(1) During the preceding year, the status, effi-
 23 ciency, and effectiveness of the General Services Ad-
 24 ministration under section 3609 and agencies under
 25 section 3612 and in supporting the speed, effective-

1 ness, sharing, reuse, and security of authorizations
2 to operate for cloud computing products and serv-
3 ices.

4 “(2) Progress towards meeting the metrics re-
5 quired under section 3609(d).

6 “(3) Data on FedRAMP authorizations.

7 “(4) The average length of time to issue
8 FedRAMP authorizations.

9 “(5) The number of FedRAMP authorizations
10 submitted, issued, and denied for the preceding year.

11 “(6) A review of progress made during the pre-
12 ceding year in advancing automation techniques to
13 securely automate FedRAMP processes and to accel-
14 erate reporting under this section.

15 “(7) The number and characteristics of author-
16 ized cloud computing products and services in use at
17 each agency consistent with guidance provided by
18 the Director under section 3613.

19 “(b) GAO REPORT.—Not later than 180 days after
20 the date of enactment of this section, the Comptroller
21 General of the United States shall publish a report that
22 includes an assessment of the following:

23 “(1) The costs incurred by agencies and cloud
24 service providers relating to the issuance of
25 FedRAMP authorizations.

1 “(2) The extent to which agencies have pro-
 2 cesses in place to continuously monitor cloud com-
 3 puting products and services operating as Federal
 4 information systems.

5 “(3) How often and for which categories of
 6 products agencies use FedRAMP authorizations.

7 “(4) The unique costs and potential burdens in-
 8 curred by cloud computing companies that are small
 9 business concerns (as defined in section 3(a) of the
 10 Small Business Act (15 U.S.C. 632(a))) as a part
 11 of the FedRAMP authorization process.

12 **“§ 3616. Federal Secure Cloud Advisory Committee**

13 “(a) ESTABLISHMENT, PURPOSES, AND DUTIES.—

14 “(1) ESTABLISHMENT.—There is established a
 15 Federal Secure Cloud Advisory Committee (referred
 16 to in this section as the ‘Committee’) to ensure ef-
 17 fective and ongoing coordination of agency adoption,
 18 use, authorization, monitoring, acquisition, and secu-
 19 rity of cloud computing products and services to en-
 20 able agency mission and administrative priorities.

21 “(2) PURPOSES.—The purposes of the Com-
 22 mittee are the following:

23 “(A) To examine the operations of
 24 FedRAMP and determine ways that authoriza-

1 tion processes can continuously be improved, in-
2 cluding the following:

3 “(i) Measures to increase agency
4 reuse of FedRAMP authorizations.

5 “(ii) Proposed actions that can be
6 adopted to reduce the burden, confusion,
7 and cost associated with FedRAMP au-
8 thorizations for cloud service providers.

9 “(iii) Measures to increase the num-
10 ber of FedRAMP authorizations for cloud
11 computing services offered by small busi-
12 nesses concerns (as defined by section 3(a)
13 of the Small Business Act (15 U.S.C.
14 632(a))).

15 “(iv) Proposed actions that can be
16 adopted to reduce the burden and cost of
17 FedRAMP authorizations for agencies.

18 “(B) Collect information and feedback on
19 agency compliance with and implementation of
20 FedRAMP requirements.

21 “(C) Serve as a forum that facilitates com-
22 munication and collaboration among the
23 FedRAMP stakeholder community.

24 “(3) DUTIES.—The duties of the Committee in-
25 clude providing advice and recommendations to the

1 Administrator of General Services, the FedRAMP
2 Board, and agencies on technical, financial, pro-
3 grammatic, and operational matters regarding se-
4 cure adoption of cloud computing products and serv-
5 ices.

6 ~~“(b) MEMBERS.—~~

7 ~~“(1) COMPOSITION.—~~The Committee shall be
8 comprised of not more than 15 members who are
9 qualified representatives from the public and private
10 sectors, appointed by the Administrator of General
11 Services, in consultation with the Director, as fol-
12 lows:

13 ~~“(A) The Administrator of General Serv-~~
14 ~~ices or the Administrator of General Services’s~~
15 ~~designee, who shall be the Chair of the Com-~~
16 ~~mittee.~~

17 ~~“(B) At least 1 representative each from~~
18 ~~the Cybersecurity and Infrastructure Security~~
19 ~~Agency and the National Institute of Standards~~
20 ~~and Technology.~~

21 ~~“(C) At least 2 officials who serve as the~~
22 ~~Chief Information Security Officer within an~~
23 ~~agency, who shall be required to maintain such~~
24 ~~a position throughout the duration of their serv-~~
25 ~~ice on the Committee.~~

1 “(D) At least 1 official serving as Chief
2 Procurement Officer (or equivalent) in an agen-
3 cy, who shall be required to maintain such a po-
4 sition throughout the duration of their service
5 on the Committee.

6 “(E) At least 1 individual representing an
7 independent assessment organization.

8 “(F) No fewer than 5 representatives from
9 unique businesses that primarily provide cloud
10 computing services or products, including at
11 least two representatives from a small business
12 concern (as defined by section 3(a) of the Small
13 Business Act (15 U.S.C. 632(a))).

14 “(G) At least 2 other representatives of the
15 Federal Government as the Administrator of
16 General Services determines necessary to pro-
17 vide sufficient balance, insights, or expertise to
18 the Committee.

19 “(2) DEADLINE FOR APPOINTMENT.—Each
20 member of the Committee shall be appointed not
21 later than 90 days after the date of enactment of
22 this section.

23 “(3) PERIOD OF APPOINTMENT; VACANCIES.—

24 “(A) IN GENERAL.—Each non-Federal
25 member of the Committee shall be appointed

1 for a term of 3 years, except that the initial
2 terms for members may be staggered 1-, 2-, or
3 3-year terms to establish a rotation in which
4 one-third of the members are selected each
5 year. Any such member may be appointed for
6 not more than 2 consecutive terms.

7 “(B) VACANCIES.—Any vacancy in the
8 Committee shall not affect its powers, but shall
9 be filled in the same manner in which the origi-
10 nal appointment was made. Any member ap-
11 pointed to fill a vacancy occurring before the
12 expiration of the term for which the member’s
13 predecessor was appointed shall be appointed
14 only for the remainder of that term. A member
15 may serve after the expiration of that member’s
16 term until a successor has taken office.

17 “(c) MEETINGS AND RULES OF PROCEDURES.—

18 “(1) MEETINGS.—The Committee shall hold
19 not fewer than 3 meetings in a calendar year, at
20 such time and place as determined by the Chair.

21 “(2) INITIAL MEETING.—Not later than 120
22 days after the date of enactment of this section, the
23 Committee shall meet and begin the operations of
24 the Committee.

1 “(3) RULES OF PROCEDURE.—The Committee
2 may establish rules for the conduct of the business
3 of the Committee if such rules are not inconsistent
4 with this section or other applicable law.

5 “(d) EMPLOYEE STATUS.—

6 “(1) IN GENERAL.—A member of the Com-
7 mittee (other than a member who is appointed to the
8 Committee in connection with another Federal ap-
9 pointment) shall not be considered an employee of
10 the Federal Government by reason of any service as
11 such a member, except for the purposes of section
12 5703 of title 5, relating to travel expenses.

13 “(2) PAY NOT PERMITTED.—A member of the
14 Committee covered by paragraph (1) may not receive
15 pay by reason of service on the Committee.

16 “(e) APPLICABILITY TO THE FEDERAL ADVISORY
17 COMMITTEE ACT.—Section 14 of the Federal Advisory
18 Committee Act (5 U.S.C. App.) shall not apply to the
19 Committee.

20 “(f) DETAIL OF EMPLOYEES.—Any Federal Govern-
21 ment employee may be detailed to the Committee without
22 reimbursement from the Committee, and such detailee
23 shall retain the rights, status, and privileges of his or her
24 regular employment without interruption.

1 “(g) **POSTAL SERVICES.**—The Committee may use
2 the United States mails in the same manner and under
3 the same conditions as agencies.

4 “(h) **REPORTS.**—

5 “(1) **INTERIM REPORTS.**—The Committee may
6 submit to the Administrator of General Services and
7 Congress interim reports containing such findings,
8 conclusions, and recommendations as have been
9 agreed to by the Committee.

10 “(2) **ANNUAL REPORTS.**—Not later than 540
11 days after the date of enactment of this section, and
12 annually thereafter, the Committee shall submit to
13 the Administrator of General Services and Congress
14 a final report containing such findings, conclusions,
15 and recommendations as have been agreed to by the
16 Committee.”.

17 “(b) **TECHNICAL AND CONFORMING AMENDMENT.**—
18 The table of sections for chapter 36 of title 44, United
19 States Code, is amended by adding at the end the fol-
20 lowing new items:

“3607. Definitions.

“3608. Federal Risk and Authorization Management Program.

“3609. Roles and responsibilities of the General Services Administration.

“3610. FedRAMP Board.

“3611. Independent assessment organizations.

“3612. Roles and responsibilities of agencies.

“3613. Roles and responsibilities of the Office of Management and Budget.

“3614. Authorization of appropriations for FedRAMP.

“3615. Reports to congress; GAO report.

“3616. Federal Secure Cloud Advisory Committee.”.

1 (c) ~~SUNSET.~~—

2 (1) ~~IN GENERAL.~~—Effective on the date that is
3 5 years after the date of enactment of this Act,
4 chapter 36 of title 44, United States Code, is
5 amended by striking sections 3607 through 3616.

6 (2) ~~CONFORMING AMENDMENT.~~—Effective on
7 the date that is 5 years after the date of enactment
8 of this Act, the table of sections for chapter 36 of
9 title 44, United States Code, is amended by striking
10 the items relating to sections 3607 through 3616.

11 (d) ~~RULE OF CONSTRUCTION.~~—Nothing in this sec-
12 tion or any amendment made by this section shall be con-
13 strued as altering or impairing the authorities of the Di-
14 rector of the Office of Management and Budget or the
15 Secretary of Homeland Security under subchapter II of
16 chapter 35 of title 44, United States Code.

17 **SECTION 1. SHORT TITLE.**

18 *This Act may be cited as the “Federal Secure Cloud*
19 *Improvement and Jobs Act of 2021”.*

20 **SEC. 2. FINDINGS.**

21 *Congress finds the following:*

22 (1) *Ensuring that the Federal Government can*
23 *securely leverage cloud computing products and serv-*
24 *ices is key to expediting the modernization of legacy*
25 *information technology systems, increasing cybersecu-*

1 *riety within and across departments and agencies, and*
2 *supporting the continued leadership of the United*
3 *States in technology innovation and job creation.*

4 (2) *According to independent analysis, as of cal-*
5 *endar year 2019, the size of the cloud computing mar-*
6 *ket had tripled since 2004, enabling more than*
7 *2,000,000 jobs and adding more than*
8 *\$200,000,000,000 to the gross domestic product of the*
9 *United States.*

10 (3) *The Federal Government, across multiple*
11 *presidential administrations and Congresses, has con-*
12 *tinued to support the ability of agencies to move to*
13 *the cloud, including through—*

14 (A) *President Barack Obama’s “Cloud First*
15 *Strategy”;*

16 (B) *President Donald Trump’s “Cloud*
17 *Smart Strategy”;*

18 (C) *the prioritization of cloud security in*
19 *Executive Order 14028 (86 Fed. Reg. 26633; re-*
20 *lating to improving the nation’s cybersecurity),*
21 *which was issued by President Joe Biden; and*

22 (D) *more than a decade of appropriations*
23 *and authorization legislation that provides agen-*
24 *cies with relevant authorities and appropriations*
25 *to modernize on-premises information technology*

1 *systems and more readily adopt cloud computing*
2 *products and services.*

3 (4) *Since it was created in 2011, the Federal*
4 *Risk and Authorization Management Program (re-*
5 *ferred to in this section as “FedRAMP”) at the Gen-*
6 *eral Services Administration has made steady and*
7 *sustained improvements in supporting the secure au-*
8 *thorization and reuse of cloud computing products*
9 *and services within the Federal Government, includ-*
10 *ing by reducing the costs and burdens on both agen-*
11 *cies and cloud companies to quickly and securely*
12 *enter the Federal market.*

13 (5) *According to data from the General Services*
14 *Administration, as of the end of fiscal year 2021,*
15 *there were 239 cloud providers with FedRAMP au-*
16 *thorizations, and those authorizations had been reused*
17 *more than 2,700 times across various agencies.*

18 (6) *Providing a legislative framework for*
19 *FedRAMP and new authorities to the General Serv-*
20 *ices Administration, the Office of Management and*
21 *Budget, and Federal agencies will—*

22 (A) *improve the speed at which new cloud*
23 *computing products and services can be securely*
24 *authorized;*

1 (B) enhance the ability of agencies to effec-
2 tively evaluate FedRAMP authorized providers
3 for reuse;

4 (C) reduce the costs and burdens to cloud
5 providers seeking a FedRAMP authorization;
6 and

7 (D) provide for more robust transparency
8 and dialogue between industry and the Federal
9 Government to drive stronger adoption of secure
10 cloud capabilities, create jobs, and reduce waste-
11 ful legacy information technology.

12 **SEC. 3. TITLE 44 AMENDMENTS.**

13 (a) *AMENDMENT.*—Chapter 36 of title 44, United
14 States Code, is amended by adding at the end the following:

15 **“§ 3607. Definitions**

16 “(a) *IN GENERAL.*—Except as provided under sub-
17 section (b), the definitions under sections 3502 and 3552
18 apply to this section through section 3616.

19 “(b) *ADDITIONAL DEFINITIONS.*—In this section
20 through section 3616:

21 “(1) *ADMINISTRATOR.*—The term ‘Adminis-
22 trator’ means the Administrator of General Services.

23 “(2) *APPROPRIATE CONGRESSIONAL COMMIT-*
24 *TEES.*—The term ‘appropriate congressional commit-
25 *tees’ means the Committee on Homeland Security and*

1 *Governmental Affairs of the Senate and the Com-*
2 *mittee on Oversight and Reform of the House of Rep-*
3 *resentatives.*

4 “(3) *AUTHORIZATION TO OPERATE; FEDERAL IN-*
5 *FORMATION.—The terms ‘authorization to operate’*
6 *and ‘Federal information’ have the meaning given*
7 *those term in Circular A–130 of the Office of Manage-*
8 *ment and Budget entitled ‘Managing Information as*
9 *a Strategic Resource’, or any successor document.*

10 “(4) *CLOUD COMPUTING.—The term ‘cloud com-*
11 *puting’ has the meaning given the term in Special*
12 *Publication 800–145 of the National Institute of*
13 *Standards and Technology, or any successor docu-*
14 *ment.*

15 “(5) *CLOUD SERVICE PROVIDER.—The term*
16 *‘cloud service provider’ means an entity offering cloud*
17 *computing products or services to agencies.*

18 “(6) *FEDRAMP.—The term ‘FedRAMP’ means*
19 *the Federal Risk and Authorization Management Pro-*
20 *gram established under section 3608.*

21 “(7) *FEDRAMP AUTHORIZATION.—The term*
22 *‘FedRAMP authorization’ means a certification that*
23 *a cloud computing product or service has—*

24 “(A) *completed a FedRAMP authorization*
25 *process, as determined by the Administrator; or*

1 “(B) received a FedRAMP provisional au-
 2 thorization to operate, as determined by the
 3 FedRAMP Board.

4 “(8) FEDRAMP AUTHORIZATION PACKAGE.—The
 5 term ‘FedRAMP authorization package’ means the es-
 6 sential information that can be used by an agency to
 7 determine whether to authorize the operation of an in-
 8 formation system or the use of a designated set of
 9 common controls for all cloud computing products
 10 and services authorized by FedRAMP.

11 “(9) FEDRAMP BOARD.—The term ‘FedRAMP
 12 Board’ means the board established under section
 13 3610.

14 “(10) INDEPENDENT ASSESSMENT SERVICE.—
 15 The term ‘independent assessment service’ means a
 16 third-party organization accredited by the Adminis-
 17 trator to undertake conformity assessments of cloud
 18 service providers and the products or services of cloud
 19 service providers.

20 “(11) SECRETARY.—The term ‘Secretary’ means
 21 the Secretary of Homeland Security.

22 **“§ 3608. Federal Risk and Authorization Management**
 23 **Program**

24 “There is established within the General Services Ad-
 25 ministration the Federal Risk and Authorization Manage-

1 *ment Program. The Administrator, subject to section 3614,*
2 *shall establish a Government-wide program that provides*
3 *a standardized, reusable approach to security assessment*
4 *and authorization for cloud computing products and serv-*
5 *ices that process unclassified information used by agencies.*

6 **“§ 3609. Roles and responsibilities of the General**
7 **Services Administration**

8 *“(a) ROLES AND RESPONSIBILITIES.—The Adminis-*
9 *trator shall—*

10 *“(1) in consultation with the Secretary, develop,*
11 *coordinate, and implement a process to support agen-*
12 *cy review, reuse, and standardization, where appro-*
13 *priate, of security assessments of cloud computing*
14 *products and services, including, as appropriate,*
15 *oversight of continuous monitoring of cloud com-*
16 *puting products and services, pursuant to guidance*
17 *issued by the Director pursuant to section 3614;*

18 *“(2) establish processes and identify criteria con-*
19 *sistent with guidance issued by the Director under*
20 *section 3614 to make a cloud computing product or*
21 *service eligible for a FedRAMP authorization and*
22 *validate whether a cloud computing product or service*
23 *has a FedRAMP authorization;*

24 *“(3) develop and publish templates, best prac-*
25 *tices, technical assistance, and other materials to sup-*

1 *port the authorization of cloud computing products*
2 *and services and increase the speed, effectiveness, and*
3 *transparency of the authorization process, consistent*
4 *with standards and guidelines established by the Di-*
5 *rector of the National Institute of Standards and*
6 *Technology and relevant statutes;*

7 *“(4) establish and update guidance on the*
8 *boundaries of FedRAMP authorization packages to*
9 *enhance the security and protection of Federal infor-*
10 *mation and promote transparency for agencies and*
11 *users as to which services are included in the scope*
12 *of a FedRAMP authorization;*

13 *“(5) grant FedRAMP authorizations to cloud*
14 *computing products and services consistent with the*
15 *guidance and direction of the FedRAMP Board;*

16 *“(6) establish and maintain a public comment*
17 *process for proposed guidance and other FedRAMP*
18 *directives that may have a direct impact on cloud*
19 *service providers and agencies before the issuance of*
20 *such guidance or other FedRAMP directives;*

21 *“(7) coordinate with the FedRAMP Board, the*
22 *Director of the Cybersecurity and Infrastructure Se-*
23 *curity Agency, and other entities identified by the Ad-*
24 *ministrator, with the concurrence of the Director and*
25 *the Secretary, to establish and regularly update a*

1 *framework for continuous monitoring under section*
2 *3553;*

3 *“(8) provide a secure mechanism for storing and*
4 *sharing necessary data, including FedRAMP author-*
5 *ization packages, to enable better reuse of such pack-*
6 *ages across agencies, including making available any*
7 *information and data necessary for agencies to fulfill*
8 *the requirements of section 3613;*

9 *“(9) provide regular updates to applicant cloud*
10 *service providers on the status of any cloud com-*
11 *puting product or service during an assessment proc-*
12 *ess;*

13 *“(10) regularly review, in consultation with the*
14 *FedRAMP Board—*

15 *“(A) the costs associated with the inde-*
16 *pendent assessment services described in section*
17 *3611; and*

18 *“(B) the information relating to foreign in-*
19 *terests submitted pursuant to section 3612;*

20 *“(11) in coordination with the Director of the*
21 *National Institute of Standards and Technology, the*
22 *Director, the Secretary, and other stakeholders, as ap-*
23 *propriate, determine the sufficiency of underlying*
24 *standards and requirements to identify and assess the*

1 *provenance of the software in cloud services and prod-*
2 *ucts;*

3 *“(12) support the Federal Secure Cloud Advisory*
4 *Committee established pursuant to section 3616; and*

5 *“(13) take such other actions as the Adminis-*
6 *trator may determine necessary to carry out*
7 *FedRAMP.*

8 *“(b) WEBSITE.—*

9 *“(1) IN GENERAL.—The Administrator shall*
10 *maintain a public website to serve as the authori-*
11 *tative repository for FedRAMP, including the timely*
12 *publication and updates for all relevant information,*
13 *guidance, determinations, and other materials re-*
14 *quired under subsection (a).*

15 *“(2) CRITERIA AND PROCESS FOR FEDRAMP AU-*
16 *THORIZATION PRIORITIES.—The Administrator shall*
17 *develop and make publicly available on the website*
18 *described in paragraph (1) the criteria and process*
19 *for prioritizing and selecting cloud computing prod-*
20 *ucts and services that will receive a FedRAMP au-*
21 *thorization, in consultation with the FedRAMP*
22 *Board and the Chief Information Officers Council.*

23 *“(c) EVALUATION OF AUTOMATION PROCEDURES.—*

24 *“(1) IN GENERAL.—The Administrator, in co-*
25 *ordination with the Secretary, shall assess and evalu-*

1 *ate available automation capabilities and procedures*
2 *to improve the efficiency and effectiveness of the*
3 *issuance of FedRAMP authorizations, including con-*
4 *tinuous monitoring of cloud computing products and*
5 *services.*

6 *“(2) MEANS FOR AUTOMATION.—Not later than*
7 *1 year after the date of enactment of this section, and*
8 *updated regularly thereafter, the Administrator shall*
9 *establish a means for the automation of security as-*
10 *sessments and reviews.*

11 *“(d) METRICS FOR AUTHORIZATION.—The Adminis-*
12 *trator shall establish annual metrics regarding the time and*
13 *quality of the assessments necessary for completion of a*
14 *FedRAMP authorization process in a manner that can be*
15 *consistently tracked over time in conjunction with the peri-*
16 *odic testing and evaluation process pursuant to section*
17 *3554 in a manner that minimizes the agency reporting bur-*
18 *den.*

19 **“§ 3610. FedRAMP Board**

20 *“(a) ESTABLISHMENT.—There is established a*
21 *FedRAMP Board to provide input and recommendations*
22 *to the Administrator regarding the requirements and guide-*
23 *lines for, and the prioritization of, security assessments of*
24 *cloud computing products and services.*

1 “(b) *MEMBERSHIP.*—*The FedRAMP Board shall con-*
2 *sist of not more than 7 senior officials or experts from agen-*
3 *cies appointed by the Director, in consultation with the Ad-*
4 *ministrator, from each of the following:*

5 “(1) *The Department of Defense.*

6 “(2) *The Department of Homeland Security.*

7 “(3) *The General Services Administration.*

8 “(4) *Such other agencies as determined by the*
9 *Director, in consultation with the Administrator.*

10 “(c) *QUALIFICATIONS.*—*Members of the FedRAMP*
11 *Board appointed under subsection (b) shall have technical*
12 *expertise in domains relevant to FedRAMP, such as—*

13 “(1) *cloud computing;*

14 “(2) *cybersecurity;*

15 “(3) *privacy;*

16 “(4) *risk management; and*

17 “(5) *other competencies identified by the Director*
18 *to support the secure authorization of cloud services*
19 *and products.*

20 “(d) *DUTIES.*—*The FedRAMP Board shall—*

21 “(1) *in consultation with the Administrator,*
22 *serve as a resource for best practices to accelerate the*
23 *process for obtaining a FedRAMP authorization;*

24 “(2) *establish and regularly update requirements*
25 *and guidelines for security authorizations of cloud*

1 *computing products and services, consistent with*
2 *standards and guidelines established by the Director*
3 *of the National Institute of Standards and Tech-*
4 *nology, to be used in the determination of FedRAMP*
5 *authorizations;*

6 *“(3) monitor and oversee, to the greatest extent*
7 *practicable, the processes and procedures by which*
8 *agencies determine and validate requirements for a*
9 *FedRAMP authorization, including periodic review of*
10 *the agency determinations described in section*
11 *3613(b);*

12 *“(4) ensure consistency and transparency be-*
13 *tween agencies and cloud service providers in a man-*
14 *ner that minimizes confusion and engenders trust;*
15 *and*

16 *“(5) perform such other roles and responsibilities*
17 *as the Director may assign, with concurrence from the*
18 *Administrator.*

19 *“(e) DETERMINATIONS OF DEMAND FOR CLOUD COM-*
20 *PUTING PRODUCTS AND SERVICES.—The FedRAMP Board*
21 *may consult with the Chief Information Officers Council*
22 *to establish a process, which may be made available on the*
23 *website maintained under section 3609(b), for prioritizing*
24 *and accepting the cloud computing products and services*
25 *to be granted a FedRAMP authorization.*

1 **“§ 3611. Independent assessment**

2 *“The Administrator may determine whether*
3 *FedRAMP may use an independent assessment service to*
4 *analyze, validate, and attest to the quality and compliance*
5 *of security assessment materials provided by cloud service*
6 *providers during the course of a determination of whether*
7 *to use a cloud computing product or service.*

8 **“§ 3612. Declaration of foreign interests**

9 *“(a) IN GENERAL.—An independent assessment service*
10 *that performs services described in section 3611 shall annu-*
11 *ally submit to the Administrator information relating to*
12 *any foreign interest, foreign influence, or foreign control of*
13 *the independent assessment service.*

14 *“(b) UPDATES.—Not later than 48 hours after there*
15 *is a change in foreign ownership or control of an inde-*
16 *pendent assessment service that performs services described*
17 *in section 3611, the independent assessment service shall*
18 *submit to the Administrator an update to the information*
19 *submitted under subsection (a).*

20 *“(c) CERTIFICATION.—The Administrator may require*
21 *a representative of an independent assessment service to cer-*
22 *tify the accuracy and completeness of any information sub-*
23 *mitted under this section.*

1 **“§ 3613. Roles and responsibilities of agencies**

2 “(a) *IN GENERAL.*—*In implementing the requirements*
3 *of FedRAMP, the head of each agency shall, consistent with*
4 *guidance issued by the Director pursuant to section 3614—*

5 “(1) *promote the use of cloud computing prod-*
6 *ucts and services that meet FedRAMP security re-*
7 *quirements and other risk-based performance require-*
8 *ments as determined by the Director, in consultation*
9 *with the Secretary;*

10 “(2) *confirm whether there is a FedRAMP au-*
11 *thorization in the secure mechanism provided under*
12 *section 3609(a)(8) before beginning the process of*
13 *granting a FedRAMP authorization for a cloud com-*
14 *puting product or service;*

15 “(3) *to the extent practicable, for any cloud com-*
16 *puting product or service the agency seeks to author-*
17 *ize that has received a FedRAMP authorization, use*
18 *the existing assessments of security controls and mate-*
19 *rials within any FedRAMP authorization package for*
20 *that cloud computing product or service; and*

21 “(4) *provide to the Director data and informa-*
22 *tion required by the Director pursuant to section*
23 *3614 to determine how agencies are meeting metrics*
24 *established by the Administrator.*

25 “(b) *ATTESTATION.*—*Upon completing an assessment*
26 *or authorization activity with respect to a particular cloud*

1 *computing product or service, if an agency determines that*
2 *the information and data the agency has reviewed under*
3 *paragraph (2) or (3) of subsection (a) is wholly or substan-*
4 *tially deficient for the purposes of performing an authoriza-*
5 *tion of the cloud computing product or service, the head*
6 *of the agency shall document as part of the resulting*
7 *FedRAMP authorization package the reasons for this deter-*
8 *mination.*

9 “(c) *SUBMISSION OF AUTHORIZATIONS TO OPERATE*
10 *REQUIRED.*—*Upon issuance of an agency authorization to*
11 *operate based on a FedRAMP authorization, the head of*
12 *the agency shall provide a copy of its authorization to oper-*
13 *ate letter and any supplementary information required*
14 *pursuant to section 3609(a) to the Administrator.*

15 “(d) *SUBMISSION OF POLICIES REQUIRED.*—*Not later*
16 *than 180 days after the date on which the Director issues*
17 *guidance in accordance with section 3614(1), the head of*
18 *each agency, acting through the chief information officer of*
19 *the agency, shall submit to the Director all agency policies*
20 *relating to the authorization of cloud computing products*
21 *and services.*

22 “(e) *PRESUMPTION OF ADEQUACY.*—

23 “(1) *IN GENERAL.*—*The assessment of security*
24 *controls and materials within the authorization pack-*
25 *age for a FedRAMP authorization shall be presumed*

1 adequate for use in an agency authorization to oper-
 2 ate cloud computing products and services.

3 “(2) *INFORMATION SECURITY REQUIREMENTS.*—
 4 The presumption under paragraph (1) does not mod-
 5 ify or alter—

6 “(A) the responsibility of any agency to en-
 7 sure compliance with subchapter II of chapter 35
 8 for any cloud computing product or service used
 9 by the agency; or

10 “(B) the authority of the head of any agen-
 11 cy to make a determination that there is a de-
 12 monstrable need for additional security require-
 13 ments beyond the security requirements included
 14 in a FedRAMP authorization for a particular
 15 control implementation.

16 **“§3614. Roles and responsibilities of the Office of**
 17 **Management and Budget**

18 “The Director shall—

19 “(1) in consultation with the Administrator and
 20 the Secretary, issue guidance that—

21 “(A) specifies the categories or characteris-
 22 tics of cloud computing products and services
 23 that are within the scope of FedRAMP;

24 “(B) includes requirements for agencies to
 25 obtain a FedRAMP authorization when oper-

1 *ating a cloud computing product or service de-*
2 *scribed in subparagraph (A) as a Federal infor-*
3 *mation system; and*

4 *“(C) encompasses, to the greatest extent*
5 *practicable, all necessary and appropriate cloud*
6 *computing products and services;*

7 *“(2) issue guidance describing additional respon-*
8 *sibilities of FedRAMP and the FedRAMP Board to*
9 *accelerate the adoption of secure cloud computing*
10 *products and services by the Federal Government;*

11 *“(3) in consultation with the Administrator, es-*
12 *tablish a process to periodically review FedRAMP au-*
13 *thorization packages to support the secure authoriza-*
14 *tion and reuse of secure cloud products and services;*

15 *“(4) oversee the effectiveness of FedRAMP and*
16 *the FedRAMP Board, including the compliance by the*
17 *FedRAMP Board with the duties described in section*
18 *3610(d); and*

19 *“(5) to the greatest extent practicable, encourage*
20 *and promote consistency of the assessment, authoriza-*
21 *tion, adoption, and use of secure cloud computing*
22 *products and services within and across agencies.*

23 **“§ 3615. Reports to Congress; GAO report**

24 *“(a) REPORTS TO CONGRESS.—Not later than 1 year*
25 *after the date of enactment of this section, and annually*

1 *thereafter, the Director shall submit to the appropriate con-*
2 *gressional committees a report that includes the following:*

3 “(1) *During the preceding year, the status, effi-*
4 *ciency, and effectiveness of the General Services Ad-*
5 *ministration under section 3609 and agencies under*
6 *section 3613 and in supporting the speed, effective-*
7 *ness, sharing, reuse, and security of authorizations to*
8 *operate for secure cloud computing products and serv-*
9 *ices.*

10 “(2) *Progress towards meeting the metrics re-*
11 *quired under section 3609(d).*

12 “(3) *Data on FedRAMP authorizations.*

13 “(4) *The average length of time to issue*
14 *FedRAMP authorizations.*

15 “(5) *The number of FedRAMP authorizations*
16 *submitted, issued, and denied for the preceding year.*

17 “(6) *A review of progress made during the pre-*
18 *ceding year in advancing automation techniques to*
19 *securely automate FedRAMP processes and to accel-*
20 *erate reporting under this section.*

21 “(7) *The number and characteristics of author-*
22 *ized cloud computing products and services in use at*
23 *each agency consistent with guidance provided by the*
24 *Director under section 3614.*

1 “(8) *A review of FedRAMP measures to ensure*
2 *the security of data stored or processed by cloud serv-*
3 *ice providers, which may include—*

4 “(A) *geolocation restrictions for provided*
5 *products or services;*

6 “(B) *disclosures of foreign elements of sup-*
7 *ply chains of acquired products or services;*

8 “(C) *continued disclosures of ownership of*
9 *cloud service providers by foreign entities; and*

10 “(D) *encryption for data processed, stored,*
11 *or transmitted by cloud service providers.*

12 “(b) *GAO REPORT.—Not later than 180 days after the*
13 *date of enactment of this section, the Comptroller General*
14 *of the United States shall report to the appropriate congres-*
15 *sional committees an assessment of the following:*

16 “(1) *The costs incurred by agencies and cloud*
17 *service providers relating to the issuance of FedRAMP*
18 *authorizations.*

19 “(2) *The extent to which agencies have processes*
20 *in place to continuously monitor the implementation*
21 *of cloud computing products and services operating as*
22 *Federal information systems.*

23 “(3) *How often and for which categories of prod-*
24 *ucts and services agencies use FedRAMP authoriza-*
25 *tions.*

1 “(4) *The unique costs and potential burdens in-*
2 *curring by cloud computing companies that are small*
3 *business concerns (as defined in section 3(a) of the*
4 *Small Business Act (15 U.S.C. 632(a)) as a part of*
5 *the FedRAMP authorization process.*

6 **“§ 3616. Federal Secure Cloud Advisory Committee**

7 “(a) *ESTABLISHMENT, PURPOSES, AND DUTIES.—*

8 “(1) *ESTABLISHMENT.—There is established a*
9 *Federal Secure Cloud Advisory Committee (referred to*
10 *in this section as the ‘Committee’) to ensure effective*
11 *and ongoing coordination of agency adoption, use,*
12 *authorization, monitoring, acquisition, and security*
13 *of cloud computing products and services to enable*
14 *agency mission and administrative priorities.*

15 “(2) *PURPOSES.—The purposes of the Committee*
16 *are the following:*

17 “(A) *To examine the operations of*
18 *FedRAMP and determine ways that authoriza-*
19 *tion processes can continuously be improved, in-*
20 *cluding the following:*

21 “(i) *Measures to increase agency reuse*
22 *of FedRAMP authorizations.*

23 “(ii) *Proposed actions that can be*
24 *adopted to reduce the burden, confusion,*

1 *and cost associated with FedRAMP author-*
2 *izations for cloud service providers.*

3 “(iii) *Measures to increase the number*
4 *of FedRAMP authorizations for cloud com-*
5 *puting products and services offered by*
6 *small businesses concerns (as defined by sec-*
7 *tion 3(a) of the Small Business Act (15*
8 *U.S.C. 632(a)).*

9 “(iv) *Proposed actions that can be*
10 *adopted to reduce the burden and cost of*
11 *FedRAMP authorizations for agencies.*

12 “(B) *Collect information and feedback on*
13 *agency compliance with and implementation of*
14 *FedRAMP requirements.*

15 “(C) *Serve as a forum that facilitates com-*
16 *munication and collaboration among the*
17 *FedRAMP stakeholder community.*

18 “(3) *DUTIES.—The duties of the Committee in-*
19 *clude providing advice and recommendations to the*
20 *Administrator, the FedRAMP Board, and agencies on*
21 *technical, financial, programmatic, and operational*
22 *matters regarding secure adoption of cloud computing*
23 *products and services.*

24 “(b) *MEMBERS.—*

1 “(1) *COMPOSITION.*—*The Committee shall be*
2 *comprised of not more than 15 members who are*
3 *qualified representatives from the public and private*
4 *sectors, appointed by the Administrator, in consulta-*
5 *tion with the Director, as follows:*

6 “(A) *The Administrator or the Administra-*
7 *tor’s designee, who shall be the Chair of the Com-*
8 *mittee.*

9 “(B) *At least 1 representative each from the*
10 *Cybersecurity and Infrastructure Security Agen-*
11 *cy and the National Institute of Standards and*
12 *Technology.*

13 “(C) *At least 2 officials who serve as the*
14 *Chief Information Security Officer within an*
15 *agency, who shall be required to maintain such*
16 *a position throughout the duration of their serv-*
17 *ice on the Committee.*

18 “(D) *At least 1 official serving as Chief*
19 *Procurement Officer (or equivalent) in an agen-*
20 *cy, who shall be required to maintain such a po-*
21 *sition throughout the duration of their service on*
22 *the Committee.*

23 “(E) *At least 1 individual representing an*
24 *independent assessment service.*

1 “(F) *At least 5 representatives from unique*
2 *businesses that primarily provide cloud com-*
3 *puting services or products, including at least 2*
4 *representatives from a small business concern (as*
5 *defined by section 3(a) of the Small Business Act*
6 *(15 U.S.C. 632(a)).*

7 “(G) *At least 2 other representatives of the*
8 *Federal Government as the Administrator deter-*
9 *mines necessary to provide sufficient balance, in-*
10 *sights, or expertise to the Committee.*

11 “(2) *DEADLINE FOR APPOINTMENT.—Each mem-*
12 *ber of the Committee shall be appointed not later than*
13 *90 days after the date of enactment of this section.*

14 “(3) *PERIOD OF APPOINTMENT; VACANCIES.—*

15 “(A) *IN GENERAL.—Each non-Federal*
16 *member of the Committee shall be appointed for*
17 *a term of 3 years, except that the initial terms*
18 *for members may be staggered 1-, 2-, or 3-year*
19 *terms to establish a rotation in which one-third*
20 *of the members are selected each year. Any such*
21 *member may be appointed for not more than 2*
22 *consecutive terms.*

23 “(B) *VACANCIES.—Any vacancy in the*
24 *Committee shall not affect its powers, but shall*
25 *be filled in the same manner in which the origi-*

1 *nal appointment was made. Any member ap-*
2 *pointed to fill a vacancy occurring before the ex-*
3 *piration of the term for which the member's*
4 *predecessor was appointed shall be appointed*
5 *only for the remainder of that term. A member*
6 *may serve after the expiration of that member's*
7 *term until a successor has taken office.*

8 “(c) *MEETINGS AND RULES OF PROCEDURES.*—

9 “(1) *MEETINGS.*—*The Committee shall hold not*
10 *fewer than 3 meetings in a calendar year, at such*
11 *time and place as determined by the Chair.*

12 “(2) *INITIAL MEETING.*—*Not later than 120 days*
13 *after the date of enactment of this section, the Com-*
14 *mittee shall meet and begin the operations of the*
15 *Committee.*

16 “(3) *RULES OF PROCEDURE.*—*The Committee*
17 *may establish rules for the conduct of the business of*
18 *the Committee if such rules are not inconsistent with*
19 *this section or other applicable law.*

20 “(d) *EMPLOYEE STATUS.*—

21 “(1) *IN GENERAL.*—*A member of the Committee*
22 *(other than a member who is appointed to the Com-*
23 *mittee in connection with another Federal appoint-*
24 *ment) shall not be considered an employee of the Fed-*
25 *eral Government by reason of any service as such a*

1 *member, except for the purposes of section 5703 of*
2 *title 5, relating to travel expenses.*

3 “(2) *PAY NOT PERMITTED.*—*A member of the*
4 *Committee covered by paragraph (1) may not receive*
5 *pay by reason of service on the Committee.*

6 “(e) *APPLICABILITY TO THE FEDERAL ADVISORY COM-*
7 *MITTEE ACT.*—*Section 14 of the Federal Advisory Com-*
8 *mittee Act (5 U.S.C. App.) shall not apply to the Com-*
9 *mittee.*

10 “(f) *DETAIL OF EMPLOYEES.*—*Any Federal Govern-*
11 *ment employee may be detailed to the Committee without*
12 *reimbursement from the Committee, and such detailee shall*
13 *retain the rights, status, and privileges of his or her regular*
14 *employment without interruption.*

15 “(g) *POSTAL SERVICES.*—*The Committee may use the*
16 *United States mails in the same manner and under the*
17 *same conditions as agencies.*

18 “(h) *REPORTS.*—

19 “(1) *INTERIM REPORTS.*—*The Committee may*
20 *submit to the Administrator and Congress interim re-*
21 *ports containing such findings, conclusions, and rec-*
22 *ommendations as have been agreed to by the Com-*
23 *mittee.*

24 “(2) *ANNUAL REPORTS.*—*Not later than 540*
25 *days after the date of enactment of this section, and*

1 *annually thereafter, the Committee shall submit to the*
 2 *Administrator and Congress a report containing such*
 3 *findings, conclusions, and recommendations as have*
 4 *been agreed to by the Committee.”.*

5 *(b) TECHNICAL AND CONFORMING AMENDMENT.—The*
 6 *table of sections for chapter 36 of title 44, United States*
 7 *Code, is amended by adding at the end the following new*
 8 *items:*

“3607. Definitions.

“3608. Federal Risk and Authorization Management Program.

“3609. Roles and responsibilities of the General Services Administration.

“3610. FedRAMP Board.

“3611. Independent assessment.

“3612. Declaration of foreign interests.

“3613. Roles and responsibilities of agencies.

“3614. Roles and responsibilities of the Office of Management and Budget.

“3615. Reports to Congress; GAO report.

“3616. Federal Secure Cloud Advisory Committee.”.

9 *(c) SUNSET.—*

10 *(1) IN GENERAL.—Effective on the date that is*
 11 *5 years after the date of enactment of this Act, chap-*
 12 *ter 36 of title 44, United States Code, is amended by*
 13 *striking sections 3607 through 3616.*

14 *(2) CONFORMING AMENDMENT.—Effective on the*
 15 *date that is 5 years after the date of enactment of this*
 16 *Act, the table of sections for chapter 36 of title 44,*
 17 *United States Code, is amended by striking the items*
 18 *relating to sections 3607 through 3616.*

19 *(d) RULE OF CONSTRUCTION.—Nothing in this section*
 20 *or any amendment made by this section shall be construed*

1 *as altering or impairing the authorities of the Director of*
2 *the Office of Management and Budget or the Secretary of*
3 *Homeland Security under subchapter II of chapter 35 of*
4 *title 44, United States Code.*

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2^D SESSION

S. 3099

[Report No. 117-1151]

A BILL

To amend title 44, United States Code, to establish the Federal Risk and Authorization Management Program within the General Services Administration, and for other purposes.

MAY 24, 2022

Reported with an amendment