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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

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.

IN THE HOUSE OF REPRESENTATIVES

Mr. DONALDS introduced the following bill; which was referred to the Committee on _____

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”.

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

3 Section 21(a) of the Small Business Act (15 U.S.C.
4 648(a)) is amended by adding at the end the following
5 new paragraph:

6 “(9) SMALL BUSINESS CYBERSECURITY ASSIST-
7 ANCE AND PROTECTIONS.—

8 “(A) ESTABLISHMENT OF SMALL BUSI-
9 NESS CYBERSECURITY ASSISTANCE UNITS.—
10 The Administrator of the Small Business Ad-
11 ministration, in coordination with the Secretary
12 of Commerce, and in consultation with the Sec-
13 retary of Homeland Security and the Attorney
14 General, shall establish—

15 “(i) in the Administration, a central
16 small business cybersecurity assistance
17 unit; and

18 “(ii) within each small business devel-
19 opment center, a regional small business
20 cybersecurity assistance unit.

21 “(B) DUTIES OF THE CENTRAL SMALL
22 BUSINESS CYBERSECURITY ASSISTANCE UNIT.—

23 “(i) IN GENERAL.—The central small
24 business cybersecurity assistance unit es-
25 tablished under subparagraph (A)(i) shall
26 serve as the primary interface for small

1 business concerns to receive and share
2 cyber threat indicators and defensive meas-
3 ures with the Federal Government.

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

13 “(iii) APPLICATION OF CISA.—A small
14 business concern that receives or shares
15 cyber threat indicators and defensive meas-
16 ures with the Federal Government through
17 the central small business cybersecurity as-
18 sistance unit established under subpara-
19 graph (A)(i), or with any appropriate enti-
20 ty pursuant to section 103(c) of the Cyber-
21 security Information Sharing Act of 2015
22 (6 U.S.C. 1503(c)), shall receive the pro-
23 tections and exemptions provided in such
24 Act and this paragraph.

25 “(C) RELATION TO NCCIC.—

1 “(i) CENTRAL SMALL BUSINESS CY-
2 BERSECURITY ASSISTANCE UNIT.—The
3 central small business cybersecurity assist-
4 ance unit established under subparagraph
5 (A)(i) shall be collocated with the national
6 cybersecurity and communications integra-
7 tion center.

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

17 “(D) CYBERSECURITY ASSISTANCE FOR
18 SMALL BUSINESSES.—The central small busi-
19 ness cybersecurity assistance unit established
20 under subparagraph (A)(i) shall—

21 “(i) work with each regional small
22 business cybersecurity assistance unit es-
23 tablished under subparagraph (A)(ii) to
24 provide cybersecurity assistance to small
25 business concerns;

1 “(ii) leverage resources from the Ad-
2 ministration, the Department of Com-
3 merce, the Department of Homeland Secu-
4 rity, the Department of Justice, the De-
5 partment of the Treasury, the Department
6 of State, and any other Federal depart-
7 ment or agency the Administrator deter-
8 mines appropriate, in order to help im-
9 prove the cybersecurity posture of small
10 business concerns;

11 “(iii) coordinate with the Department
12 of Homeland Security to identify and dis-
13 seminate information to small business
14 concerns in a form that is accessible and
15 actionable by small business concerns;

16 “(iv) coordinate with the National In-
17 stitute of Standards and Technology to
18 identify and disseminate information to
19 small business concerns on the most cost-
20 effective methods for implementing ele-
21 ments of the cybersecurity framework of
22 the National Institute of Standards and
23 Technology applicable to improving the cy-
24 bersecurity posture of small business con-
25 cerns;

1 “(v) seek input from the Office of Ad-
2 vocacy of the Administration to ensure
3 that any policies or procedures adopted by
4 any department, agency, or instrumentality
5 of the Federal Government do not unduly
6 add regulatory burdens to small business
7 concerns in a manner that will hamper the
8 improvement of the cybersecurity posture
9 of such small business concerns; and

10 “(vi) leverage resources and relation-
11 ships with representatives and entities in-
12 volved in the national cybersecurity and
13 communications integration center to pub-
14 licize the capacity of the Federal Govern-
15 ment to assist small business concerns in
16 improving cybersecurity practices.

17 “(E) ENHANCED CYBERSECURITY PROTEC-
18 TIONS FOR SMALL BUSINESSES.—

19 “(i) IN GENERAL.—Notwithstanding
20 any other provision of law, no cause of ac-
21 tion shall lie or be maintained in any court
22 against any small business concern, and
23 such action shall be promptly dismissed, if
24 such action related to or arises out of—

1 “(I) any activity authorized
2 under this paragraph or the Cyberse-
3 curity Information Sharing Act of
4 2015 (6 U.S.C. 1501 et seq.); or

5 “(II) any action or inaction in re-
6 sponse to any cyber threat indicator,
7 defensive measure, or other informa-
8 tion shared or received pursuant to
9 this paragraph or the Cybersecurity
10 Information Sharing Act of 2015 (6
11 U.S.C. 1501 et seq.).

12 “(ii) APPLICATION.—The exception
13 provided in section 105(d)(5)(D)(ii)(I) of
14 the Cybersecurity Information Sharing Act
15 of 2015 (6 U.S.C. 1504(d)(5)(D)(ii)(I))
16 shall not apply to any cyber threat indi-
17 cator or defensive measure shared or re-
18 ceived by small business concerns pursuant
19 to this paragraph or the Cybersecurity In-
20 formation Sharing Act of 2015 (6 U.S.C.
21 1501 et seq.).

22 “(iii) RULE OF CONSTRUCTION.—
23 Nothing in this subparagraph shall be con-
24 strued to affect the applicability or merits
25 of any defense, motion, or argument in any

1 cause of action in a court brought against
2 an entity that is not a small business con-
3 cern.

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

5 “(i) CISA DEFINITIONS.—The terms
6 ‘cyber threat indicator’ and ‘defensive
7 measure’ have the meanings given such
8 terms, respectively, in section 102 of the
9 Cybersecurity Information Sharing Act of
10 2015 (6 U.S.C. 1501).

11 “(ii) NATIONAL CYBERSECURITY AND
12 COMMUNICATIONS INTEGRATION CEN-
13 TER.—The term ‘national cybersecurity
14 and communications integration center’
15 means the national cybersecurity and com-
16 munications integration center established
17 under section 227 of the Homeland Secu-
18 rity Act of 2002 (6 U.S.C. 148).”.

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

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

23 (b) EXISTING FUNDING.—This Act and the amend-
24 ments made by this Act shall be carried out using amounts

1 made available under section 21(a)(4)(C)(viii) of the Small
2 Business Act (15 U.S.C. 648(a)(4)(viii)).

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

6 “(viii) LIMITATION.—

7 “(I) CYBERSECURITY ASSIST-
8 ANCE.—From the funds appropriated
9 pursuant to clause (vii), the Adminis-
10 tration shall reserve not less than
11 \$1,000,000 in each fiscal year to de-
12 velop cybersecurity assistance units at
13 small business development centers
14 under paragraph (9).

15 “(II) PORTABLE ASSISTANCE.—

16 “(aa) IN GENERAL.—Any
17 funds appropriated pursuant to
18 clause (vii) that are remaining
19 after reserving amounts under
20 subclause (I) may be used for
21 portable assistance for startup
22 and sustainability non-matching
23 grant programs to be conducted
24 by eligible small business develop-
25 ment centers in communities that

1 are economically challenged as a
2 result of a business or govern-
3 ment facility down sizing or clos-
4 ing, which has resulted in the
5 loss of jobs or small business in-
6 stability.

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