PUBLIC LAW 115–236—AUG. 14, 2018

NIST SMALL BUSINESS CYBERSECURITY ACT

Public Law 115–236
115th Congress

An Act

Aug. 14, 2018
[S. 770]

To require the Director of the National Institute of Standards and Technology to disseminate guidance to help reduce small business cybersecurity risks, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

NIST Small Business Cybersecurity Act.
15 USC 271 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "NIST Small Business Cybersecurity Act".

15 USC 272 note.

SEC. 2. IMPROVING CYBERSECURITY OF SMALL BUSINESSES.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term "Director" means the Director of the National Institute of Standards and Technology.

(2) RESOURCES.—The term "resources" means guidelines, tools, best practices, standards, methodologies, and other ways of providing information.

(3) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) SMALL BUSINESS CYBERSECURITY.—Section 2(e)(1)(A) of the National Institute of Standards and Technology Act (15 U.S.C. 272(e)(1)(A)) is amended—

(1) in clause (vii), by striking "and" at the end;

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

"(viii) consider small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)); and".

(c) DISSEMINATION OF RESOURCES FOR SMALL BUSINESSES.—

Deadline.
Consultation.

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Director, in carrying out section 2(e)(1)(A)(viii) of the National Institute of Standards and Technology Act, as added by subsection (b) of this Act, in consultation with the heads of other appropriate Federal agencies, shall disseminate clear and concise resources to help small business concerns identify, assess, manage, and reduce their cybersecurity risks.

(2) REQUIREMENTS.—The Director shall ensure that the resources disseminated pursuant to paragraph (1)—

(A) are generally applicable and usable by a wide range of small business concerns;

(B) vary with the nature and size of the implementing small business concern, and the nature and sensitivity

of the data collected or stored on the information systems or devices of the implementing small business concern;

(C) include elements, that promote awareness of simple, basic controls, a workplace cybersecurity culture, and third-party stakeholder relationships, to assist small business concerns in mitigating common cybersecurity risks;

(D) include case studies of practical application;

(E) are technology-neutral and can be implemented using technologies that are commercial and off-the-shelf; and

(F) are based on international standards to the extent possible, and are consistent with the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

(3) NATIONAL CYBERSECURITY AWARENESS AND EDUCATION PROGRAM.—The Director shall ensure that the resources disseminated under paragraph (1) are consistent with the efforts of the Director under section 401 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7451).

(4) SMALL BUSINESS DEVELOPMENT CENTER CYBER STRATEGY.—In carrying out paragraph (1), the Director, to the extent practicable, shall consider any methods included in the Small Business Development Center Cyber Strategy developed under section 1841(a)(3)(B) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

(5) VOLUNTARY RESOURCES.—The use of the resources disseminated under paragraph (1) shall be considered voluntary.

(6) UPDATES.—The Director shall review and, if necessary, update the resources disseminated under paragraph (1) in accordance with the requirements under paragraph (2). Review.

(7) PUBLIC AVAILABILITY.—The Director and the head of each Federal agency that so elects shall make prominently available on the respective agency's public Internet website information about the resources and updates to the resources disseminated under paragraph (1). The Director and the heads shall each ensure that the information they respectively make prominently available is consistent, clear, and concise. Web posting.

(d) OTHER FEDERAL CYBERSECURITY REQUIREMENTS.—Nothing in this section may be construed to supersede, alter, or otherwise affect any cybersecurity requirements applicable to Federal agencies.

(e) FUNDING.—This Act shall be carried out using funds otherwise authorized to be appropriated or made available to the National Institute of Standards and Technology.

Approved August 14, 2018.

LEGISLATIVE HISTORY—S. 770 (H.R. 2105):

SENATE REPORTS: No. 115–153 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:
Vol. 163 (2017): Sept. 28, considered and passed Senate.
Vol. 164 (2018): July 25, considered and passed House, amended.
Aug. 1, Senate concurred in House amendments.

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