

Calendar No. 281

117TH CONGRESS
2D SESSION**H. R. 3462**

IN THE SENATE OF THE UNITED STATES

NOVEMBER 3, 2021

Received; read twice and referred to the Committee on Small Business and
Entrepreneurship

FEBRUARY 17, 2022

Reported by Mr. CARDIN, without amendment

AN ACT

To require an annual report on the cybersecurity of the
Small Business Administration, 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 “SBA Cyber Awareness
5 Act”.

6 **SEC. 2. CYBERSECURITY AWARENESS REPORTING.**

7 Section 10 of the Small Business Act (15 U.S.C. 639)
8 is amended by inserting after subsection (a) the following:

9 “(b) CYBERSECURITY REPORTS.—

1 “(1) ANNUAL REPORT.—Not later than 180
2 days after the date of enactment of this subsection,
3 and every year thereafter, the Administrator shall
4 submit a report to the appropriate congressional
5 committees that includes—

6 “(A) an assessment of the information
7 technology (as defined in section 11101 of title
8 40, United States Code) and cybersecurity in-
9 frastructure of the Administration;

10 “(B) a strategy to increase the cybersecu-
11 rity infrastructure of the Administration;

12 “(C) a detailed account of any information
13 technology equipment or interconnected system
14 or subsystem of equipment of the Administra-
15 tion that was manufactured by an entity that
16 has its principal place of business located in the
17 People’s Republic of China; and

18 “(D) an account of any cybersecurity risk
19 or incident that occurred at the Administration
20 during the 2-year period preceding the date on
21 which the report is submitted, and any action
22 taken by the Administrator to respond to or re-
23 mediate any such cybersecurity risk or incident.

24 “(2) ADDITIONAL REPORTS.—If the Adminis-
25 trator determines that there is a reasonable basis to

1 conclude that a cybersecurity risk or incident oc-
2 curred at the Administration, the Administrator
3 shall—

4 “(A) not later than 7 days after the date
5 on which the Administrator makes that deter-
6 mination, notify the appropriate congressional
7 committees of the cybersecurity risk or incident;
8 and

9 “(B) not later than 30 days after the date
10 on which the Administrator makes a determina-
11 tion under subparagraph (A)—

12 “(i) provide notice to individuals and
13 small business concerns affected by the cy-
14 bersecurity risk or incident; and

15 “(ii) submit to the appropriate con-
16 gressional committees a report, based on
17 information available to the Administrator
18 as of the date which the Administrator
19 submits the report, that includes—

20 “(I) a summary of information
21 about the cybersecurity risk or inci-
22 dent, including how the cybersecurity
23 risk or incident occurred; and

24 “(II) an estimate of the number
25 of individuals and small business con-

cerns affected by the cybersecurity risk or incident, including an assessment of the risk of harm to affected individuals and small business concerns.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the reporting requirements of the Administrator under chapter 35 of title 44, United States Code, in particular the requirement to notify the Federal information security incident center under section 3554(b)(7)(C)(ii) of such title, or any other provision of law.

“(4) DEFINITIONS.—In this subsection:

“(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(i) the Committee on Small Business and Entrepreneurship of the Senate; and

“(ii) the Committee on Small Business of the House of Representatives.

“(B) CYBERSECURITY RISK; INCIDENT.—The terms ‘cybersecurity risk’ and ‘incident’ have the meanings given such terms, respec-

1 tively, under section 2209(a) of the Homeland
2 Security Act of 2002.”.

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