117TH CONGRESS
1ST SESSION
H. R. 4513

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”.
SEC. 2. ENHANCED CYBERSECURITY ASSISTANCE AND PROTECTIONS FOR SMALL BUSINESSES.

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

“(9) SMALL BUSINESS CYBERSECURITY ASSISTANCE AND PROTECTIONS.—

“(A) ESTABLISHMENT OF SMALL BUSINESS CYBERSECURITY ASSISTANCE UNITS.—

The Administrator of the Small Business Administration, in coordination with the Secretary of Commerce, and in consultation with the Secretary of Homeland Security and the Attorney General, shall establish—

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

“(ii) within each small business development center, a regional small business cybersecurity assistance unit.

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

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

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

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

“(C) RELATION TO NCCIC.—
“(i) CENTRAL SMALL BUSINESS CYBERSECURITY ASSISTANCE UNIT.—The central small business cybersecurity assistance unit established under subparagraph (A)(i) shall be collocated with the national cybersecurity and communications integration center.

“(ii) ACCESS TO INFORMATION.—The national cybersecurity and communications integration center shall have access to all cyber threat indicators or defensive measures shared with the central small cybersecurity assistance unit established under subparagraph (A)(i) through the use of the capability and process described in subparagraph (B)(ii).

“(D) CYBERSECURITY ASSISTANCE FOR SMALL BUSINESSES.—The central small business cybersecurity assistance unit established under subparagraph (A)(i) shall—

“(i) work with each regional small business cybersecurity assistance unit established under subparagraph (A)(ii) to provide cybersecurity assistance to small business concerns;
“(ii) leverage resources from the Administration, the Department of Commerce, the Department of Homeland Security, the Department of Justice, the Department of the Treasury, the Department of State, and any other Federal department or agency the Administrator determines appropriate, in order to help improve the cybersecurity posture of small business concerns;

“(iii) coordinate with the Department of Homeland Security to identify and disseminate information to small business concerns in a form that is accessible and actionable by small business concerns;

“(iv) coordinate with the National Institute of Standards and Technology to identify and disseminate information to small business concerns on the most cost-effective methods for implementing elements of the cybersecurity framework of the National Institute of Standards and Technology applicable to improving the cybersecurity posture of small business concerns;
“(v) seek input from the Office of Advocacy of the Administration to ensure that any policies or procedures adopted by any department, agency, or instrumentality of the Federal Government do not unduly add regulatory burdens to small business concerns in a manner that will hamper the improvement of the cybersecurity posture of such small business concerns; and

“(vi) leverage resources and relationships with representatives and entities involved in the national cybersecurity and communications integration center to publicize the capacity of the Federal Government to assist small business concerns in improving cybersecurity practices.

“(E) ENHANCED CYBERSECURITY PROTECTIONS FOR SMALL BUSINESSES.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, no cause of action shall lie or be maintained in any court against any small business concern, and such action shall be promptly dismissed, if such action related to or arises out of—
“(I) any activity authorized under this paragraph or the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501 et seq.); or

“(II) any action or inaction in response to any cyber threat indicator, defensive measure, or other information shared or received pursuant to this paragraph or the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501 et seq.).

“(ii) APPLICATION.—The exception provided in section 105(d)(5)(D)(ii)(I) of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1504(d)(5)(D)(ii)(I)) shall not apply to any cyber threat indicator or defensive measure shared or received by small business concerns pursuant to this paragraph or the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501 et seq.).

“(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to affect the applicability or merits of any defense, motion, or argument in any
cause of action in a court brought against an entity that is not a small business concern.

“(F) DEFINITIONS.—In this paragraph:

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

“(ii) NATIONAL CYBERSECURITY AND COMMUNICATIONS INTEGRATION CENTER.—The term ‘national cybersecurity and communications integration center’ means the national cybersecurity and communications integration center established under section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148).”.

SEC. 3. PROHIBITION ON NEW APPROPRIATIONS.

(a) IN GENERAL.—No additional funds are authorized to be appropriated to carry out this Act and the amendments made by this Act.

(b) EXISTING FUNDING.—This Act and the amendments made by this Act shall be carried out using amounts

(c) TECHNICAL AND CONFORMING AMENDMENT.—

Section 21(a)(4)(C)(viii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(viii)) is amended to read as follows:

“(viii) LIMITATION.—

“(I) CYBERSECURITY ASSISTANCE.—From the funds appropriated pursuant to clause (vii), the Administration shall reserve not less than $1,000,000 in each fiscal year to develop cybersecurity assistance units at small business development centers under paragraph (9).

“(II) PORTABLE ASSISTANCE.—

“(aa) IN GENERAL.—Any funds appropriated pursuant to clause (vii) that are remaining after reserving amounts under subclause (I) may be used for portable assistance for startup and sustainability non-matching grant programs to be conducted by eligible small business development centers in communities that
are economically challenged as a result of a business or government facility down sizing or closing, which has resulted in the loss of jobs or small business instability.

“(bb) GRANT AMOUNT AND USE.—A non-matching grant under this subclause shall not exceed $100,000, and shall be used for small business development center personnel expenses and related small business programs and services.”.