

117TH CONGRESS  
2D SESSION

# H. R. 8956

To amend chapter 36 of title 44, United States Code, to improve the cybersecurity of the Federal Government, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2022

Mr. CONNOLLY (for himself and Mr. COMER) introduced the following bill;  
which was referred to the Committee on Oversight and Reform

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## A BILL

To amend chapter 36 of title 44, United States Code, to improve the cybersecurity of the Federal Government, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “FedRAMP Authoriza-  
5 tion Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Ensuring that the Federal Government can  
9 securely leverage cloud computing products and serv-  
10 ices is key to expediting the modernization of legacy

1 information technology systems, increasing cyberse-  
2 curity within and across departments and agencies,  
3 and supporting the continued leadership of the  
4 United States in technology innovation and job cre-  
5 ation.

6 (2) According to independent analysis, as of  
7 calendar year 2019, the size of the cloud computing  
8 market had tripled since 2004, enabling more than  
9 2,000,000 jobs and adding more than  
10 \$200,000,000,000 to the gross domestic product of  
11 the United States.

12 (3) The Federal Government, across multiple  
13 presidential administrations and Congresses, has  
14 continued to support the ability of agencies to move  
15 to the cloud, including through—

16 (A) President Barack Obama’s “Cloud  
17 First Strategy”;

18 (B) President Donald Trump’s “Cloud  
19 Smart Strategy”;

20 (C) the prioritization of cloud security in  
21 Executive Order 14028 (86 Fed. Reg. 26633;  
22 relating to improving the nation’s cybersecu-  
23 rity), which was issued by President Joe Biden;  
24 and

1 (D) more than a decade of appropriations  
2 and authorization legislation that provides  
3 agencies with relevant authorities and appro-  
4 priations to modernize on-premises information  
5 technology systems and more readily adopt  
6 cloud computing products and services.

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

17 (5) According to data from the General Services  
18 Administration, as of the end of fiscal year 2021,  
19 there were 239 cloud providers with FedRAMP au-  
20 thorizations, and those authorizations had been re-  
21 used more than 2,700 times across various agencies.

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

1 (A) improve the speed at which new cloud  
2 computing products and services can be se-  
3 curely authorized;

4 (B) enhance the ability of agencies to ef-  
5 fectively evaluate FedRAMP authorized pro-  
6 viders for reuse;

7 (C) reduce the costs and burdens to cloud  
8 providers seeking a FedRAMP authorization;  
9 and

10 (D) provide for more robust transparency  
11 and dialogue between industry and the Federal  
12 Government to drive stronger adoption of se-  
13 cure cloud capabilities, create jobs, and reduce  
14 wasteful legacy information technology.

15 **SEC. 3. TITLE 44 AMENDMENTS.**

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

19 **“§ 3607. Definitions**

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

23 “(b) ADDITIONAL DEFINITIONS.—In this section  
24 through section 3616:

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

3           “(2) APPROPRIATE CONGRESSIONAL COMMIT-  
4           TEES.—The term ‘appropriate congressional com-  
5           mittees’ means the Committee on Homeland Secu-  
6           rity and Governmental Affairs of the Senate and the  
7           Committee on Oversight and Reform of the House  
8           of Representatives.

9           “(3) AUTHORIZATION TO OPERATE; FEDERAL  
10          INFORMATION.—The terms ‘authorization to oper-  
11          ate’ and ‘Federal information’ have the meaning  
12          given those term in Circular A–130 of the Office of  
13          Management and Budget entitled ‘Managing Infor-  
14          mation as a Strategic Resource’, or any successor  
15          document.

16          “(4) CLOUD COMPUTING.—The term ‘cloud  
17          computing’ has the meaning given the term in Spe-  
18          cial Publication 800–145 of the National Institute of  
19          Standards and Technology, or any successor docu-  
20          ment.

21          “(5) CLOUD SERVICE PROVIDER.—The term  
22          ‘cloud service provider’ means an entity offering  
23          cloud computing products or services to agencies.

1           “(6) FEDRAMP.—The term ‘FedRAMP’  
2 means the Federal Risk and Authorization Manage-  
3 ment Program established under section 3608.

4           “(7) FEDRAMP AUTHORIZATION.—The term  
5 ‘FedRAMP authorization’ means a certification that  
6 a cloud computing product or service has—

7                   “(A) completed a FedRAMP authorization  
8 process, as determined by the Administrator; or

9                   “(B) received a FedRAMP provisional au-  
10 thorization to operate, as determined by the  
11 FedRAMP Board.

12           “(8) FEDRAMP AUTHORIZATION PACKAGE.—  
13 The term ‘FedRAMP authorization package’ means  
14 the essential information that can be used by an  
15 agency to determine whether to authorize the oper-  
16 ation of an information system or the use of a des-  
17 ignated set of common controls for all cloud com-  
18 puting products and services authorized by  
19 FedRAMP.

20           “(9) FEDRAMP BOARD.—The term ‘FedRAMP  
21 Board’ means the board established under section  
22 3610.

23           “(10) INDEPENDENT ASSESSMENT SERVICE.—  
24 The term ‘independent assessment service’ means a  
25 third-party organization accredited by the Adminis-

1       trator to undertake conformity assessments of cloud  
2       service providers and the products or services of  
3       cloud service providers.

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

6       **“§ 3608. Federal Risk and Authorization Management**  
7                       **Program**

8       “‘There is established within the General Services Ad-  
9       ministration the Federal Risk and Authorization Manage-  
10      ment Program. The Administrator, subject to section  
11      3614, shall establish a Government-wide program that  
12      provides a standardized, reusable approach to security as-  
13      sessment and authorization for cloud computing products  
14      and services that process unclassified information used by  
15      agencies.

16      **“§ 3609. Roles and responsibilities of the General**  
17                       **Services Administration**

18      “(a) ROLES AND RESPONSIBILITIES.—The Adminis-  
19      trator shall—

20               “(1) in consultation with the Secretary, develop,  
21      coordinate, and implement a process to support  
22      agency review, reuse, and standardization, where ap-  
23      propriate, of security assessments of cloud com-  
24      puting products and services, including, as appro-  
25      priate, oversight of continuous monitoring of cloud

1 computing products and services, pursuant to guid-  
2 ance issued by the Director pursuant to section  
3 3614;

4 “(2) establish processes and identify criteria  
5 consistent with guidance issued by the Director  
6 under section 3614 to make a cloud computing prod-  
7 uct or service eligible for a FedRAMP authorization  
8 and validate whether a cloud computing product or  
9 service has a FedRAMP authorization;

10 “(3) develop and publish templates, best prac-  
11 tices, technical assistance, and other materials to  
12 support the authorization of cloud computing prod-  
13 ucts and services and increase the speed, effective-  
14 ness, and transparency of the authorization process,  
15 consistent with standards and guidelines established  
16 by the Director of the National Institute of Stand-  
17 ards and Technology and relevant statutes;

18 “(4) establish and update guidance on the  
19 boundaries of FedRAMP authorization packages to  
20 enhance the security and protection of Federal infor-  
21 mation and promote transparency for agencies and  
22 users as to which services are included in the scope  
23 of a FedRAMP authorization;



1           “(5) grant FedRAMP authorizations to cloud  
2 computing products and services consistent with the  
3 guidance and direction of the FedRAMP Board;

4           “(6) establish and maintain a public comment  
5 process for proposed guidance and other FedRAMP  
6 directives that may have a direct impact on cloud  
7 service providers and agencies before the issuance of  
8 such guidance or other FedRAMP directives;

9           “(7) coordinate with the FedRAMP Board, the  
10 Director of the Cybersecurity and Infrastructure Se-  
11 curity Agency, and other entities identified by the  
12 Administrator, with the concurrence of the Director  
13 and the Secretary, to establish and regularly update  
14 a framework for continuous monitoring under sec-  
15 tion 3553;

16           “(8) provide a secure mechanism for storing  
17 and sharing necessary data, including FedRAMP  
18 authorization packages, to enable better reuse of  
19 such packages across agencies, including making  
20 available any information and data necessary for  
21 agencies to fulfill the requirements of section 3613;

22           “(9) provide regular updates to applicant cloud  
23 service providers on the status of any cloud com-  
24 puting product or service during an assessment  
25 process;

1           “(10) regularly review, in consultation with the  
2 FedRAMP Board—

3           “(A) the costs associated with the inde-  
4 pendent assessment services described in section  
5 3611; and

6           “(B) the information relating to foreign in-  
7 terests submitted pursuant to section 3612;

8           “(11) in coordination with the Director of the  
9 National Institute of Standards and Technology, the  
10 Director, the Secretary, and other stakeholders, as  
11 appropriate, determine the sufficiency of underlying  
12 standards and requirements to identify and assess  
13 the provenance of the software in cloud services and  
14 products;

15           “(12) support the Federal Secure Cloud Advi-  
16 sory Committee established pursuant to section  
17 3616; and

18           “(13) take such other actions as the Adminis-  
19 trator may determine necessary to carry out  
20 FedRAMP.

21           “(b) WEBSITE.—

22           “(1) IN GENERAL.—The Administrator shall  
23 maintain a public website to serve as the authori-  
24 tative repository for FedRAMP, including the timely  
25 publication and updates for all relevant information,

1 guidance, determinations, and other materials re-  
2 quired under subsection (a).

3 “(2) CRITERIA AND PROCESS FOR FEDRAMP  
4 AUTHORIZATION PRIORITIES.—The Administrator  
5 shall develop and make publicly available on the  
6 website described in paragraph (1) the criteria and  
7 process for prioritizing and selecting cloud com-  
8 puting products and services that will receive a  
9 FedRAMP authorization, in consultation with the  
10 FedRAMP Board and the Chief Information Offi-  
11 cers Council.

12 “(c) EVALUATION OF AUTOMATION PROCEDURES.—

13 “(1) IN GENERAL.—The Administrator, in co-  
14 ordination with the Secretary, shall assess and  
15 evaluate available automation capabilities and proce-  
16 dures to improve the efficiency and effectiveness of  
17 the issuance of FedRAMP authorizations, including  
18 continuous monitoring of cloud computing products  
19 and services.

20 “(2) MEANS FOR AUTOMATION.—Not later than  
21 1 year after the date of enactment of this section,  
22 and updated regularly thereafter, the Administrator  
23 shall establish a means for the automation of secu-  
24 rity assessments and reviews.

1       “(d) METRICS FOR AUTHORIZATION.—The Adminis-  
2 trator shall establish annual metrics regarding the time  
3 and quality of the assessments necessary for completion  
4 of a FedRAMP authorization process in a manner that  
5 can be consistently tracked over time in conjunction with  
6 the periodic testing and evaluation process pursuant to  
7 section 3554 in a manner that minimizes the agency re-  
8 porting burden.

9       **“§ 3610. FedRAMP Board**

10       “(a) ESTABLISHMENT.—There is established a  
11 FedRAMP Board to provide input and recommendations  
12 to the Administrator regarding the requirements and  
13 guidelines for, and the prioritization of, security assess-  
14 ments of cloud computing products and services.

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

19               “(1) The Department of Defense.

20               “(2) The Department of Homeland Security.

21               “(3) The General Services Administration.

22               “(4) Such other agencies as determined by the  
23 Director, in consultation with the Administrator.

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

4           “(1) cloud computing;

5           “(2) cybersecurity;

6           “(3) privacy;

7           “(4) risk management; and

8           “(5) other competencies identified by the Direc-  
9 tor to support the secure authorization of cloud serv-  
10 ices and products.

11       “(d) DUTIES.—The FedRAMP Board shall—

12           “(1) in consultation with the Administrator,  
13 serve as a resource for best practices to accelerate  
14 the process for obtaining a FedRAMP authorization;

15           “(2) establish and regularly update require-  
16 ments and guidelines for security authorizations of  
17 cloud computing products and services, consistent  
18 with standards and guidelines established by the Di-  
19 rector of the National Institute of Standards and  
20 Technology, to be used in the determination of  
21 FedRAMP authorizations;

22           “(3) monitor and oversee, to the greatest extent  
23 practicable, the processes and procedures by which  
24 agencies determine and validate requirements for a  
25 FedRAMP authorization, including periodic review

1 of the agency determinations described in section  
2 3613(b);

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

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

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

17 **“§ 3611. Independent assessment**

18 “The Administrator may determine whether  
19 FedRAMP may use an independent assessment service to  
20 analyze, validate, and attest to the quality and compliance  
21 of security assessment materials provided by cloud service  
22 providers during the course of a determination of whether  
23 to use a cloud computing product or service.

1 **“§ 3612. Declaration of foreign interests**

2 “(a) IN GENERAL.—An independent assessment serv-  
3 ice that performs services described in section 3611 shall  
4 annually submit to the Administrator information relating  
5 to any foreign interest, foreign influence, or foreign con-  
6 trol of the independent assessment service.

7 “(b) UPDATES.—Not later than 48 hours after there  
8 is a change in foreign ownership or control of an inde-  
9 pendent assessment service that performs services de-  
10 scribed in section 3611, the independent assessment serv-  
11 ice shall submit to the Administrator an update to the in-  
12 formation submitted under subsection (a).

13 “(c) CERTIFICATION.—The Administrator may re-  
14 quire a representative of an independent assessment serv-  
15 ice to certify the accuracy and completeness of any infor-  
16 mation submitted under this section.

17 **“§ 3613. Roles and responsibilities of agencies**

18 “(a) IN GENERAL.—In implementing the require-  
19 ments of FedRAMP, the head of each agency shall, con-  
20 sistent with guidance issued by the Director pursuant to  
21 section 3614—

22 “(1) promote the use of cloud computing prod-  
23 ucts and services that meet FedRAMP security re-  
24 quirements and other risk-based performance re-  
25 quirements as determined by the Director, in con-  
26 sultation with the Secretary;

1           “(2) confirm whether there is a FedRAMP au-  
2           thorization in the secure mechanism provided under  
3           section 3609(a)(8) before beginning the process of  
4           granting a FedRAMP authorization for a cloud com-  
5           puting product or service;

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

12          “(4) provide to the Director data and informa-  
13          tion required by the Director pursuant to section  
14          3614 to determine how agencies are meeting metrics  
15          established by the Administrator.

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



1       “(c) SUBMISSION OF AUTHORIZATIONS TO OPERATE  
2 REQUIRED.—Upon issuance of an agency authorization to  
3 operate based on a FedRAMP authorization, the head of  
4 the agency shall provide a copy of its authorization to op-  
5 erate letter and any supplementary information required  
6 pursuant to section 3609(a) to the Administrator.

7       “(d) SUBMISSION OF POLICIES REQUIRED.—Not  
8 later than 180 days after the date on which the Director  
9 issues guidance in accordance with section 3614(1), the  
10 head of each agency, acting through the chief information  
11 officer of the agency, shall submit to the Director all agen-  
12 cy policies relating to the authorization of cloud computing  
13 products and services.

14       “(e) PRESUMPTION OF ADEQUACY.—

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

20               “(2) INFORMATION SECURITY REQUIRE-  
21 MENTS.—The presumption under paragraph (1)  
22 does not modify or alter—

23                       “(A) the responsibility of any agency to en-  
24                       sure compliance with subchapter II of chapter

1 35 for any cloud computing product or service  
2 used by the agency; or

3 “(B) the authority of the head of any  
4 agency to make a determination that there is a  
5 demonstrable need for additional security re-  
6 quirements beyond the security requirements  
7 included in a FedRAMP authorization for a  
8 particular control implementation.

9 **“§ 3614. Roles and responsibilities of the Office of**  
10 **Management and Budget**

11 “The Director shall—

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

14 “(A) specifies the categories or characteris-  
15 tics of cloud computing products and services  
16 that are within the scope of FedRAMP;

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

22 “(C) encompasses, to the greatest extent  
23 practicable, all necessary and appropriate cloud  
24 computing products and services;

1           “(2) issue guidance describing additional re-  
2           sponsibilities of FedRAMP and the FedRAMP  
3           Board to accelerate the adoption of secure cloud  
4           computing products and services by the Federal  
5           Government;

6           “(3) in consultation with the Administrator, es-  
7           tablish a process to periodically review FedRAMP  
8           authorization packages to support the secure author-  
9           ization and reuse of secure cloud products and serv-  
10          ices;

11          “(4) oversee the effectiveness of FedRAMP and  
12          the FedRAMP Board, including the compliance by  
13          the FedRAMP Board with the duties described in  
14          section 3610(d); and

15          “(5) to the greatest extent practicable, encour-  
16          age and promote consistency of the assessment, au-  
17          thorization, adoption, and use of secure cloud com-  
18          puting products and services within and across agen-  
19          cies.

20       **“§ 3615. Reports to Congress; GAO report**

21          “(a) REPORTS TO CONGRESS.—Not later than 1 year  
22          after the date of enactment of this section, and annually  
23          thereafter, the Director shall submit to the appropriate  
24          congressional committees a report that includes the fol-  
25          lowing:

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

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

10          “(3) Data on FedRAMP authorizations.

11          “(4) The average length of time to issue  
12          FedRAMP authorizations.

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

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

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

23          “(8) A review of FedRAMP measures to ensure  
24          the security of data stored or processed by cloud  
25          service providers, which may include—

1           “(A) geolocation restrictions for provided  
2 products or services;

3           “(B) disclosures of foreign elements of  
4 supply chains of acquired products or services;

5           “(C) continued disclosures of ownership of  
6 cloud service providers by foreign entities; and

7           “(D) encryption for data processed, stored,  
8 or transmitted by cloud service providers.

9           “(b) GAO REPORT.—Not later than 180 days after  
10 the date of enactment of this section, the Comptroller  
11 General of the United States shall report to the appro-  
12 priate congressional committees an assessment of the fol-  
13 lowing:

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

17           “(2) The extent to which agencies have proc-  
18 esses in place to continuously monitor the implemen-  
19 tation of cloud computing products and services op-  
20 erating as Federal information systems.

21           “(3) How often and for which categories of  
22 products and services agencies use FedRAMP au-  
23 thorizations.

24           “(4) The unique costs and potential burdens in-  
25 curred by cloud computing companies that are small

1 business concerns (as defined in section 3(a) of the  
2 Small Business Act (15 U.S.C. 632(a))) as a part  
3 of the FedRAMP authorization process.

4 **“§ 3616. Federal Secure Cloud Advisory Committee**

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

6 “(1) ESTABLISHMENT.—There is established a  
7 Federal Secure Cloud Advisory Committee (referred  
8 to in this section as the ‘Committee’) to ensure ef-  
9 fective and ongoing coordination of agency adoption,  
10 use, authorization, monitoring, acquisition, and secu-  
11 rity of cloud computing products and services to en-  
12 able agency mission and administrative priorities.

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

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

19 “(i) Measures to increase agency  
20 reuse of FedRAMP authorizations.

21 “(ii) Proposed actions that can be  
22 adopted to reduce the burden, confusion,  
23 and cost associated with FedRAMP au-  
24 thorizations for cloud service providers.

1           “(iii) Measures to increase the num-  
2           ber of FedRAMP authorizations for cloud  
3           computing products and services offered by  
4           small businesses concerns (as defined by  
5           section 3(a) of the Small Business Act (15  
6           U.S.C. 632(a))).

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

10          “(B) Collect information and feedback on  
11          agency compliance with and implementation of  
12          FedRAMP requirements.

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

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

22          “(b) MEMBERS.—

23                 “(1) COMPOSITION.—The Committee shall be  
24                 comprised of not more than 15 members who are  
25                 qualified representatives from the public and private

1 sectors, appointed by the Administrator, in consulta-  
2 tion with the Director, as follows:

3 “(A) The Administrator or the Administra-  
4 tor’s designee, who shall be the Chair of the  
5 Committee.

6 “(B) At least 1 representative each from  
7 the Cybersecurity and Infrastructure Security  
8 Agency and the National Institute of Standards  
9 and Technology.

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

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

20 “(E) At least 1 individual representing an  
21 independent assessment service.

22 “(F) At least 5 representatives from  
23 unique businesses that primarily provide cloud  
24 computing services or products, including at  
25 least 2 representatives from a small business



1 concern (as defined by section 3(a) of the Small  
2 Business Act (15 U.S.C. 632(a))).

3 “(G) At least 2 other representatives of the  
4 Federal Government as the Administrator de-  
5 termines necessary to provide sufficient balance,  
6 insights, or expertise to the Committee.

7 “(2) DEADLINE FOR APPOINTMENT.—Each  
8 member of the Committee shall be appointed not  
9 later than 90 days after the date of enactment of  
10 this section.

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

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

20 “(B) VACANCIES.—Any vacancy in the  
21 Committee shall not affect its powers, but shall  
22 be filled in the same manner in which the origi-  
23 nal appointment was made. Any member ap-  
24 pointed to fill a vacancy occurring before the  
25 expiration of the term for which the member’s

1 predecessor was appointed shall be appointed  
2 only for the remainder of that term. A member  
3 may serve after the expiration of that member's  
4 term until a successor has taken office.

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

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

9 “(2) INITIAL MEETING.—Not later than 120  
10 days after the date of enactment of this section, the  
11 Committee shall meet and begin the operations of  
12 the Committee.

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

17 “(d) EMPLOYEE STATUS.—

18 “(1) IN GENERAL.—A member of the Com-  
19 mittee (other than a member who is appointed to the  
20 Committee in connection with another Federal ap-  
21 pointment) shall not be considered an employee of  
22 the Federal Government by reason of any service as  
23 such a member, except for the purposes of section  
24 5703 of title 5, relating to travel expenses.

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

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

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

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

16          “(h) REPORTS.—

17                 “(1) INTERIM REPORTS.—The Committee may  
18                 submit to the Administrator and Congress interim  
19                 reports containing such findings, conclusions, and  
20                 recommendations as have been agreed to by the  
21                 Committee.

22                 “(2) ANNUAL REPORTS.—Not later than 540  
23                 days after the date of enactment of this section, and  
24                 annually thereafter, the Committee shall submit to  
25                 the Administrator and Congress a report containing

1 such findings, conclusions, and recommendations as  
 2 have been agreed to by the Committee.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENT.—

4 The table of sections for chapter 36 of title 44, United  
 5 States Code, is amended by adding at the end the fol-  
 6 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.

“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.”.

7 (c) SUNSET.—

8 (1) IN GENERAL.—Effective on the date that is  
 9 5 years after the date of enactment of this Act,  
 10 chapter 36 of title 44, United States Code, is  
 11 amended by striking sections 3607 through 3616.

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

17 (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
 18 tion or any amendment made by this section shall be con-  
 19 strued as altering or impairing the authorities of the Di-  
 20 rector of the Office of Management and Budget or the

- 1 Secretary of Homeland Security under subchapter II of
- 2 chapter 35 of title 44, United States Code.

