

(G) programs to provide information and resources to diplomats engaging in discussions and negotiations around international law and capacity building measures related to cybersecurity;

(H) capacity building for cybersecurity partners, including law enforcement and military entities as described in subsection (f);

(I) programs that enhance the ability of relevant stakeholders to act collectively against shared cybersecurity threats;

(J) the advancement of programs in support of the Framework of Responsible State Behavior in Cyberspace; and

(K) the fortification of deterrence instruments in cyberspace; and

(4) such¹ other purpose and functions as the Secretary of State may designate.

(c) Responsibility for policy decisions and justification

The Secretary of State shall be responsible for policy decisions regarding programs under this part, with respect to—

(1) whether there will be cybersecurity and digital capacity building programs for a foreign country or entity operating in that country;

(2) the amount of funds for each foreign country or entity; and

(3) the scope and nature of such uses of funding.

(d) Detailed justification for uses and purposes of funds

The Secretary of State shall provide, on an annual basis, a detailed justification for the uses and purposes of the amounts provided under this part, including information concerning—

(1) the amounts and kinds of grants;

(2) the amounts and kinds of budgetary support provided, if any; and

(3) the amounts and kinds of project assistance provided for what purpose and with such amounts.

(e) Assistance and funding under other authorities

The authority granted under this section to provide assistance or funding for countries and organizations does not preclude the use of funds provided to carry out other authorities also available for such purpose.

(f) Availability of funds

Amounts appropriated to carry out this part may be used, notwithstanding any other provision of law, to strengthen civilian cybersecurity and information and communications technology capacity, including participation of foreign law enforcement and military personnel in non-military activities, and for contributions to international organizations and international financial institutions of which the United States is a member, provided that such support is essential to enabling civilian and law enforcement of cybersecurity and information and communication technology related activities in their respective countries.

¹ So in original.

(g) Notification requirements

Funds made available under this section shall be obligated in accordance with the procedures applicable to reprogramming notifications pursuant to section 2394-1 of this title.

(Pub. L. 87-195, pt. II, §592, as added Pub. L. 118-31, div. F, title LXIII, §6307, Dec. 22, 2023, 137 Stat. 990.)

§ 2349cc-2. Review of emergency assistance capacity

(a) In general

The Secretary of State, in consultation as appropriate with other relevant Federal departments and agencies is authorized to conduct a review that—

(1) analyzes the United States Government's capacity to promptly and effectively deliver emergency support to countries experiencing major cybersecurity and ICT incidents;

(2) identifies relevant factors constraining the support referred to in paragraph (1); and

(3) develops a strategy to improve coordination among relevant Federal agencies and to resolve such constraints.

(b) Report

Not later than one year after December 22, 2023, the Secretary of State shall submit to the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Foreign Affairs and the Committee on Oversight and Accountability of the House of Representatives a report that contains the results of the review conducted pursuant to subsection (a).

(Pub. L. 87-195, pt. II, §593, as added Pub. L. 118-31, div. F, title LXIII, §6307, Dec. 22, 2023, 137 Stat. 992.)

§ 2349cc-3. Authorization of appropriations

There is authorized to be appropriated \$150,000,000 during the 5-year period beginning on October 1, 2023, to carry out the purposes of this part.

(Pub. L. 87-195, pt. II, §594, as added Pub. L. 118-31, div. F, title LXIII, §6307, Dec. 22, 2023, 137 Stat. 993.)

SUBCHAPTER III—GENERAL AND ADMINISTRATIVE PROVISIONS

PART I—GENERAL PROVISIONS

§ 2351. Encouragement of free enterprise and private participation

(a) Policy of United States

The Congress of the United States recognizes the vital role of free enterprise in achieving rising levels of production and standards of living essential to economic progress and development. Accordingly, it is declared to be the policy of the United States to encourage the efforts of other countries to increase the flow of international trade, to foster private initiative and competition, to encourage the development and use of cooperatives, credit unions, and savings and loan associations, to discourage monop-