

117TH CONGRESS
1ST 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

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “SBA Cyber Awareness
3 Act”.

4 **SEC. 2. CYBERSECURITY AWARENESS REPORTING.**

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

7 “(b) CYBERSECURITY REPORTS.—

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

13 “(A) an assessment of the information
14 technology (as defined in section 11101 of title
15 40, United States Code) and cybersecurity in-
16 frastructure of the Administration;

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

19 “(C) a detailed account of any information
20 technology equipment or interconnected system
21 or subsystem of equipment of the Administra-
22 tion that was manufactured by an entity that
23 has its principal place of business located in the
24 People’s Republic of China; and

25 “(D) an account of any cybersecurity risk
26 or incident that occurred at the Administration

1 during the 2-year period preceding the date on
2 which the report is submitted, and any action
3 taken by the Administrator to respond to or re-
4 mediate any such cybersecurity risk or incident.

5 “(2) ADDITIONAL REPORTS.—If the Adminis-
6 trator determines that there is a reasonable basis to
7 conclude that a cybersecurity risk or incident oc-
8 curred at the Administration, the Administrator
9 shall—

10 “(A) not later than 7 days after the date
11 on which the Administrator makes that deter-
12 mination, notify the appropriate congressional
13 committees of the cybersecurity risk or incident;
14 and

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

18 “(i) provide notice to individuals and
19 small business concerns affected by the cy-
20 bersecurity risk or incident; and

21 “(ii) submit to the appropriate con-
22 gressional committees a report, based on
23 information available to the Administrator
24 as of the date which the Administrator
25 submits the report, that includes—

1 “(I) a summary of information
2 about the cybersecurity risk or inci-
3 dent, including how the cybersecurity
4 risk or incident occurred; and

5 “(II) an estimate of the number
6 of individuals and small business con-
7 cerns affected by the cybersecurity
8 risk or incident, including an assess-
9 ment of the risk of harm to affected
10 individuals and small business con-
11 cerns.

12 “(3) RULE OF CONSTRUCTION.—Nothing in
13 this subsection shall be construed to affect the re-
14 porting requirements of the Administrator under
15 chapter 35 of title 44, United States Code, in par-
16 ticular the requirement to notify the Federal infor-
17 mation security incident center under section
18 3554(b)(7)(C)(ii) of such title, or any other provi-
19 sion of law.

20 “(4) DEFINITIONS.—In this subsection:

21 “(A) APPROPRIATE CONGRESSIONAL COM-
22 MITTEES.—The term ‘appropriate congressional
23 committees’ means—

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

1 “(ii) the Committee on Small Busi-
2 ness of the House of Representatives.

3 “(B) CYBERSECURITY RISK; INCIDENT.—
4 The terms ‘cybersecurity risk’ and ‘incident’
5 have the meanings given such terms, respec-
6 tively, under section 2209(a) of the Homeland
7 Security Act of 2002.”.

Passed the House of Representatives November 2,
2021.

Attest: CHERYL L. JOHNSON,
Clerk.