

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. 3099

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. PETERS (for himself, Mr.
HAWLEY, Ms. HASSAN, and Mr. PORTMAN)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

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

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 Circular entitled ‘Man-
14 aging Information as a Strategic Resource’, or any
15 successor 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 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 interests, foreign influences, and foreign
6 control 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 data and information required to
13 the Director pursuant to section 3614 to determine
14 how agencies are meeting metrics established by the
15 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 products or services
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 services by the Federal Government;

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

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

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

19 **“§ 3615. Reports to congress; GAO report**

20 “(a) REPORTS TO CONGRESS.—Not later than 1 year
21 after the date of enactment of this section, and annually
22 thereafter, the Director shall submit to the appropriate
23 congressional committees a report that includes the fol-
24 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 “(b) GAO REPORT.—Not later than 180 days after
24 the date of enactment of this section, the Comptroller
25 General of the United States shall report to the appro-

1 p r i a t e c o n g r e s s i o n a l c o m m i t t e e s a n a s s e s s m e n t o f t h e f o l -
2 l o w i n g :

3 “(1) The costs incurred by agencies and cloud
4 service providers relating to the issuance of
5 FedRAMP authorizations.

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

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

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

17 **“§ 3616. Federal Secure Cloud Advisory Committee**

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

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

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

3 “(A) To examine the operations of
4 FedRAMP and determine ways that authoriza-
5 tion processes can continuously be improved, in-
6 cluding the following:

7 “(i) Measures to increase agency
8 reuse of FedRAMP authorizations.

9 “(ii) Proposed actions that can be
10 adopted to reduce the burden, confusion,
11 and cost associated with FedRAMP au-
12 thorizations for cloud service providers.

13 “(iii) Measures to increase the num-
14 ber of FedRAMP authorizations for cloud
15 computing services offered by small busi-
16 nesses concerns (as defined by section 3(a)
17 of the Small Business Act (15 U.S.C.
18 632(a)).

19 “(iv) Proposed actions that can be
20 adopted to reduce the burden and cost of
21 FedRAMP authorizations for agencies.

22 “(B) Collect information and feedback on
23 agency compliance with and implementation of
24 FedRAMP requirements.

1 “(C) Serve as a forum that facilitates com-
2 munication and collaboration among the
3 FedRAMP stakeholder community.

4 “(3) DUTIES.—The duties of the Committee in-
5 clude providing advice and recommendations to the
6 Administrator, the FedRAMP Board, and agencies
7 on technical, financial, programmatic, and oper-
8 ational matters regarding secure adoption of cloud
9 computing products and services.

10 “(b) MEMBERS.—

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

16 “(A) The Administrator or the Administra-
17 tor’s designee, who shall be the Chair of the
18 Committee.

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

23 “(C) At least 2 officials who serve as the
24 Chief Information Security Officer within an
25 agency, who shall be required to maintain such

1 a position throughout the duration of their serv-
2 ice on the Committee.

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

8 “(E) At least 1 individual representing an
9 independent assessment organization.

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

16 “(G) At least 2 other representatives of the
17 Federal Government as the Administrator de-
18 termines necessary to provide sufficient balance,
19 insights, or expertise to the Committee.

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

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

1 “(A) IN GENERAL.—Each non-Federal
2 member of the Committee shall be appointed
3 for a term of 3 years, except that the initial
4 terms for members may be staggered 1-, 2-, or
5 3-year terms to establish a rotation in which
6 one-third of the members are selected each
7 year. Any such member may be appointed for
8 not more than 2 consecutive terms.

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

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

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

23 “(2) INITIAL MEETING.—Not later than 120
24 days after the date of enactment of this section, the

1 Committee shall meet and begin the operations of
2 the Committee.

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

7 “(d) EMPLOYEE STATUS.—

8 “(1) IN GENERAL.—A member of the Com-
9 mittee (other than a member who is appointed to the
10 Committee in connection with another Federal ap-
11 pointment) shall not be considered an employee of
12 the Federal Government by reason of any service as
13 such a member, except for the purposes of section
14 5703 of title 5, relating to travel expenses.

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

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

22 “(f) DETAIL OF EMPLOYEES.—Any Federal Govern-
23 ment employee may be detailed to the Committee without
24 reimbursement from the Committee, and such detailee

1 shall retain the rights, status, and privileges of his or her
2 regular employment without interruption.

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

6 “(h) REPORTS.—

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

12 “(2) ANNUAL REPORTS.—Not later than 540
13 days after the date of enactment of this section, and
14 annually thereafter, the Committee shall submit to
15 the Administrator and Congress a final report con-
16 taining such findings, conclusions, and recommenda-
17 tions as have been agreed to by the Committee.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENT.—
19 The table of sections for chapter 36 of title 44, United
20 States Code, is amended by adding at the end the fol-
21 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.”.

1 (c) SUNSET.—

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

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

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