

114TH CONGRESS
1ST SESSION

S. _____

To promote innovation and realize the efficiency gains and economic benefits of on-demand computing by accelerating the acquisition and deployment of innovative technology and computing resources throughout the Federal Government.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To promote innovation and realize the efficiency gains and economic benefits of on-demand computing by accelerating the acquisition and deployment of innovative technology and computing resources throughout the Federal Government.

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 “Cloud Infrastructure
5 Transition Act of 2015” or the “Cloud IT Act”.

6 **SEC. 2. FINDINGS.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) National Institute of Standards and Tech-
2 nology Special Publication 800–145 describes cloud
3 computing as an evolving paradigm for information
4 technology that is a model for enabling ubiquitous,
5 convenient, on-demand network access to a shared
6 pool of configurable computing resources (e.g., net-
7 works, servers, storage, applications, and services)
8 that can be rapidly provisioned and released with
9 minimal management effort or service provider inter-
10 action.

11 (2) Cloud computing offerings reflect 5 essen-
12 tial characteristics:

13 (A) On-demand self-service.

14 (B) Broad network access.

15 (C) Resource pooling.

16 (D) Rapid elasticity.

17 (E) Measured service.

18 (3) Together, the efficiencies, cost savings, and
19 greater computing power enabled by cloud com-
20 puting has the potential to—

21 (A) eliminate duplication, reduce costs, and
22 address waste, fraud, and abuse in providing
23 Government services that are publicly available;

24 (B) address the critical need for cybersecu-
25 rity by design; and

1 (C) move the Federal Government into a
2 broad digital-services delivery model that could
3 transform the fashion in which the Federal
4 Government provides services to the people of
5 the United States.

6 (b) PURPOSES.—The purposes of this Act are to—

7 (1) accelerate the acquisition and deployment of
8 cloud computing services by addressing key impedi-
9 ments and roadblocks in funding, development, and
10 acquisition practices;

11 (2) support and expand an efficient Federal
12 certification standard for qualifying cloud services
13 providers under the Federal Risk and Authorization
14 Management Program (FedRAMP) using a “qualify
15 once, use many times” efficiency model that strikes
16 an appropriate balance between—

17 (A) encouraging the adoption of strong se-
18 curity practices to protect against the harm of
19 cyber intrusions and hacks; and

20 (B) avoiding the imposition of unduly bur-
21 densome and restrictive requirements on cloud
22 computing service providers that would deter
23 investment in innovative cloud computing serv-
24 ices;

1 (3) create broader budget flexibilities within the
2 General Services Administration to provide resources
3 to agencies seeking to migrate to cloud computing
4 services;

5 (4) assist agencies in migrating to cloud com-
6 puting services by providing guidance and oversight
7 of agency enterprise-wide information technology
8 portfolios suitable for and identifiable as suitable for
9 a cloud-based delivery model; and

10 (5) provide for Federal agencies to procure
11 cloud computing services that adhere to sound secu-
12 rity practices.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) **AUTHORIZATION TO OPERATE.**—The term
16 “authorization to operate” means an approval and
17 accreditation meeting the requirements of the Fed-
18 eral Risk and Authorization Management Program
19 Office, regarding the security and operational quali-
20 fications of a cloud computing service provider to
21 offer secure, reliable cloud computing service to the
22 cloud computing service purchaser. The authoriza-
23 tion to operate may be issued by the Federal Risk
24 and Authorization Management Program Office or
25 the cloud computing service purchaser.

1 (2) COVERED AGENCY.—The term “covered
2 agency” means the following agencies (including all
3 associated components of the agencies):

4 (A) The Department of Agriculture.

5 (B) The Department of Commerce.

6 (C) The Department of Defense.

7 (D) The Department of Education.

8 (E) The Department of Energy.

9 (F) The Department of Health and
10 Human Services.

11 (G) The Department of Homeland Secu-
12 rity.

13 (H) The Department of Housing and
14 Urban Development.

15 (I) The Department of the Interior.

16 (J) The Department of Justice.

17 (K) The Department of Labor.

18 (L) The Department of State.

19 (M) The Department of Transportation.

20 (N) The Department of the Treasury.

21 (O) The Department of Veterans Affairs.

22 (P) The Environmental Protection Agency.

23 (Q) The General Services Administration.

24 (R) The National Aeronautics and Space
25 Administration.

- 1 (S) The National Science Foundation.
- 2 (T) The Nuclear Regulatory Commission.
- 3 (U) The Office of Personnel Management.
- 4 (V) The Small Business Administration.
- 5 (W) The Social Security Administration.
- 6 (X) The United States Agency for Inter-
- 7 national Development.

8 (3) CLOUD COMPUTING SERVICE.—The term

9 “cloud computing service” means a service based

10 upon the cloud computing model that can be rapidly

11 provisioned and released with minimal management

12 effort or cloud computing service provider inter-

13 action.

14 (4) CLOUD COMPUTING SERVICE PROVIDER.—

15 The term “cloud computing service provider” means

16 a person engaged in interstate or foreign commerce

17 that offers a cloud computing service to a third

18 party.

19 (5) CLOUD COMPUTING SERVICE PURCHASER.—

20 The term “cloud computing service purchaser”

21 means a covered agency that enters into a trans-

22 action, with or without an exchange of consideration,

23 with a cloud computing service provider for the pro-

24 vision of cloud computing services.

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

4 (7) FEDERAL RISK AND AUTHORIZATION MAN-
5 AGEMENT PROGRAM OFFICE.—The term “Federal
6 Risk and Authorization Management Program Of-
7 fice” means the Federal Risk and Authorization
8 Management Program Office, or any successor
9 thereto.

10 (8) INFORMATION TECHNOLOGY.—The term
11 “information technology” has the meaning given
12 that term under section 11101 of title 40, United
13 States Code.

14 (9) THIRD PARTY VALIDATION PROVIDER.—The
15 term “third party validation provider” means a third
16 party assessment organization accreditation body
17 with an accreditation to provide conformity assess-
18 ment that is accepted by the Federal Risk and Au-
19 thorization Management Program Office.

1 **TITLE I—ENHANCED AUTHORI-**
2 **TIES FOR THE FEDRAMP PRO-**
3 **GRAM OFFICE**

4 **SEC. 101. FEDERAL RISK AND AUTHORIZATION MANAGE-**
5 **MENT PROGRAM.**

6 (a) IN GENERAL.—Except as provided under sub-
7 section (b), the head of a cloud computing service pur-
8 chaser may not enter into a contract with a cloud com-
9 puting service provider unless the cloud computing service
10 provider first obtains a current provisional authorization
11 to operate from a cloud computing service purchaser en-
12 compassing the proposed scope of work that is consistent
13 with Federal guidelines on cloud computing security, in-
14 cluding—

15 (1) applicable provisions found within the Fed-
16 eral Risk and Authorization Management Program
17 as well as any applicable provisions set forth by the
18 cloud computing service purchaser; and

19 (2) guidance published by the National Insti-
20 tute of Standards and Technology.

21 (b) WAIVER OF REQUIREMENTS.—

22 (1) IN GENERAL.—The Director of National In-
23 telligence, or a designee of the Director, may waive
24 the applicability to any national security system, as
25 defined in section 3552 of title 44, United States

1 Code, of any provision of this section if the Director
2 of National Intelligence, or the designee, determines
3 that such waiver is in the interest of national secu-
4 rity.

5 (2) NOTIFICATION.—Not later than 30 days
6 after exercising a waiver under this subsection, the
7 Director of National Intelligence, or the designee of
8 the Director, as the case may be, shall submit to the
9 Committee on Homeland Security and Governmental
10 Affairs and the Select Committee on Intelligence of
11 the Senate and the Committee on Oversight and
12 Government Reform and the Permanent Select Com-
13 mittee on Intelligence of the House of Representa-
14 tives a statement describing and justifying the waiv-
15 er.

16 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion shall be construed as limiting the ability of the Office
18 of Management and Budget to update or modify Federal
19 guidelines on cloud computing security.

20 **SEC. 102. EXPANDED AUTHORIZATIONS AND METRICS DE-**
21 **VELOPMENT FOR THE FEDRAMP PROGRAM**
22 **OFFICE.**

23 (a) IN GENERAL.—The Director shall coordinate
24 with the Federal Risk and Authorization Management
25 Program Office to establish mandatory guidelines for per-

1 sons submitting applications and related materials to the
2 Federal Risk and Authorization Management Program
3 Office.

4 (b) CONTENTS.—The guidelines established under
5 subsection (a) shall streamline and accelerate the Federal
6 Risk and Authorization Management Program accredita-
7 tion process by addressing obstacles impeding the process,
8 such as—

9 (1) the quality, content, and organization of ini-
10 tial submissions under the Federal Risk and Author-
11 ization Management Program by cloud computing
12 service providers, with an emphasis on maximizing
13 the use of standard, digitized, and transparent tem-
14 plates that are approved by the Director;

15 (2) a process by which improper, inadequate, or
16 incomplete submissions by cloud computing service
17 providers shall be managed, including a process for
18 rejection if necessary, to avoid unduly burdening the
19 Federal Risk and Authorization Management Pro-
20 gram Office to the detriment of the timely review of
21 other cloud computing service providers;

22 (3) the assessment of reasonable fees by the
23 Federal Risk and Authorization Management Pro-
24 gram Office for the submission of improper, inad-
25 equate, or incomplete submissions by a cloud com-

1 puting service provider, which shall be in an amount
2 that does not unduly burden small businesses;

3 (4) the publication of the status, expected time
4 to completion, and other key indicators for applica-
5 tions for authorization to operate in a transparent
6 and publically-available fashion, such as through the
7 Federal Risk and Authorization Management Pro-
8 gram website;

9 (5) enhanced training and industry liaison op-
10 portunities for covered agencies and cloud computing
11 service providers; and

12 (6) clarification of—

13 (A) the role and authority of third party
14 validation providers in the Federal Risk and
15 Authorization Management Program process
16 for authorizations to operate by covered agen-
17 cies;

18 (B) the extent to which covered agencies
19 may substitute third party validation provider
20 certifications as the basis for issuance of an au-
21 thorization to operate by a covered agency; and

22 (C) the extent to which the Federal Risk
23 and Authorization Management Program Office
24 may accept or rely upon certifications from
25 other standards development organizations or

1 third party conformity assessment bodies whose
2 certifications are determined, after an appro-
3 priate review and validation, to be commensu-
4 rate or adequate to meet standards under the
5 Federal Risk and Authorization Management
6 Program.

7 (c) FEDRAMP LIAISON GROUP.—

8 (1) IN GENERAL.—The Director, in coordina-
9 tion with the Federal Risk and Authorization Man-
10 agement Program Office and the National Institute
11 of Standards and Technology, shall establish and
12 host a Public-Private Industry Liaison Group (in
13 this subsection referred to as the “FedRAMP Liai-
14 son Group”) representing a range of cloud com-
15 puting service providers.

16 (2) COMPOSITION AND FUNCTIONS.—The
17 FedRAMP Liaison Group—

18 (A) shall include representatives of large,
19 medium, and small businesses;

20 (B) may include such working groups as
21 are determined appropriate by the FedRAMP
22 Liaison Group;

23 (C) shall be hosted by the General Services
24 Administration, who shall provide such re-
25 sources as may be necessary to sponsor, record

1 and coordinate the activities of the FedRAMP
2 Liaison Group; and

3 (D) shall provide industry feedback regard-
4 ing operations, processes, and improvements
5 and best practices for cloud computing service
6 providers and the Federal Risk and Authoriza-
7 tion Management Program Office.

8 (3) FACA EXEMPTION.—The Federal Advisory
9 Committee Act shall not apply to the FedRAMP Li-
10 aison Group.

11 (d) AUTHORIZATION TO OPERATE PROPOSAL.—The
12 Director, in coordination with the Federal Risk and Au-
13 thorization Management Program Office, shall establish a
14 policy under which the Federal Risk and Authorization
15 Management Program Office, on a fee-for-service basis,
16 may provide to covered agencies comprehensive authoriza-
17 tion to operate services and assistance and consultation
18 on best practices for cloud computing services.

19 (e) METRICS.—The Director, in coordination with the
20 National Institute of Standards and Technology, shall es-
21 tablish key performance metrics for the Federal Risk and
22 Authorization Management Program Office, which shall
23 include—

1 (1) targets for the completion of authorizations
2 to operate by service categories of cloud computing
3 service providers; and

4 (2) targets for the streamlining of the author-
5 ization to operate through the use of innovative au-
6 tomation tools and transparent submission require-
7 ments.

8 **TITLE II—BROADER BUDGET**
9 **FLEXIBILITIES FOR CLOUD**
10 **TRANSITIONS**

11 **SEC. 201. ADDITIONAL BUDGET AUTHORITIES FOR TRANSI-**
12 **TION TO CLOUD COMPUTING SERVICES.**

13 (a) INFORMATION TECHNOLOGY FUND.—

14 (1) ESTABLISHMENT.—There is established in
15 the Treasury of the United States an information
16 technology fund for the General Services Adminis-
17 tration (in this section referred to as the “Fund”).

18 (2) ADMINISTRATION OF FUNDS.—The Admin-
19 istrator of General Services shall administer the
20 Fund in accordance with this subsection.

21 (3) USE OF FUNDS.—

22 (A) IN GENERAL.—The Administrator of
23 General Services may, without further appro-
24 priation and as determined appropriate by the
25 Administrator, transfer amounts in the Fund to

1 the head of a covered agency for use for the fol-
2 lowing purposes:

3 (i) Cloud computing goods and serv-
4 ices that are procured or otherwise ac-
5 quired, manufactured, repaired, issued, or
6 used, including the cost of the procurement
7 and qualification of information tech-
8 nology, that—

9 (I) improve cybersecurity, reli-
10 ability, maintainability, sustainability,
11 or supportability; and

12 (II) have, at a minimum, been
13 certified by the Federal Risk and Au-
14 thorization Management Program Of-
15 fice under an authorization to operate
16 that is in effect.

17 (ii) Commercial cloud computing serv-
18 ices, other cloud computing-based applica-
19 tions, and other information technology ca-
20 pabilities acquired through commercial de-
21 livery approaches.

22 (iii) Services or work performed in
23 support of the acquisition and deployment
24 of the supplies or services described in
25 clause (i) or (ii).

1 (B) EXPIRATION OF FUNDS AFTER 5 FIS-
2 CAL YEARS.—Effective at the end of the fifth
3 full fiscal year after the date of a transfer to
4 a covered agency under subparagraph (A), the
5 unobligated balances of the amounts trans-
6 ferred to the covered agency shall be trans-
7 ferred to the Fund.

8 (4) DEPOSIT OF FUNDS.—

9 (A) IN GENERAL.—There is appropriated
10 to the Fund, out of any money in the Treasury
11 not otherwise appropriated,
12 **【\$_____】** for the fiscal year ending
13 September 30, 2016.

14 (B) TRANSFERS FROM AGENCIES.—The
15 head of a covered agency shall deposit in the
16 Fund an amount equal to the amount attrib-
17 uted to savings, if any, resulting from the tran-
18 sition of the covered agency to new technology.

19 (C) AVAILABILITY.—

20 (i) IN GENERAL.—Except as provided
21 in clause (ii), amounts appropriated or
22 transferred to the Fund shall remain avail-
23 able until the end of the fourth fiscal year
24 after the date fiscal year for which such
25 amounts were appropriated or transferred.

1 (ii) AVAILABILITY OF RETURNED
2 AMOUNTS.—Any amounts transferred to
3 the Fund under paragraph (3)(B) shall re-
4 main available until the end of the fifth
5 full fiscal year after the date of a transfer.

6 (5) BUDGET REQUESTS.—Budget requests sub-
7 mitted to Congress for the Fund shall separately
8 identify—

9 (A) the amount requested for programs,
10 projects, and activities for construction, pur-
11 chase, alteration, and conversion of information
12 technology;

13 (B) the amount requested for programs,
14 projects, and activities for operation, mainte-
15 nance, or lease of information technology;

16 (C) the amount requested for the purchase
17 of commercial cloud computing services and
18 other commercial information technology capa-
19 bilities; and

20 (D) the amount requested for programs,
21 projects, and activities for research and develop-
22 ment relating to information technology.

23 (b) REPORTS BY GOVERNMENT ACCOUNTABILITY
24 OFFICE.—Not later than 3 years after the date of enact-
25 ment of this Act, the Comptroller General of the United

1 States shall submit to each committee of Congress a re-
2 port—

3 (1) examining the effectiveness of the Fund,
4 with particular focus on whether covered agencies of
5 which the committee has jurisdiction are actively
6 using the Fund; and

7 (2) providing any recommendations of the
8 Comptroller General based on the examination.

9 **TITLE III—ACCELERATING**
10 **CLOUD COMPUTING SERV-**
11 **ICES DEPLOYMENTS**

12 **SEC. 301. ENTERPRISE INFORMATION TECHNOLOGY AS-**
13 **SESSMENTS.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 date of the enactment of this Act, and not less frequently
16 than annually thereafter for 4 years, the head of each cov-
17 ered agency, shall, consistent with Cloud First policy out-
18 lined in the document of the Office of Management and
19 Budget entitled “Federal Cloud Computing Strategy” and
20 dated February 8, 2011, submit to the Director a 3-year
21 forecast of the plans of the agency relating to the procure-
22 ment of cloud computing services and support relating to
23 such services.

24 (b) PUBLICATION.—The 3 year plans issued pursu-
25 ant to this section shall be published upon the IT Dash-

1 board established by the Office of Management and Budg-
2 et.

3 **SEC. 302. CLOUD COMPUTING SERVICES SUITABILITY AS-**
4 **SESSMENTS.**

5 (a) ANNUAL REPORTING.—Except as provided in
6 subsection (c), for the first fiscal year beginning after the
7 date of enactment of this Act, and each fiscal year there-
8 after, the head of each covered agency, in coordination
9 with the Chief Information Officer of the agency, shall
10 submit to the Director—

11 (1) a comprehensive inventory of the enterprise-
12 wide information technology systems owned, oper-
13 ated, or maintained by or on behalf of the agency;

14 (2) for each system on the inventory under
15 paragraph (1), an assessment whether the system is
16 suitable for transition to cloud computing services,
17 which shall be prepared without regard to the pro-
18 jected lifecycle of the system;

19 (3) a timeline for migration of information
20 technology inventories to cloud computing services
21 by the covered agency, with an emphasis on bench-
22 marks the covered agency can achieve by specific
23 dates; and

24 (4) year-by-year calculations of investment and
25 cost savings for the period beginning on the date of

1 enactment of this Act for each information tech-
2 nology system assessed as eligible for transition to
3 cloud computing services, including a description of
4 any initial costs for the transition to cloud com-
5 puting services and optimization and life cycle cost
6 savings and other improvements.

7 (b) USE OF OTHER REPORTING STRUCTURES.—The
8 Director may require a covered agency to include the in-
9 formation required to be submitted under subsection (a)
10 through reporting structures determined appropriate by
11 the Director.

12 (c) DEPARTMENT OF DEFENSE REPORTING.—For
13 any fiscal year for which the Department of Defense is
14 required under another provision of law to submit a per-
15 formance plan for migration to cloud computing services,
16 the submission under the reporting procedures required
17 under that provision of law shall satisfy the requirements
18 under this section.

19 **SEC. 303. IDENTIFICATION AND USE OF TRANSITION BEST**
20 **PRACTICES.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of enactment of this Act, the Director shall complete
23 an assessment of best practices necessary to implement
24 the transition to common information technology infra-
25 structure.

1 (b) CONSIDERATIONS.—In conducting the assess-
2 ment under subsection (a), the Director shall give due re-
3 gard to—

4 (1) the development of transition tools,
5 websites, training plans, and transition guides;

6 (2) the development of portfolio strategies to
7 support long-term initiatives to move information
8 technology acquisitions to cloud computing services
9 and optimize information technology expenditures;
10 and

11 (3) such other practices as are appropriate in
12 light of emerging technologies.

13 **TITLE IV—FEDERAL PROCURE-**
14 **MENT AND WEBSITE CON-**
15 **SOLIDATION**

16 **SEC. 401. PROCUREMENT REGULATIONS.**

17 Not later than 180 days after the date of enactment
18 of this Act, the Federal Acquisition Regulatory Council
19 shall amend the Federal Acquisition Regulation to incor-
20 porate provisions that—

21 (1) ensure that the evaluation and selection of
22 cloud computing services includes an assessment of
23 the information security programs of such services,
24 and that the Federal Government acquires only

1 cloud computing services that meet the requirements
2 of this Act;

3 (2) define a new model of consumption-based
4 pricing that properly reflects the unique attributes of
5 each of the service delivery models provided by cloud
6 computing service providers;

7 (3) standardize and define the basic elements
8 for service level agreements which are properly dif-
9 ferentiated to reflect the attributes of each of the
10 service delivery models provided by cloud computing
11 service providers.

12 **SEC. 402. WEBSITE CONSOLIDATION.**

13 (a) WEBSITE CONSOLIDATION.—The Director
14 shall—

15 (1) in consultation with agencies, and after re-
16 viewing the directory of public Federal Government
17 websites of each agency (as required to be estab-
18 lished and updated under section 207(f)(3) of the E-
19 Government Act of 2002 (44 U.S.C. 3501 note)),
20 assess all the publicly available websites of agencies
21 to determine whether there are duplicative or over-
22 lapping websites; and

23 (2) require agencies to eliminate or consolidate
24 websites determined to be duplicative or overlapping.

1 (b) WEBSITE TRANSPARENCY.—Not later than 180
2 days after the date of enactment of this Act, the Director
3 shall issue guidance to agencies to ensure that the data
4 on publicly available websites of the agencies are open and
5 accessible to the public.

6 (c) MATTERS COVERED.—In preparing the guidance
7 required under subsection (b), the Director shall—

8 (1) develop guidelines, standards, and best
9 practices for interoperability and transparency;

10 (2) identify interfaces that provide for shared,
11 open solutions on the publicly available websites of
12 the agencies; and

13 (3) ensure that all public Internet content of
14 agencies, including home pages, web-based forms,
15 and web-based and mobile applications, are acces-
16 sible to individuals with disabilities in accordance
17 with section 508 of the Rehabilitation Act of 1973
18 (29 U.S.C. 794d).