

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.*

**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.

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

(a) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Director shall submit to the appropriate congressional committees a report that includes the following:

(1) During the preceding year, the status, efficiency, and effectiveness of the General Services Administration under section 3609 and agencies under section 3613 and in supporting the speed, effectiveness, sharing, reuse, and security of authorizations to operate for secure cloud computing products and services.

(2) Progress towards meeting the metrics required under section 3609(d).

(3) Data on FedRAMP authorizations.

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

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

(6) A review of progress made during the preceding year in advancing automation techniques to securely automate FedRAMP processes and to accelerate reporting under this section.

(7) The number and characteristics of authorized cloud computing products and services in use at each agency consistent with guidance provided by the Director under section 3614.

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

(A) geolocation restrictions for provided products or services;

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

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

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

(b) GAO REPORT.—Not later than 180 days after the date of enactment of this section, the Comptroller General of the United States shall report to the appropriate congressional committees an assessment of the following:

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

(2) The extent to which agencies have processes in place to continuously monitor the implementation of cloud computing products and services operating as Federal information systems.

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

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

(Added Pub. L. 117-263, div. E, title LIX, §5921(b), Dec. 23, 2022, 136 Stat. 3455.)

## REPEAL OF SECTION

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

**Editorial Notes**

## REFERENCES IN TEXT

The date of enactment of this section, referred to in text, is the date of enactment of Pub. L. 117-263, which was approved Dec. 23, 2022.

**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.

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

(a) ESTABLISHMENT, PURPOSES, AND DUTIES.—

(1) ESTABLISHMENT.—There is established a Federal Secure Cloud Advisory Committee (referred to in this section as the “Committee”) to ensure effective and ongoing coordination of agency adoption, use, authorization, monitoring, acquisition, and security of cloud computing products and services to enable agency mission and administrative priorities.

(2) PURPOSES.—The purposes of the Committee are the following:

(A) To examine the operations of FedRAMP and determine ways that authorization processes can continuously be improved, including the following:

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

(ii) Proposed actions that can be adopted to reduce the burden, confusion, and cost associated with FedRAMP authorizations for cloud service providers.

(iii) Measures to increase the number of FedRAMP authorizations for cloud computing products and services offered by small businesses concerns (as defined by section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

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

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

(C) Serve as a forum that facilitates communication and collaboration among the FedRAMP stakeholder community.