

# Union Calendar No. 102

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 4513

[Report No. 117-142]

To amend the Small Business Act to provide for the establishment of an enhanced cybersecurity assistance and protections for small businesses, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2021

Mr. DONALDS (for himself, Ms. VELÁZQUEZ, Mr. CHABOT, and Ms. HOULAHAN) introduced the following bill; which was referred to the Committee on Small Business

OCTOBER 12, 2021

Additional sponsor: Mr. PHILLIPS

OCTOBER 12, 2021

Reported from the Committee on Small Business; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

# **A BILL**

To amend the Small Business Act to provide for the establishment of an enhanced cybersecurity assistance and protections for small businesses, and for other purposes.

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 “Small Business Ad-  
5 vanced Cybersecurity Enhancements Act of 2021”.

6 **SEC. 2. ENHANCED CYBERSECURITY ASSISTANCE AND PRO-**  
7 **TECTIONS FOR SMALL BUSINESSES.**

8       Section 21(a) of the Small Business Act (15 U.S.C.  
9 648(a)) is amended by adding at the end the following  
10 new paragraph:

11               “(9) SMALL BUSINESS CYBERSECURITY ASSIST-  
12 ANCE AND PROTECTIONS.—

13                       “(A) ESTABLISHMENT OF SMALL BUSI-  
14 NESS CYBERSECURITY ASSISTANCE UNITS.—

15               The Administrator of the Small Business Ad-  
16 ministration, in coordination with the Secretary  
17 of Commerce, and in consultation with the Sec-  
18 retary of Homeland Security and the Attorney  
19 General, shall establish—

20                       “(i) in the Administration, a central  
21 small business cybersecurity assistance  
22 unit; and

23                       “(ii) within each small business devel-  
24 opment center, a regional small business  
25 cybersecurity assistance unit.

1           “(B) DUTIES OF THE CENTRAL SMALL  
2 BUSINESS CYBERSECURITY ASSISTANCE UNIT.—

3           “(i) IN GENERAL.—The central small  
4 business cybersecurity assistance unit es-  
5 tablished under subparagraph (A)(i) shall  
6 serve as the primary interface for small  
7 business concerns to receive and share  
8 cyber threat indicators and defensive meas-  
9 ures with the Federal Government.

10           “(ii) USE OF CAPABILITY AND PROC-  
11 ESSES.—The central small business cyber-  
12 security assistance unit shall use the capa-  
13 bility and process certified pursuant to sec-  
14 tion 105(c)(2)(A) of the Cybersecurity In-  
15 formation Sharing Act of 2015 (6 U.S.C.  
16 1504(c)(2)(A)) to receive cyber threat indi-  
17 cators or defensive measures from small  
18 business concerns.

19           “(iii) APPLICATION OF CISA.—A small  
20 business concern that receives or shares  
21 cyber threat indicators and defensive meas-  
22 ures with the Federal Government through  
23 the central small business cybersecurity as-  
24 sistance unit established under subpara-  
25 graph (A)(i), or with any appropriate enti-

1 ty pursuant to section 103(c) of the Cyber-  
2 security Information Sharing Act of 2015  
3 (6 U.S.C. 1503(c)), shall receive the pro-  
4 tections and exemptions provided in such  
5 Act and this paragraph.

6 “(C) RELATION TO NCCIC.—

7 “(i) CENTRAL SMALL BUSINESS CY-  
8 BERSECURITY ASSISTANCE UNIT.—The  
9 central small business cybersecurity assist-  
10 ance unit established under subparagraph  
11 (A)(i) shall be collocated with the national  
12 cybersecurity and communications integra-  
13 tion center.

14 “(ii) ACCESS TO INFORMATION.—The  
15 national cybersecurity and communications  
16 integration center shall have access to all  
17 cyber threat indicators or defensive meas-  
18 ures shared with the central small cyberse-  
19 curity assistance unit established under  
20 subparagraph (A)(i) through the use of the  
21 capability and process described in sub-  
22 paragraph (B)(ii).

23 “(D) CYBERSECURITY ASSISTANCE FOR  
24 SMALL BUSINESSES.—The central small busi-

1           ness cybersecurity assistance unit established  
2           under subparagraph (A)(i) shall—

3                   “(i) work with each regional small  
4                   business cybersecurity assistance unit es-  
5                   tablished under subparagraph (A)(ii) to  
6                   provide cybersecurity assistance to small  
7                   business concerns;

8                   “(ii) leverage resources from the Ad-  
9                   ministration, the Department of Com-  
10                  merce, the Department of Homeland Secu-  
11                  rity, the Department of Justice, the De-  
12                  partment of the Treasury, the Department  
13                  of State, and any other Federal depart-  
14                  ment or agency the Administrator deter-  
15                  mines appropriate, in order to help im-  
16                  prove the cybersecurity posture of small  
17                  business concerns;

18                  “(iii) coordinate with the Department  
19                  of Homeland Security to identify and dis-  
20                  seminate information to small business  
21                  concerns in a form that is accessible and  
22                  actionable by small business concerns;

23                  “(iv) coordinate with the National In-  
24                  stitute of Standards and Technology to  
25                  identify and disseminate information to

1 small business concerns on the most cost-  
2 effective methods for implementing ele-  
3 ments of the cybersecurity framework of  
4 the National Institute of Standards and  
5 Technology applicable to improving the cy-  
6 bersecurity posture of small business con-  
7 cerns;

8 “(v) seek input from the Office of Ad-  
9 vocacy of the Administration to ensure  
10 that any policies or procedures adopted by  
11 any department, agency, or instrumentality  
12 of the Federal Government do not unduly  
13 add regulatory burdens to small business  
14 concerns in a manner that will hamper the  
15 improvement of the cybersecurity posture  
16 of such small business concerns; and

17 “(vi) leverage resources and relation-  
18 ships with representatives and entities in-  
19 volved in the national cybersecurity and  
20 communications integration center to pub-  
21 licize the capacity of the Federal Govern-  
22 ment to assist small business concerns in  
23 improving cybersecurity practices.

24 “(E) ENHANCED CYBERSECURITY PROTEC-  
25 TIONS FOR SMALL BUSINESSES.—

1           “(i) IN GENERAL.—Notwithstanding  
2 any other provision of law, no cause of ac-  
3 tion shall lie or be maintained in any court  
4 against any small business concern, and  
5 such action shall be promptly dismissed, if  
6 such action is related to or arises out of—

7                   “(I) any activity authorized  
8 under this paragraph or the Cyberse-  
9 curity Information Sharing Act of  
10 2015 (6 U.S.C. 1501 et seq.); or

11                   “(II) any action or inaction in re-  
12 sponse to any cyber threat indicator,  
13 defensive measure, or other informa-  
14 tion shared or received pursuant to  
15 this paragraph or the Cybersecurity  
16 Information Sharing Act of 2015 (6  
17 U.S.C. 1501 et seq.).

18           “(ii) APPLICATION.—The exception  
19 provided in section 105(d)(5)(D)(ii)(I) of  
20 the Cybersecurity Information Sharing Act  
21 of 2015 (6 U.S.C. 1504(d)(5)(D)(ii)(I))  
22 shall not apply to any cyber threat indi-  
23 cator or defensive measure shared or re-  
24 ceived by small business concerns pursuant  
25 to this paragraph or the Cybersecurity In-

1 formation Sharing Act of 2015 (6 U.S.C.  
2 1501 et seq.).

3 “(iii) RULE OF CONSTRUCTION.—  
4 Nothing in this subparagraph shall be con-  
5 strued to affect the applicability or merits  
6 of any defense, motion, or argument in any  
7 cause of action in a court brought against  
8 an entity that is not a small business con-  
9 cern.

10 “(F) DEFINITIONS.—In this paragraph:

11 “(i) CISA DEFINITIONS.—The terms  
12 ‘cyber threat indicator’ and ‘defensive  
13 measure’ have the meanings given such  
14 terms, respectively, in section 102 of the  
15 Cybersecurity Information Sharing Act of  
16 2015 (6 U.S.C. 1501).

17 “(ii) NATIONAL CYBERSECURITY AND  
18 COMMUNICATIONS INTEGRATION CEN-  
19 TER.—The term ‘national cybersecurity  
20 and communications integration center’  
21 means the national cybersecurity and com-  
22 munications integration center established  
23 under section 227 of the Homeland Secu-  
24 rity Act of 2002 (6 U.S.C. 148).”.

1 **SEC. 3. PROHIBITION ON NEW APPROPRIATIONS.**

2 (a) IN GENERAL.—No additional funds are author-  
3 ized to be appropriated to carry out this Act and the  
4 amendments made by this Act.

5 (b) EXISTING FUNDING.—This Act and the amend-  
6 ments made by this Act shall be carried out using amounts  
7 made available under section 21(a)(4)(C)(viii) of the Small  
8 Business Act (15 U.S.C. 648(a)(4)(viii)).

9 (c) TECHNICAL AND CONFORMING AMENDMENT.—  
10 Section 21(a)(4)(C)(viii) of the Small Business Act (15  
11 U.S.C.648(a)(4)(C)(viii)) is amended to read as follows:

12 “(viii) LIMITATION.—

13 “(I) CYBERSECURITY ASSIST-  
14 ANCE.—From the funds appropriated  
15 pursuant to clause (vii), the Adminis-  
16 tration shall reserve not less than  
17 \$1,000,000 in each fiscal year to de-  
18 velop cybersecurity assistance units at  
19 small business development centers  
20 under paragraph (9).

21 “(II) PORTABLE ASSISTANCE.—

22 “(aa) IN GENERAL.—Any  
23 funds appropriated pursuant to  
24 clause (vii) that are remaining  
25 after reserving amounts under  
26 subclause (I) may be used for

1 portable assistance for startup  
2 and sustainability non-matching  
3 grant programs to be conducted  
4 by eligible small business develop-  
5 ment centers in communities that  
6 are economically challenged as a  
7 result of a business or govern-  
8 ment facility down sizing or clos-  
9 ing, which has resulted in the  
10 loss of jobs or small business in-  
11 stability.

12 “(bb) GRANT AMOUNT AND  
13 USE.—A non-matching grant  
14 under this subclause shall not ex-  
15 ceed \$100,000, and shall be used  
16 for small business development  
17 center personnel expenses and re-  
18 lated small business programs  
19 and services.”.

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