Brian Conrad
Acting FedRAMP Director and Program Manager for Cybersecurity
Federal Acquisition Service
General Services Administration
1800 F Street, NW
Washington, DC 20405

March 11, 2024

Dear Acting Director Conrad,

BSA | The Software Alliance appreciates the opportunity to provide comments on FedRAMP's proposed Emerging Technology Prioritization Framework. BSA is the leading advocate for the global software industry. BSA members[1] are at the forefront of developing cutting-edge services — including AI — and their products are used by businesses across every sector of the economy.[2] For example, BSA members provide tools including cloud storage and data processing services, customer relationship management software, human resource management programs, identity management services, and collaboration software. BSA members are on the leading edge of providing AI-enabled products and services. As a result, they have unique insights into the technology's tremendous potential to spur digital transformation and the policies that can best support the responsible use of AI.

BSA appreciates FedRAMP's goal of using "commercial cloud services by Federal agencies is itself a major cybersecurity benefit"[3] , but we believe that significant work needs to be done to achieve it. FedRAMP has failed to reduce the duplication as BSA noted in our response to OMB's Request for Comments on Updated Guidance for Modernizing the

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[1] BSA's members include: Adobe, Alteryx, Asana, Atlassian, Autodesk, Bentley Systems, Box, Cisco, CNC/Mastercam, Databricks, DocuSign, Dropbox, Elastic, Graphisoft, Hubspot, IBM, Informatica, Kyndryl, MathWorks, Microsoft, Okta, Oracle, PagerDuty, Palo Alto Networks, Prokon, Rubrik, Salesforce, SAP, ServiceNow, Shopify Inc., Siemens Industry Software Inc., Splunk, Trend Micro, Trimble Solutions Corporation, TriNet, Twilio, Workday, Zendesk, and Zoom Video Communications, Inc.

[2] See BSA | The Software Alliance, Artificial Intelligence in Every Sector, available at https://www.bsa.org/files/policy-filings/06132022bsaaieverysector.pdf.

[3] See the Office of Management and Budget, Modernizing the Federal Risk Authorization Management Program (FedRAMP), available at https://www.cio.gov/assets/files/resources/FedRAMP-updated-draft-guidance-2023.pdf.

Federal Risk Authorization Management Program (FedRAMP) on December 20, 2023.[4] As the letter detailed, BSA members have concerns that the efforts by commercial cloud service providers (CSP) to provide services to the federal government often take 12 to 18 months for a new product review and four to12 months for a Significant Change Request (SCR). Current technology updates are pushed out on a quarterly, or more frequent, basis so there is a conflict between the commercial market and the ability for the federal government to obtain current software. BSA believes that security and speed can reasonably co-exist and looks forward to making suggestions to the memo to assist with this goal.

Specifically, BSA has three concerns with the proposed framework.

1. Current FedRAMP Workload

There is a general concern about FedRAMP's ability to implement a new emerging technology prioritization framework effectively while there are on-going struggles to keep pace with existing certification demand, in addition to engaging in the ongoing program modernization. The current FedRAMP program modernization provides an opportunity to allow FedRAMP to better address both existing and emerging technology certification demand. BSA asks for additional information regarding FedRAMP's new management structure as it will affect the proposed framework. However, the first step requires increasing the number of certifications in order to use cloud- based software within the federal government.

2. Challenge New Technology Choice and Planning

On a related note, to backlog, there are concerns that as new technologies are not considered "critical", that they will fall further behind in the review by the ATO. CSPs release new functionality all the time, specifically new services and features that are not changes to current, approved products. This framework could make the acquisition time even longer and make it harder to get new functionality through the FedRAMP process. It takes months to get products through the FedRAMP process, and with the proposed promotion of three critical services, CSPs will have difficulty applying resources efficiently to get through the approval process. Currently there is at least some predictability in terms of schedule expectation. With the proposed "jump-the-line" process, there will be more ambiguity when non-critical new services will get to offerings that require FedRAMP. In addition, the proposed path will bring more ambiguity of timing into the system. It will remove consistency of submission-to-review from being able to plan around. The process

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[4] See BSA FedRAMP Response to OMB, available at US: BSA FedRAMP Response to OMB | BSA | The Software Alliance.

is unclear about the level that a third-party audit would be accepted to streamline, similar to an auto approval for SCR. BSA believes that a shared accountability structure to ensure that standard business-like quarterly SCR approvals, could be more streamlined. In addition, it could potentially create a "shared cost" model that could increase confidence with the FedRAMP process and industry while also increasing resources for faster approvals.

3. Procurement Issues

BSA members have concerns that the proposed limitation to a team of three companies could be too limiting for current federal government needs. In larger procurements, the use of down-selects is a common step that occurs throughout the procurement process, so that both the government and contractor can determine if they fit the requirements. In this instance, by limiting prioritization to just the first three cloud service offerings approved of a given emerging technology, it narrows the field much too quickly. Increasing the finalist pool to a larger number will help ensure that there is sufficient diversity of providers matching an agency's requirement while ensuring competition in that market segment.

Additional information on the process of how these expedited cloud service offerings will be chosen is needed. FedRAMP must make sure that there is adequate notice, including public deadlines, for the CSPs to submit proposals. There is a perception that the current outlined process will result in a race to get products approved by the FedRAMP PMO. This perception does not help to bring the newest technology to the federal market, nor does it help to build diversity in the supplier base.

Lastly, BSA requests that additional transparency in the processes and decisions on the flow charts in page three to allow for industry input would be helpful. This information helps the contracting community better understand when and how to engage in this new procurement process.

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BSA members appreciate the effort that the FedRAMP team is working on this issue. BSA supports the use of AI in the federal government and looks forward to working with FedRAMP to find ways to support the use of emerging LLM functionality and sought-after technologies. The prioritization process could be useful if there are government-identified technologies that are mission critical, then this process could assist in moving that technology forward to faster deployment. BSA cautions that the remaining significant share of the market must also be pushed through the certification process with needed haste.

BSA stands ready to assist with this important effort, and we look forward to continuing the conversation. Thank you for your leadership, and we look forward to working with you.

Sincerely,

Jessica Salmoiraghi
Senior Director, IT Modernization & Procurement