

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3941

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## AN ACT

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 fol-  
10 lowing 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  
16 of General Services, in accordance with the guidelines es-  
17 tablished pursuant to section 3612, shall establish a gov-  
18 ernmentwide program that provides the authoritative  
19 standardized approach to security assessment and author-  
20 ization for cloud computing products and services that  
21 process unclassified information used by agencies.

22 “(b) COMPONENTS OF FEDRAMP.—The Joint Au-  
23 thorization Board and the FedRAMP Program Manage-  
24 ment 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 charac-  
6 teristics of cloud computing information tech-  
7 nology goods or services that are within the ju-  
8 risdiction of FedRAMP and that require  
9 FedRAMP authorization from the Joint Au-  
10 thorization Board or the FedRAMP Program  
11 Management Office;

12 “(B) develop, coordinate, and implement a  
13 process for the FedRAMP Program Manage-  
14 ment Office, the Joint Authorization Board,  
15 and agencies to review security assessments of  
16 cloud computing services pursuant to sub-  
17 sections (b) and (c) of section 3611, and appro-  
18 priate oversight of continuous monitoring of  
19 cloud computing services; and

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

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

1           “(A) appointing a Program Director to  
2           oversee the FedRAMP Program Management  
3           Office;

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

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

15          “(D) such other actions as the Adminis-  
16          trator may determine necessary to carry out  
17          this section.

18          “(b) DUTIES.—The FedRAMP Program Manage-  
19          ment Office shall have the following duties:

20                 “(1) Provide guidance to independent assess-  
21                 ment organizations, validate the independent assess-  
22                 ments, and apply the requirements and guidelines  
23                 adopted in section 3609(c)(5).

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

4           “(3) Develop templates and other materials to  
5           support the Joint Authorization Board and agencies  
6           in the authorization of cloud computing services to  
7           increase the speed, effectiveness, and transparency  
8           of the authorization process, consistent with stand-  
9           ards defined by the National Institute of Standards  
10          and Technology.

11          “(4) Establish and maintain a public comment  
12          process for proposed guidance before the issuance of  
13          such guidance by FedRAMP.

14          “(5) Issue FedRAMP authorization for any au-  
15          thorizations to operate issued by an agency that  
16          meets the requirements and guidelines described in  
17          paragraph (1).

18          “(6) Establish frameworks for agencies to use  
19          authorization packages processed by the FedRAMP  
20          Program Management Office and Joint Authoriza-  
21          tion Board.

22          “(7) Coordinate with the Secretary of Defense  
23          and the Secretary of Homeland Security to establish  
24          a framework for continuous monitoring and report-  
25          ing required of agencies pursuant to section 3553.

1           “(8) Establish a centralized and secure reposi-  
2           tory to collect and share necessary data, including  
3           security authorization packages, from the Joint Au-  
4           thorization Board and agencies to enable better  
5           sharing and reuse to such packages across agencies.

6           “(c) EVALUATION OF AUTOMATION PROCEDURES.—

7           “(1) IN GENERAL.—The FedRAMP Program  
8           Management Office shall assess and evaluate avail-  
9           able automation capabilities and procedures to im-  
10          prove the efficiency and effectiveness of the issuance  
11          of provisional authorizations to operate issued by the  
12          Joint Authorization Board and FedRAMP author-  
13          izations, including continuous monitoring of cloud  
14          environments and among cloud environments.

15          “(2) MEANS FOR AUTOMATION.—Not later than  
16          1 year after the date of the enactment of this section  
17          and updated annually thereafter, the FedRAMP  
18          Program Management Office shall establish a means  
19          for the automation of security assessments and re-  
20          views.

21          “(d) METRICS FOR AUTHORIZATION.—The  
22          FedRAMP Program Management Office shall establish  
23          annual metrics regarding the time and quality of the as-  
24          sessments necessary for completion of a FedRAMP au-  
25          thorization process in a manner that can be consistently

1 tracked over time in conjunction with the periodic testing  
2 and evaluation process pursuant to section 3554 in a man-  
3 ner that minimizes the agency reporting burden.

4 **“§ 3609. Joint Authorization Board**

5 “(a) ESTABLISHMENT.—There is established the  
6 Joint Authorization Board which shall consist of cloud  
7 computing experts, appointed by the Director in consulta-  
8 tion with the Administrator, from each of the following:

9 “(1) The Department of Defense.

10 “(2) The Department of Homeland Security.

11 “(3) The General Services Administration.

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

14 “(b) ISSUANCE OF PROVISIONAL AUTHORIZATIONS  
15 TO OPERATE.—The Joint Authorization Board shall con-  
16 duct security assessments of cloud computing services and  
17 issue provisional authorizations to operate to cloud service  
18 providers that meet FedRAMP security guidelines set  
19 forth in section 3608(b)(1).

20 “(c) DUTIES.—The Joint Authorization Board  
21 shall—

22 “(1) develop and make publicly available on a  
23 website, determined by the Administrator, criteria  
24 for prioritizing and selecting cloud computing serv-

1 ices to be assessed by the Joint Authorization  
2 Board;

3 “(2) provide regular updates on the status of  
4 any cloud computing service during the assessment  
5 and authorization process of the Joint Authorization  
6 Board;

7 “(3) review and validate cloud computing serv-  
8 ices and independent assessment organization secu-  
9 rity packages or any documentation determined to  
10 be necessary by the Joint Authorization Board to  
11 evaluate the system security of a cloud computing  
12 service;

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

16 “(5) establish requirements and guidelines for  
17 security assessments of cloud computing services,  
18 consistent with standards defined by the National  
19 Institute of Standards and Technology, to be used  
20 by the Joint Authorization Board and agencies;

21 “(6) perform such other roles and responsibil-  
22 ities as the Administrator may assign, in consulta-  
23 tion with the FedRAMP Program Management Of-  
24 fice and members of the Joint Authorization Board;  
25 and

1           “(7) establish metrics and goals for reviews and  
2           activities associated with issuing provisional author-  
3           izations to operate and provide to the FedRAMP  
4           Program Management Office.

5           “(d) DETERMINATIONS OF DEMAND FOR CLOUD  
6           COMPUTING SERVICES.—The Joint Authorization Board  
7           shall consult with the Chief Information Officers Council  
8           established in section 3603 to establish a process for  
9           prioritizing and accepting the cloud computing services to  
10          be granted a provisional authorization to operate through  
11          the Joint Authorization Board, which shall be made avail-  
12          able on a public website.

13          “(e) DETAIL OF PERSONNEL.—To assist the Joint  
14          Authorization Board in discharging the responsibilities  
15          under this section, personnel of agencies may be detailed  
16          to the Joint Authorization Board for the performance of  
17          duties described under subsection (c).

18          **“§ 3610. Independent assessment organizations**

19          “(a) REQUIREMENTS FOR ACCREDITATION.—The  
20          Joint Authorization Board shall determine the require-  
21          ments for certification of independent assessment organi-  
22          zations pursuant to section 3609. Such requirements may  
23          include developing or requiring certification programs for  
24          individuals employed by the independent assessment orga-  
25          nizations who lead FedRAMP assessment teams.

1 “(b) ASSESSMENT.—Accredited independent assess-  
2 ment organizations may assess, validate, and attest to the  
3 quality and compliance of security assessment materials  
4 provided by cloud service providers.

5 **“§ 3611. Roles and responsibilities of agencies**

6 “(a) IN GENERAL.—In implementing the require-  
7 ments of FedRAMP, the head of each agency shall, con-  
8 sistent with guidance issued by the Director pursuant to  
9 section 3612—

10 “(1) create policies to ensure cloud computing  
11 services used by the agency meet FedRAMP security  
12 requirements and other risk-based performance re-  
13 quirements as defined by the Director;

14 “(2) issue agency-specific authorizations to op-  
15 erate for cloud computing services in compliance  
16 with section 3554;

17 “(3) confirm whether there is a provisional au-  
18 thorization to operate in the cloud security reposi-  
19 tory established under section 3608(b)(10) issued by  
20 the Joint Authorization Board or a FedRAMP au-  
21 thorization issued by the FedRAMP Program Man-  
22 agement Office before beginning an agency author-  
23 ization for a cloud computing product or service;

24 “(4) to the extent practicable, for any cloud  
25 computing product or service the agency seeks to au-

1       thorize that has received either a provisional author-  
2       ization to operate by the Joint Authorization Board  
3       or a FedRAMP authorization by the FedRAMP Pro-  
4       gram Management Office, use the existing assess-  
5       ments of security controls and materials within the  
6       authorization package; and

7               “(5) provide data and information required to  
8       the Director pursuant to section 3612 to determine  
9       how agencies are meeting metrics as defined by the  
10      FedRAMP Program Management Office.

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

16      “(c) SUBMISSION OF AUTHORIZATIONS TO OPERATE  
17     REQUIRED.—Upon issuance of an authorization to oper-  
18     ate or a provisional authorization to operate issued by an  
19     agency, the head of each agency shall provide a copy of  
20     the authorization to operate letter and any supplementary  
21     information required pursuant to section 3608(b) to the  
22     FedRAMP Program Management Office.

23      “(d) PRESUMPTION OF ADEQUACY.—

24               “(1) IN GENERAL.—The assessment of security  
25      controls and materials within the authorization

1 package for provisional authorizations to operate  
2 issued by the Joint Authorization Board and agency  
3 authorizations to operate that receive FedRAMP au-  
4 thorization from the FedRAMP Program Manage-  
5 ment Office shall be presumed adequate for use in  
6 agency authorizations of cloud computing products  
7 and services.

8 “(2) INFORMATION SECURITY REQUIRE-  
9 MENTS.—The presumption under paragraph (1)  
10 does not modify or alter the responsibility of any  
11 agency to ensure compliance with subchapter II of  
12 chapter 35 for any cloud computing products or  
13 services used by the agency.

14 **“§ 3612. Roles and responsibilities of the Office of**  
15 **Management and Budget**

16 “The Director shall have the following duties:

17 “(1) Issue guidance to ensure that an agency  
18 does not operate a Federal Government cloud com-  
19 puting service using Government data without an  
20 authorization to operate issued by the agency that  
21 meets the requirements of subchapter II of chapter  
22 35 and FedRAMP.

23 “(2) Ensure agencies are in compliance with  
24 any guidance or other requirements issued related to  
25 FedRAMP.

1           “(3) Review, analyze, and update guidance on  
2           the adoption, security, and use of cloud computing  
3           services used by agencies.

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

6           “(5) Adjudicate disagreements between the  
7           Joint Authorization Board and cloud service pro-  
8           viders seeking a provisional authorization to operate  
9           through the Joint Authorization Board.

10           “(6) Promulgate regulations on the role of  
11           FedRAMP authorization in agency acquisition of  
12           cloud computing products and services that process  
13           unclassified information.

14   **“§ 3613. Authorization of appropriations for**  
15           **FEDRAMP**

16           “‘There is authorized to be appropriated \$20,000,000  
17           each year for the FedRAMP Program Management Office  
18           and the Joint Authorization Board.

19   **“§ 3614. Reports to Congress**

20           “‘Not later than 12 months after the date of the en-  
21           actment of this section, and annually thereafter, the Di-  
22           rector shall submit to the Committee on Oversight and  
23           Reform of the House of Representatives and the Com-  
24           mittee on Homeland Security and Governmental Affairs  
25           of the Senate a report that includes the following:

1           “(1) The status, efficiency, and effectiveness of  
2           FedRAMP Program Management Office and agen-  
3           cies during the preceding year in supporting the  
4           speed, effectiveness, sharing, reuse, and security of  
5           authorizations to operate for cloud computing prod-  
6           ucts and services, including progress towards meet-  
7           ing the metrics adopted by the FedRAMP Program  
8           Management Office pursuant to section 3608(d) and  
9           the Joint Authorization Board pursuant to section  
10          3609(e)(5).

11          “(2) Data on agency use of provisional author-  
12          izations to operate issued by the Joint Authorization  
13          Board and agency sponsored authorizations that re-  
14          ceive FedRAMP authorization by the FedRAMP  
15          Program Management Office.

16          “(3) The length of time for the Joint Author-  
17          ization Board to review applications for and issue  
18          provisional authorizations to operate.

19          “(4) The length of time for the FedRAMP Pro-  
20          gram Management Office to review agency applica-  
21          tions for and issue FedRAMP authorization.

22          “(5) The number of provisional authorizations  
23          to operate issued by the Joint Authorization Board  
24          and FedRAMP authorizations issued by the

1 FedRAMP Program Management Office for the pre-  
2 vious year.

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

7 “(7) The number and characteristics of author-  
8 ized cloud computing services in use at each agency  
9 consistent with guidance provided by the Director in  
10 section 3612.

11 **“§ 3615. Federal Secure Cloud Advisory Committee**

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

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

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

22 “(A) To examine the operations of  
23 FedRAMP and determine ways that authoriza-  
24 tion processes can continuously be improved, in-  
25 cluding the following:

1           “(i) Measures to increase agency re-  
2           use of provisional authorizations to operate  
3           issued by the Joint Authorization Board.

4           “(ii) Proposed actions that can be  
5           adopted to reduce the cost of provisional  
6           authorizations to operate and FedRAMP  
7           authorizations for cloud service providers.

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

14          “(B) Collect information and feedback on  
15          agency compliance with and implementation of  
16          FedRAMP requirements.

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

20          “(3) DUTIES.—The duties of the Committee  
21          are, at a minimum, the following:

22                 “(A) Provide advice and recommendations  
23                 to the Administrator, the Joint Authorization  
24                 Board, and to agencies on technical, financial,

1 programmatic, and operational matters regard-  
2 ing secure adoption of cloud computing services.

3 “(B) Submit reports as required.

4 “(b) MEMBERS.—

5 “(1) COMPOSITION.—The Committee shall be  
6 comprised of not more than 15 members who are  
7 qualified representatives from the public and private  
8 sectors, appointed by the Administrator, in consulta-  
9 tion with the Administrator of the Office of Elec-  
10 tronic Government, as follows:

11 “(A) The Administrator or the Administra-  
12 tor’s designee, who shall be the Chair of the  
13 Committee.

14 “(B) At least one representative each from  
15 the Cybersecurity and Infrastructure Security  
16 Agency and the National Institute of Standards  
17 and Technology.

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

23 “(D) At least one official serving as Chief  
24 Procurement Officer (or equivalent) in an agen-  
25 cy, who shall be required to maintain such a po-

1           sition throughout the duration of their service  
2           on the Committee.

3           “(E) At least one individual representing  
4           an independent assessment organization.

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

11          “(G) At least two other government rep-  
12          resentatives as the Administrator determines to  
13          be necessary to provide sufficient balance, in-  
14          sights, or expertise to the Committee.

15          “(2) DEADLINE FOR APPOINTMENT.—Each  
16          member of the Committee shall be appointed not  
17          later than 30 days after the date of the enactment  
18          of this Act.

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

20          “(A) IN GENERAL.—Each non-Federal  
21          member of the Committee shall be appointed  
22          for a term of 3 years, except that the initial  
23          terms for members may be staggered 1, 2, or  
24          3 year terms to establish a rotation in which  
25          one-third of the members are selected each

1 year. Any such member may be appointed for  
2 not more than 2 consecutive terms.

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

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

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

17 “(2) INITIAL MEETING.—Not later than 120  
18 days after the date of the enactment of this section,  
19 the Committee shall meet and begin the operations  
20 of the Committee.

21 “(3) RULES OF PROCEDURE.—The Committee  
22 may establish rules for the conduct of the business  
23 of the Committee, if such rules are not inconsistent  
24 with this section or other applicable law.

25 “(d) EMPLOYEE STATUS.—

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

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

11          “(e) APPLICABILITY TO THE FEDERAL ADVISORY  
12          COMMITTEE ACT.—Notwithstanding any other provision  
13          of law, the Federal Advisory Committee Act (5 U.S.C.  
14          App.) shall apply to the Committee, except that section  
15          14 of such Act shall not apply.

16          “(f) HEARINGS AND EVIDENCE.—The Committee, or  
17          on the authority of the Committee, any subcommittee,  
18          may, for the purposes of carrying out this section, hold  
19          hearings, sit and act at such times and places, take testi-  
20          mony, receive evidence, and administer oaths.

21          “(g) CONTRACTING.—The Committee, may, to such  
22          extent and in such amounts as are provided in appropria-  
23          tion Acts, enter into contracts to enable the Committee  
24          to discharge its duties under this section.

25          “(h) INFORMATION FROM FEDERAL AGENCIES.—

1           “(1) IN GENERAL.—The Committee is author-  
2           ized to secure directly from any executive depart-  
3           ment, bureau, agency, board, commission, office,  
4           independent establishment, or instrumentality of the  
5           Government, information, suggestions, estimates,  
6           and statistics for the purposes of the Committee.  
7           Each department, bureau, agency, board, commis-  
8           sion, office, independent establishment, or instru-  
9           mentality shall, to the extent authorized by law, fur-  
10          nish such information, suggestions, estimates, and  
11          statistics directly to the Committee, upon request  
12          made by the Chair, the Chair of any subcommittee  
13          created by a majority of the Committee, or any  
14          member designated by a majority of the Committee.

15           “(2) RECEIPT, HANDLING, STORAGE, AND DIS-  
16          SEMINATION.—Information may only be received,  
17          handled, stored, and disseminated by members of  
18          the Committee and its staff consistent with all appli-  
19          cable statutes, regulations, and Executive orders.

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

4       “(k) EXPERT AND CONSULTANT SERVICES.—The  
5 Committee is authorized to procure the services of experts  
6 and consultants in accordance with section 3109 of title  
7 5, but at rates not to exceed the daily rate paid a person  
8 occupying a position at Level IV of the Executive Schedule  
9 under section 5315 of title 5.

10       “(l) REPORTS.—

11               “(1) INTERIM REPORTS.—The Committee may  
12 submit to the Administrator and Congress interim  
13 reports containing such findings, conclusions, and  
14 recommendations as have been agreed to by the  
15 Committee.

16               “(2) ANNUAL REPORTS.—Not later than 18  
17 months after the date of the enactment of this sec-  
18 tion, and annually thereafter, the Committee shall  
19 submit to the Administrator and Congress a final re-  
20 port containing such findings, conclusions, and rec-  
21 ommendations as have been agreed to by the Com-  
22 mittee.

1 **“§ 3616. Definitions**

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

5 “(b) ADDITIONAL DEFINITIONS.—In sections 3607  
6 through this section:

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

9 “(2) AUTHORIZATION PACKAGE.—The term  
10 ‘authorization package’—

11 “(A) means the essential information used  
12 to determine whether to authorize the operation  
13 of an information system or the use of a des-  
14 ignated set of common controls; and

15 “(B) at a minimum, includes the informa-  
16 tion system security plan, privacy plan, security  
17 control assessment, privacy control assessment,  
18 and any relevant plans of action and milestones.

19 “(3) CLOUD COMPUTING.—The term ‘cloud  
20 computing’ has the meaning given that term by the  
21 National Institutes of Standards and Technology in  
22 NIST Special Publication 800–145 and any amend-  
23 atory or superseding document thereto.

24 “(4) CLOUD SERVICE PROVIDER.—The term  
25 ‘cloud service provider’ means an entity offering  
26 cloud computing services to agencies.

1           “(5) DIRECTOR.—The term ‘Director’ means  
2 the Director of the Office of Management and Budg-  
3 et.

4           “(6) FEDRAMP.—The term ‘FedRAMP’ means  
5 the Federal Risk and Authorization Management  
6 Program established under section 3607(a).

7           “(7) FEDRAMP AUTHORIZATION.—The term  
8 ‘FedRAMP authorization’ means a cloud computing  
9 product or service that has received an agency au-  
10 thORIZATION to operate and has been approved by the  
11 FedRAMP Program Management Office to meet re-  
12 quirements and guidelines established by the  
13 FedRAMP Program Management Office.

14           “(8) FEDRAMP PROGRAM MANAGEMENT OF-  
15 FICE.—The term ‘FedRAMP Program Management  
16 Office’ means the office that administers FedRAMP  
17 established under section 3608.

18           “(9) INDEPENDENT ASSESSMENT ORGANIZA-  
19 TION.—The term ‘independent assessment organiza-  
20 tion’ means a third-party organization accredited by  
21 the Program Director of the FedRAMP Program  
22 Management Office to undertake conformity assess-  
23 ments of cloud service providers.

24           “(10) JOINT AUTHORIZATION BOARD.—The  
25 term ‘Joint Authorization Board’ means the Joint

1 Authorization Board established under section  
2 3609.”.

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. 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.”.

7 (c) SUNSET.—This Act and any amendment made by  
8 this Act shall be repealed on the date that is 10 years  
9 after the date of the enactment of this Act.

10 (d) RULE OF CONSTRUCTION.—Nothing in this Act  
11 or any amendment made by this Act shall be construed  
12 as altering or impairing the authorities of the Director of  
13 the Office of Management and Budget or the Secretary  
14 of Homeland Security under subchapter II of chapter 35  
15 of title 44, United States Code.

Passed the House of Representatives February 5,  
2020.

Attest:

*Clerk.*

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3941

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## AN ACT

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.