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116TH CONGRESS
2^D SESSION

H. R. 3941

[Report No. 116–391]

To enhance the innovation, security, and availability of cloud computing services used in the Federal Government by establishing the Federal Risk and Authorization Management Program within the General Services Administration and by establishing a risk management, authorization, and continuous monitoring process to enable the Federal Government to leverage cloud computing services using a risk-based approach consistent with the Federal Information Security Modernization Act of 2014 and cloud-based operations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2019

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

FEBRUARY 5, 2020

Additional sponsor: Mr. FITZPATRICK

FEBRUARY 5, 2020

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on July 24, 2019]

A BILL

To enhance the innovation, security, and availability of cloud computing services used in the Federal Government by establishing the Federal Risk and Authorization Management Program within the General Services Administration and by establishing a risk management, authorization, and continuous monitoring process to enable the Federal Government to leverage cloud computing services using a risk-based approach consistent with the Federal Information Security Modernization Act of 2014 and cloud-based operations, 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 “Federal Risk and Au-*
5 *thorization Management Program Authorization Act of*
6 *2019” or the “FedRAMP Authorization Act”.*

7 **SEC. 2. CODIFICATION OF THE FEDRAMP PROGRAM.**

8 (a) *AMENDMENT.*—Chapter 36 of title 44, United
9 States Code, is amended by adding at the end the following
10 new sections:

11 **“§ 3607. Federal Risk and Authorization Management**
12 **Program**

13 “(a) *ESTABLISHMENT.*—There is established within
14 the General Services Administration the Federal Risk and
15 Authorization Management Program. The Administrator of
16 General Services, in accordance with the guidelines estab-
17 lished pursuant to section 3612, shall establish a govern-
18 mentwide program that provides the authoritative stand-
19 ardized approach to security assessment and authorization
20 for cloud computing products and services that process un-
21 classified information used by agencies.

22 “(b) *COMPONENTS OF FEDRAMP.*—The Joint Author-
23 ization Board and the FedRAMP Program Management
24 Office are established as components of FedRAMP.

1 **“§ 3608. FedRAMP Program Management Office**

2 “(a) *GSA DUTIES.*—

3 “(1) *ROLES AND RESPONSIBILITIES.*—*The Ad-*
4 *ministrator of General Services shall—*

5 “(A) *determine the categories and character-*
6 *istics of cloud computing information technology*
7 *goods or services that are within the jurisdiction*
8 *of FedRAMP and that require FedRAMP au-*
9 *thorization from the Joint Authorization Board*
10 *or the FedRAMP Program Management Office;*

11 “(B) *develop, coordinate, and implement a*
12 *process for the FedRAMP Program Management*
13 *Office, the Joint Authorization Board, and agen-*
14 *cies to review security assessments of cloud com-*
15 *puting services pursuant to subsections (b) and*
16 *(c) of section 3611, and appropriate oversight of*
17 *continuous monitoring of cloud computing serv-*
18 *ices; and*

19 “(C) *ensure the continuous improvement of*
20 *FedRAMP.*

21 “(2) *IMPLEMENTATION.*—*The Administrator*
22 *shall oversee the implementation of FedRAMP, in-*
23 *cluding—*

24 “(A) *appointing a Program Director to*
25 *oversee the FedRAMP Program Management Of-*
26 *fice;*

1 “(B) hiring professional staff as may be
2 necessary for the effective operation of the
3 FedRAMP Program Management Office, and
4 such other activities as are essential to properly
5 perform critical functions;

6 “(C) entering into interagency agreements
7 to detail personnel on a reimbursable or non-re-
8 imburseable basis to assist the FedRAMP Pro-
9 gram Management Office and the Joint Author-
10 ization Board in discharging the responsibilities
11 of the Office under this section; and

12 “(D) such other actions as the Adminis-
13 trator may determine necessary to carry out this
14 section.

15 “(b) DUTIES.—The FedRAMP Program Management
16 Office shall have the following duties:

17 “(1) Provide guidance to independent assessment
18 organizations, validate the independent assessments,
19 and apply the requirements and guidelines adopted in
20 section 3609(c)(5).

21 “(2) Oversee and issue guidelines regarding the
22 qualifications, roles, and responsibilities of inde-
23 pendent assessment organizations.

24 “(3) Develop templates and other materials to
25 support the Joint Authorization Board and agencies

1 *in the authorization of cloud computing services to*
2 *increase the speed, effectiveness, and transparency of*
3 *the authorization process, consistent with standards*
4 *defined by the National Institute of Standards and*
5 *Technology.*

6 *“(4) Establish and maintain a public comment*
7 *process for proposed guidance before the issuance of*
8 *such guidance by FedRAMP.*

9 *“(5) Issue FedRAMP authorization for any au-*
10 *thorizations to operate issued by an agency that meets*
11 *the requirements and guidelines described in para-*
12 *graph (1).*

13 *“(6) Establish frameworks for agencies to use au-*
14 *thorization packages processed by the FedRAMP Pro-*
15 *gram Management Office and Joint Authorization*
16 *Board.*

17 *“(7) Coordinate with the Secretary of Defense*
18 *and the Secretary of Homeland Security to establish*
19 *a framework for continuous monitoring and reporting*
20 *required of agencies pursuant to section 3553.*

21 *“(8) Establish a centralized and secure reposi-*
22 *tory to collect and share necessary data, including se-*
23 *curity authorization packages, from the Joint Author-*
24 *ization Board and agencies to enable better sharing*
25 *and reuse to such packages across agencies.*

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

2 “(1) *IN GENERAL.*—*The FedRAMP Program*
3 *Management Office shall assess and evaluate available*
4 *automation capabilities and procedures to improve*
5 *the efficiency and effectiveness of the issuance of pro-*
6 *visional authorizations to operate issued by the Joint*
7 *Authorization Board and FedRAMP authorizations,*
8 *including continuous monitoring of cloud environ-*
9 *ments and among cloud environments.*

10 “(2) *MEANS FOR AUTOMATION.*—*Not later than*
11 *1 year after the date of the enactment of this section*
12 *and updated annually thereafter, the FedRAMP Pro-*
13 *gram Management Office shall establish a means for*
14 *the automation of security assessments and reviews.*

15 “(d) *METRICS FOR AUTHORIZATION.*—*The FedRAMP*
16 *Program Management Office shall establish annual metrics*
17 *regarding the time and quality of the assessments necessary*
18 *for completion of a FedRAMP authorization process in a*
19 *manner that can be consistently tracked over time in con-*
20 *junction with the periodic testing and evaluation process*
21 *pursuant to section 3554 in a manner that minimizes the*
22 *agency reporting burden.*

23 **“§ 3609. Joint Authorization Board**

24 “(a) *ESTABLISHMENT.*—*There is established the Joint*
25 *Authorization Board which shall consist of cloud computing*

1 *experts, appointed by the Director in consultation with the*
2 *Administrator, from each of the following:*

3 “(1) *The Department of Defense.*

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

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

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

8 “(b) *ISSUANCE OF PROVISIONAL AUTHORIZATIONS TO*
9 *OPERATE.—The Joint Authorization Board shall conduct*
10 *security assessments of cloud computing services and issue*
11 *provisional authorizations to operate to cloud service pro-*
12 *viders that meet FedRAMP security guidelines set forth in*
13 *section 3608(b)(1).*

14 “(c) *DUTIES.—The Joint Authorization Board shall—*

15 “(1) *develop and make publicly available on a*
16 *website, determined by the Administrator, criteria for*
17 *prioritizing and selecting cloud computing services to*
18 *be assessed by the Joint Authorization Board;*

19 “(2) *provide regular updates on the status of any*
20 *cloud computing service during the assessment and*
21 *authorization process of the Joint Authorization*
22 *Board;*

23 “(3) *review and validate cloud computing serv-*
24 *ices and independent assessment organization security*
25 *packages or any documentation determined to be nec-*

1 *essary by the Joint Authorization Board to evaluate*
2 *the system security of a cloud computing service;*

3 *“(4) in consultation with the FedRAMP Pro-*
4 *gram Management Office, serve as a resource for best*
5 *practices to accelerate the FedRAMP process;*

6 *“(5) establish requirements and guidelines for se-*
7 *curity assessments of cloud computing services, con-*
8 *sistent with standards defined by the National Insti-*
9 *tute of Standards and Technology, to be used by the*
10 *Joint Authorization Board and agencies;*

11 *“(6) perform such other roles and responsibilities*
12 *as the Administrator may assign, in consultation*
13 *with the FedRAMP Program Management Office and*
14 *members of the Joint Authorization Board; and*

15 *“(7) establish metrics and goals for reviews and*
16 *activities associated with issuing provisional author-*
17 *izations to operate and provide to the FedRAMP Pro-*
18 *gram Management Office.*

19 *“(d) DETERMINATIONS OF DEMAND FOR CLOUD COM-*
20 *PUTING SERVICES.—The Joint Authorization Board shall*
21 *consult with the Chief Information Officers Council estab-*
22 *lished in section 3603 to establish a process for prioritizing*
23 *and accepting the cloud computing services to be granted*
24 *a provisional authorization to operate through the Joint*

1 *Authorization Board, which shall be made available on a*
2 *public website.*

3 “(e) *DETAIL OF PERSONNEL.—To assist the Joint Au-*
4 *thorization Board in discharging the responsibilities under*
5 *this section, personnel of agencies may be detailed to the*
6 *Joint Authorization Board for the performance of duties de-*
7 *scribed under subsection (c).*

8 **“§ 3610. Independent assessment organizations**

9 “(a) *REQUIREMENTS FOR ACCREDITATION.—The*
10 *Joint Authorization Board shall determine the requirements*
11 *for certification of independent assessment organizations*
12 *pursuant to section 3609. Such requirements may include*
13 *developing or requiring certification programs for individ-*
14 *uals employed by the independent assessment organizations*
15 *who lead FedRAMP assessment teams.*

16 “(b) *ASSESSMENT.—Accredited independent assess-*
17 *ment organizations may assess, validate, and attest to the*
18 *quality and compliance of security assessment materials*
19 *provided by cloud service providers.*

20 **“§ 3611. Roles and responsibilities of agencies**

21 “(a) *IN GENERAL.—In implementing the requirements*
22 *of FedRAMP, the head of each agency shall, consistent with*
23 *guidance issued by the Director pursuant to section 3612—*

24 “(1) *create policies to ensure cloud computing*
25 *services used by the agency meet FedRAMP security*

1 *requirements and other risk-based performance re-*
2 *quirements as defined by the Director;*

3 *“(2) issue agency-specific authorizations to oper-*
4 *ate for cloud computing services in compliance with*
5 *section 3554;*

6 *“(3) confirm whether there is a provisional au-*
7 *thorization to operate in the cloud security repository*
8 *established under section 3608(b)(10) issued by the*
9 *Joint Authorization Board or a FedRAMP authoriza-*
10 *tion issued by the FedRAMP Program Management*
11 *Office before beginning an agency authorization for a*
12 *cloud computing product or service;*

13 *“(4) to the extent practicable, for any cloud com-*
14 *puting product or service the agency seeks to author-*
15 *ize that has received either a provisional authoriza-*
16 *tion to operate by the Joint Authorization Board or*
17 *a FedRAMP authorization by the FedRAMP Program*
18 *Management Office, use the existing assessments of se-*
19 *curity controls and materials within the authoriza-*
20 *tion package; and*

21 *“(5) provide data and information required to*
22 *the Director pursuant to section 3612 to determine*
23 *how agencies are meeting metrics as defined by the*
24 *FedRAMP Program Management Office.*

1 “(b) *SUBMISSION OF POLICIES REQUIRED.*—Not later
2 than 6 months after the date of the enactment of this section,
3 the head of each agency shall submit to the Director the
4 policies created pursuant to subsection (a)(1) for review and
5 approval.

6 “(c) *SUBMISSION OF AUTHORIZATIONS TO OPERATE*
7 *REQUIRED.*—Upon issuance of an authorization to operate
8 or a provisional authorization to operate issued by an agen-
9 cy, the head of each agency shall provide a copy of the au-
10 thorization to operate letter and any supplementary infor-
11 mation required pursuant to section 3608(b) to the
12 FedRAMP Program Management Office.

13 “(d) *PRESUMPTION OF ADEQUACY.*—

14 “(1) *IN GENERAL.*—The assessment of security
15 controls and materials within the authorization pack-
16 age for provisional authorizations to operate issued
17 by the Joint Authorization Board and agency author-
18 izations to operate that receive FedRAMP authoriza-
19 tion from the FedRAMP Program Management Office
20 shall be presumed adequate for use in agency author-
21 izations of cloud computing products and services.

22 “(2) *INFORMATION SECURITY REQUIREMENTS.*—
23 The presumption under paragraph (1) does not mod-
24 ify or alter the responsibility of any agency to ensure
25 compliance with subchapter II of chapter 35 for any

1 *cloud computing products or services used by the*
2 *agency.*

3 **“§3612. Roles and responsibilities of the Office of**
4 **Management and Budget**

5 *“The Director shall have the following duties:*

6 *“(1) Issue guidance to ensure that an agency*
7 *does not operate a Federal Government cloud com-*
8 *puting service using Government data without an au-*
9 *thorization to operate issued by the agency that meets*
10 *the requirements of subchapter II of chapter 35 and*
11 *FedRAMP.*

12 *“(2) Ensure agencies are in compliance with*
13 *any guidance or other requirements issued related to*
14 *FedRAMP.*

15 *“(3) Review, analyze, and update guidance on*
16 *the adoption, security, and use of cloud computing*
17 *services used by agencies.*

18 *“(4) Ensure the Joint Authorization Board is in*
19 *compliance with section 3609(c).*

20 *“(5) Adjudicate disagreements between the Joint*
21 *Authorization Board and cloud service providers seek-*
22 *ing a provisional authorization to operate through the*
23 *Joint Authorization Board.*

24 *“(6) Promulgate regulations on the role of*
25 *FedRAMP authorization in agency acquisition of*

1 *cloud computing products and services that process*
2 *unclassified information.*

3 **“§ 3613. Authorization of appropriations for**
4 **FEDRAMP**

5 *“There is authorized to be appropriated \$20,000,000*
6 *each year for the FedRAMP Program Management Office*
7 *and the Joint Authorization Board.*

8 **“§ 3614. Reports to Congress**

9 *“Not later than 12 months after the date of the enact-*
10 *ment of this section, and annually thereafter, the Director*
11 *shall submit to the Committee on Oversight and Reform of*
12 *the House of Representatives and the Committee on Home-*
13 *land Security and Governmental Affairs of the Senate a*
14 *report that includes the following:*

15 *“(1) The status, efficiency, and effectiveness of*
16 *FedRAMP Program Management Office and agencies*
17 *during the preceding year in supporting the speed, ef-*
18 *fectiveness, sharing, reuse, and security of authoriza-*
19 *tions to operate for cloud computing products and*
20 *services, including progress towards meeting the*
21 *metrics adopted by the FedRAMP Program Manage-*
22 *ment Office pursuant to section 3608(d) and the Joint*
23 *Authorization Board pursuant to section 3609(c)(5).*

24 *“(2) Data on agency use of provisional author-*
25 *izations to operate issued by the Joint Authorization*

1 *Board and agency sponsored authorizations that re-*
2 *ceive FedRAMP authorization by the FedRAMP Pro-*
3 *gram Management Office.*

4 “(3) *The length of time for the Joint Authoriza-*
5 *tion Board to review applications for and issue provi-*
6 *sional authorizations to operate.*

7 “(4) *The length of time for the FedRAMP Pro-*
8 *gram Management Office to review agency applica-*
9 *tions for and issue FedRAMP authorization.*

10 “(5) *The number of provisional authorizations to*
11 *operate issued by the Joint Authorization Board and*
12 *FedRAMP authorizations issued by the FedRAMP*
13 *Program Management Office for the previous year.*

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

18 “(7) *The number and characteristics of author-*
19 *ized cloud computing services in use at each agency*
20 *consistent with guidance provided by the Director in*
21 *section 3612.*

22 **“§ 3615. Federal Secure Cloud Advisory Committee**

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

24 “(1) *ESTABLISHMENT.—There is established a*
25 *Federal Secure Cloud Advisory Committee (referred to*

1 *in this section as the ‘Committee’ to ensure effective*
2 *and ongoing coordination of agency adoption, use,*
3 *authorization, monitoring, acquisition, and security*
4 *of cloud computing products and services to enable*
5 *agency mission and administrative priorities.*

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

8 *“(A) To examine the operations of*
9 *FedRAMP and determine ways that authoriza-*
10 *tion processes can continuously be improved, in-*
11 *cluding the following:*

12 *“(i) Measures to increase agency re-use*
13 *of provisional authorizations to operate*
14 *issued by the Joint Authorization Board.*

15 *“(ii) Proposed actions that can be*
16 *adopted to reduce the cost of provisional au-*
17 *thorizations to operate and FedRAMP au-*
18 *thorizations for cloud service providers.*

19 *“(iii) Measures to increase the number*
20 *of provisional authorizations to operate or*
21 *FedRAMP authorizations for cloud com-*
22 *puting services offered by small businesses*
23 *(as defined by section 3(a) of the Small*
24 *Business Act (15 U.S.C. 632(a)).*

1 “(B) *Collect information and feedback on*
2 *agency compliance with and implementation of*
3 *FedRAMP requirements.*

4 “(C) *Serve as a forum that facilitates com-*
5 *munication and collaboration among the*
6 *FedRAMP stakeholder community.*

7 “(3) *DUTIES.—The duties of the Committee are,*
8 *at a minimum, the following:*

9 “(A) *Provide advice and recommendations*
10 *to the Administrator, the Joint Authorization*
11 *Board, and to agencies on technical, financial,*
12 *programmatic, and operational matters regard-*
13 *ing secure adoption of cloud computing services.*

14 “(B) *Submit reports as required.*

15 “(b) *MEMBERS.—*

16 “(1) *COMPOSITION.—The Committee shall be*
17 *comprised of not more than 15 members who are*
18 *qualified representatives from the public and private*
19 *sectors, appointed by the Administrator, in consulta-*
20 *tion with the Administrator of the Office of Electronic*
21 *Government, as follows:*

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

1 “(B) At least 1 representative each from the
2 Cybersecurity and Infrastructure Security Agen-
3 cy and the National Institute of Standards and
4 Technology.

5 “(C) At least 2 officials who serve as the
6 Chief Information Security Officer within an
7 agency, who shall be required to maintain such
8 a position throughout the duration of their serv-
9 ice on the Committee.

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

15 “(E) At least 1 individual representing an
16 independent assessment organization.

17 “(F) No fewer than 5 representatives from
18 unique businesses that primarily provide cloud
19 computing services or products, including at
20 least 2 representatives from a small business (as
21 defined by section 3(a) of the Small Business Act
22 (15 U.S.C. 632(a))).

23 “(G) At least 2 other government represent-
24 atives as the Administrator determines to be nec-

1 *essary to provide sufficient balance, insights, or*
2 *expertise to the Committee.*

3 “(2) *DEADLINE FOR APPOINTMENT.*—*Each mem-*
4 *ber of the Committee shall be appointed not later than*
5 *30 days after the date of the enactment of this Act.*

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

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

15 “(B) *VACANCIES.*—*Any vacancy in the*
16 *Committee shall not affect its powers, but shall*
17 *be filled in the same manner in which the origi-*
18 *nal appointment was made. Any member ap-*
19 *pointed to fill a vacancy occurring before the ex-*
20 *piration of the term for which the member’s*
21 *predecessor was appointed shall be appointed*
22 *only for the remainder of that term. A member*
23 *may serve after the expiration of that member’s*
24 *term until a successor has taken office.*

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

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

4 “(2) *INITIAL MEETING.*—*Not later than 120 days*
5 *after the date of the enactment of this section, the*
6 *Committee shall meet and begin the operations of the*
7 *Committee.*

8 “(3) *RULES OF PROCEDURE.*—*The Committee*
9 *may establish rules for the conduct of the business of*
10 *the Committee, if such rules are not inconsistent with*
11 *this section or other applicable law.*

12 “(d) *EMPLOYEE STATUS.*—

13 “(1) *IN GENERAL.*—*A member of the Committee*
14 *(other than a member who is appointed to the Com-*
15 *mittee in connection with another Federal appoint-*
16 *ment) shall not be considered an employee of the Fed-*
17 *eral Government by reason of any service as such a*
18 *member, except for the purposes of section 5703 of*
19 *title 5, relating to travel expenses.*

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

23 “(e) *APPLICABILITY TO THE FEDERAL ADVISORY COM-*
24 *MITTEE ACT.*—*Notwithstanding any other provision of law,*
25 *the Federal Advisory Committee Act (5 U.S.C. App.) shall*

1 *apply to the Committee, except that section 14 of such Act*
2 *shall not apply.*

3 “(f) *HEARINGS AND EVIDENCE.*—*The Committee, or*
4 *on the authority of the Committee, any subcommittee, may,*
5 *for the purposes of carrying out this section, hold hearings,*
6 *sit and act at such times and places, take testimony, receive*
7 *evidence, and administer oaths.*

8 “(g) *CONTRACTING.*—*The Committee, may, to such ex-*
9 *tent and in such amounts as are provided in appropriation*
10 *Acts, enter into contracts to enable the Committee to dis-*
11 *charge its duties under this section.*

12 “(h) *INFORMATION FROM FEDERAL AGENCIES.*—

13 “(1) *IN GENERAL.*—*The Committee is authorized*
14 *to secure directly from any executive department, bu-*
15 *reau, agency, board, commission, office, independent*
16 *establishment, or instrumentality of the Government,*
17 *information, suggestions, estimates, and statistics for*
18 *the purposes of the Committee. Each department, bu-*
19 *reau, agency, board, commission, office, independent*
20 *establishment, or instrumentality shall, to the extent*
21 *authorized by law, furnish such information, sugges-*
22 *tions, estimates, and statistics directly to the Com-*
23 *mittee, upon request made by the Chair, the Chair of*
24 *any subcommittee created by a majority of the Com-*

1 *mittee, or any member designated by a majority of*
2 *the Committee.*

3 “(2) *RECEIPT, HANDLING, STORAGE, AND DIS-*
4 *SEMINATION.—Information may only be received,*
5 *handled, stored, and disseminated by members of the*
6 *Committee and its staff consistent with all applicable*
7 *statutes, regulations, and Executive orders.*

8 “(i) *ASSISTANCE FROM AGENCIES.—*

9 “(1) *OTHER DEPARTMENTS AND AGENCIES.—In*
10 *addition to the administration of the Committee by*
11 *the General Services Administration, other agencies*
12 *may provide to the Committee such services, funds,*
13 *facilities, staff, and other support services as the head*
14 *of the agency determines to be advisable and as is au-*
15 *thorized by law.*

16 “(2) *DETAIL OF EMPLOYEES.—Any Federal Gov-*
17 *ernment employee may be detailed to the Committee*
18 *without reimbursement from the Committee, and such*
19 *detailee shall retain the rights, status, and privileges*
20 *of his or her regular employment without interrup-*
21 *tion.*

22 “(j) *POSTAL SERVICES.—The Committee may use the*
23 *United States mails in the same manner and under the*
24 *same conditions as agencies.*

1 “(k) *EXPERT AND CONSULTANT SERVICES.*—*The Com-*
2 *mittee is authorized to procure the services of experts and*
3 *consultants in accordance with section 3109 of title 5, but*
4 *at rates not to exceed the daily rate paid a person occu-*
5 *pying a position at Level IV of the Executive Schedule*
6 *under section 5315 of title 5.*

7 “(l) *REPORTS.*—

8 “(1) *INTERIM REPORTS.*—*The Committee may*
9 *submit to the Administrator and Congress interim re-*
10 *ports containing such findings, conclusions, and rec-*
11 *ommendations as have been agreed to by the Com-*
12 *mittee.*

13 “(2) *ANNUAL REPORTS.*—*Not later than 18*
14 *months after the date of the enactment of this section,*
15 *and annually thereafter, the Committee shall submit*
16 *to the Administrator and Congress a final report con-*
17 *taining such findings, conclusions, and recommenda-*
18 *tions as have been agreed to by the Committee.*

19 “§ 3616. **Definitions**

20 “(a) *IN GENERAL.*—*Except as provided under sub-*
21 *section (b), the definitions under sections 3502 and 3552*
22 *apply to sections 3607 through this section.*

23 “(b) *ADDITIONAL DEFINITIONS.*—*In sections 3607*
24 *through this section:*

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

3 “(2) *AUTHORIZATION PACKAGE.*—*The term ‘au-*
4 *thorization package’—*

5 “(A) *means the essential information used*
6 *to determine whether to authorize the operation*
7 *of an information system or the use of a des-*
8 *ignated set of common controls; and*

9 “(B) *at a minimum, includes the informa-*
10 *tion system security plan, privacy plan, security*
11 *control assessment, privacy control assessment,*
12 *and any relevant plans of action and milestones.*

13 “(3) *CLOUD COMPUTING.*—*The term ‘cloud com-*
14 *puting’ has the meaning given that term by the Na-*
15 *tional Institutes of Standards and Technology in*
16 *NIST Special Publication 800–145 and any amend-*
17 *atory or superseding document thereto.*

18 “(4) *CLOUD SERVICE PROVIDER.*—*The term*
19 *‘cloud service provider’ means an entity offering cloud*
20 *computing services to agencies.*

21 “(5) *DIRECTOR.*—*The term ‘Director’ means the*
22 *Director of the Office of Management and Budget.*

23 “(6) *FEDRAMP.*—*The term ‘FedRAMP’ means*
24 *the Federal Risk and Authorization Management Pro-*
25 *gram established under section 3607(a).*

1 “(7) *FEDRAMP AUTHORIZATION.*—*The term*
2 *‘FedRAMP authorization’ means a cloud computing*
3 *product or service that has received an agency author-*
4 *ization to operate and has been approved by the*
5 *FedRAMP Program Management Office to meet re-*
6 *quirements and guidelines established by the*
7 *FedRAMP Program Management Office.*

8 “(8) *FEDRAMP PROGRAM MANAGEMENT OF-*
9 *FICE.*—*The term ‘FedRAMP Program Management*
10 *Office’ means the office that administers FedRAMP*
11 *established under section 3608.*

12 “(9) *INDEPENDENT ASSESSMENT ORGANIZA-*
13 *TION.*—*The term ‘independent assessment organiza-*
14 *tion’ means a third-party organization accredited by*
15 *the Program Director of the FedRAMP Program*
16 *Management Office to undertake conformity assess-*
17 *ments of cloud service providers.*

18 “(10) *JOINT AUTHORIZATION BOARD.*—*The term*
19 *‘Joint Authorization Board’ means the Joint Author-*
20 *ization Board established under section 3609.’.*

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

“3607. *Federal Risk and Authorization Management Program.*

“3608. *FedRAMP Program Management Office.*

“3609. *Joint Authorization Board.*

“3610. *Independent assessment organizations.*

“3611. *Roles and responsibilities of agencies.*

“3612. *Roles and responsibilities of the Office of Management and Budget.*

“3613. *Authorization of appropriations for FEDRAMP.*

“3614. *Reports to Congress.*

“3615. *Federal Secure Cloud Advisory Committee.*

“3616. *Definitions.*”.

1 (c) *SUNSET.*—*This Act and any amendment made by*
2 *this Act shall be repealed on the date that is 10 years after*
3 *the date of the enactment of this Act.*

4 (d) *RULE OF CONSTRUCTION.*—*Nothing in this Act or*
5 *any amendment made by this Act shall be construed as al-*
6 *tering or impairing the authorities of the Director of the*
7 *Office of Management and Budget or the Secretary of*
8 *Homeland Security under subchapter II of chapter 35 of*
9 *title 44, United States Code.*

Union Calendar No. 315

116TH CONGRESS
2^D SESSION

H. R. 3941

[Report No. 116-391]

A BILL

To enhance the innovation, security, and availability of cloud computing services used in the Federal Government by establishing the Federal Risk and Authorization Management Program within the General Services Administration and by establishing a risk management, authorization, and continuous monitoring process to enable the Federal Government to leverage cloud computing services using a risk-based approach consistent with the Federal Information Security Modernization Act of 2014 and cloud-based operations, and for other purposes.

FEBRUARY 5, 2020

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed