

ommendations to the Administrator regarding the requirements and guidelines for, and the prioritization of, security assessments of cloud computing products and services.

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

- (1) The Department of Defense.
- (2) The Department of Homeland Security.
- (3) The General Services Administration.
- (4) Such other agencies as determined by the Director, in consultation with the Administrator.

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

- (1) cloud computing;
- (2) cybersecurity;
- (3) privacy;
- (4) risk management; and
- (5) other competencies identified by the Director to support the secure authorization of cloud services and products.

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

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

(2) establish and regularly update requirements and guidelines for security authorizations of cloud computing products and services, consistent with standards and guidelines established by the Director of the National Institute of Standards and Technology, to be used in the determination of FedRAMP authorizations;

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

(4) ensure consistency and transparency between agencies and cloud service providers in a manner that minimizes confusion and engenders trust; and

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

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

(Added Pub. L. 117–263, div. E, title LIX, § 5921(b), Dec. 23, 2022, 136 Stat. 3452.)

REPEAL OF SECTION

For repeal of section by section 5921(d)(1) of Pub. L. 117–263, see Effective Date of Repeal note below.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Pub. L. 117–263, div. E, title LIX, § 5921(d)(1), Dec. 23, 2022, 136 Stat. 3458, provided that the repeal of this section is effective on the date that is 5 years after Dec. 23, 2022.

CONSTRUCTION

For rule of construction regarding section 5921 of Pub. L. 117–263, see section 5921(e) of Pub. L. 117–263, set out as a note under section 3607 of this title.

§ 3611. Independent assessment

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

(Added Pub. L. 117–263, div. E, title LIX, § 5921(b), Dec. 23, 2022, 136 Stat. 3453.)

REPEAL OF SECTION

For repeal of section by section 5921(d)(1) of Pub. L. 117–263, see Effective Date of Repeal note below.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Pub. L. 117–263, div. E, title LIX, § 5921(d)(1), Dec. 23, 2022, 136 Stat. 3458, provided that the repeal of this section is effective on the date that is 5 years after Dec. 23, 2022.

CONSTRUCTION

For rule of construction regarding section 5921 of Pub. L. 117–263, see section 5921(e) of Pub. L. 117–263, set out as a note under section 3607 of this title.

§ 3612. Declaration of foreign interests

(a) **IN GENERAL.**—An independent assessment service that performs services described in section 3611 shall annually submit to the Administrator information relating to any foreign interest, foreign influence, or foreign control of the independent assessment service.

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

(c) **CERTIFICATION.**—The Administrator may require a representative of an independent assessment service to certify the accuracy and completeness of any information submitted under this section.

(Added Pub. L. 117–263, div. E, title LIX, § 5921(b), Dec. 23, 2022, 136 Stat. 3453.)

REPEAL OF SECTION

For repeal of section by section 5921(d)(1) of Pub. L. 117–263, see Effective Date of Repeal note below.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Pub. L. 117–263, div. E, title LIX, § 5921(d)(1), Dec. 23, 2022, 136 Stat. 3458, provided that the repeal of this sec-

tion is effective on the date that is 5 years after Dec. 23, 2022.

CONSTRUCTION

For rule of construction regarding section 5921 of Pub. L. 117-263, see section 5921(e) of Pub. L. 117-263, set out as a note under section 3607 of this title.

§ 3613. Roles and responsibilities of agencies

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

(1) promote the use of cloud computing products and services that meet FedRAMP security requirements and other risk-based performance requirements as determined by the Director, in consultation with the Secretary;

(2) confirm whether there is a FedRAMP authorization in the secure mechanism provided under section 3609(a)(8) before beginning the process of granting a FedRAMP authorization for a cloud computing product or service;

(3) to the extent practicable, for any cloud computing product or service the agency seeks to authorize that has received a FedRAMP authorization, use the existing assessments of security controls and materials within any FedRAMP authorization package for that cloud computing product or service; and

(4) provide to the Director data and information required by the Director pursuant to section 3614 to determine how agencies are meeting metrics established by the Administrator.

(b) **ATTESTATION.**—Upon completing an assessment or authorization activity with respect to a particular cloud computing product or service, if an agency determines that the information and data the agency has reviewed under paragraph (2) or (3) of subsection (a) is wholly or substantially deficient for the purposes of performing an authorization of the cloud computing product or service, the head of the agency shall document as part of the resulting FedRAMP authorization package the reasons for this determination.

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

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

(e) **PRESUMPTION OF ADEQUACY.**—

(1) **IN GENERAL.**—The assessment of security controls and materials within the authorization package for a FedRAMP authorization shall be presumed adequate for use in an agency authorization to operate cloud computing products and services.

(2) **INFORMATION SECURITY REQUIREMENTS.**—The presumption under paragraph (1) does not modify or alter—

(A) the responsibility of any agency to ensure compliance with subchapter II of chapter 35 for any cloud computing product or service used by the agency; or

(B) the authority of the head of any agency to make a determination that there is a demonstrable need for additional security requirements beyond the security requirements included in a FedRAMP authorization for a particular control implementation.

(Added Pub. L. 117-263, div. E, title LIX, § 5921(b), Dec. 23, 2022, 136 Stat. 3453.)

REPEAL OF SECTION

For repeal of section by section 5921(d)(1) of Pub. L. 117-263, see Effective Date of Repeal note below.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Pub. L. 117-263, div. E, title LIX, § 5921(d)(1), Dec. 23, 2022, 136 Stat. 3458, provided that the repeal of this section is effective on the date that is 5 years after Dec. 23, 2022.

CONSTRUCTION

For rule of construction regarding section 5921 of Pub. L. 117-263, see section 5921(e) of Pub. L. 117-263, set out as a note under section 3607 of this title.

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

The Director shall—

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

(A) specifies the categories or characteristics of cloud computing products and services that are within the scope of FedRAMP;

(B) includes requirements for agencies to obtain a FedRAMP authorization when operating a cloud computing product or service described in subparagraph (A) as a Federal information system; and

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

(2) issue guidance describing additional responsibilities of FedRAMP and the FedRAMP Board to accelerate the adoption of secure cloud computing products and services by the Federal Government;

(3) in consultation with the Administrator, establish a process to periodically review FedRAMP authorization packages to support the secure authorization and reuse of secure cloud products and services;

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

(5) to the greatest extent practicable, encourage and promote consistency of the assessment, authorization, adoption, and use of secure cloud computing products and services within and across agencies.

(Added Pub. L. 117-263, div. E, title LIX, § 5921(b), Dec. 23, 2022, 136 Stat. 3454.)

REPEAL OF SECTION

For repeal of section by section 5921(d)(1) of Pub. L. 117-263, see Effective Date of Repeal note below.