

2.1.3 - Improve Cyber Capacity Building and Consolidate the Funding of Cyber Foreign Assistance

To establish a Cybersecurity Capacity Fund to improve assistance to foreign countries and organizations to reduce the risks and impacts of significant cyber incidents affecting foreign countries, and for other purposes.

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “Cybersecurity Capacity Fund Act”.

SEC. 2. ESTABLISHMENT.

- (a) The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 586 the following new chapter:

“CHAPTER 10—CYBERSECURITY CAPACITY FUND

“**SEC. 587. FINDINGS.**—The Congress finds that—

“(a) The increasing connectivity that enables the functioning of social, political, and economic systems has also introduced new vulnerabilities that malicious actors can exploit to cause critical infrastructure failure, economic loss and financial destabilization, and threats to public health and safety;

“(b) Given the interconnected nature of cyberspace, the cybersecurity of other countries and organizations is critical to national and economic security in the United States; and

“(c) United States assistance to countries and organizations to bolster civilian cybersecurity capacity can help drive down the overall level of vulnerability in the cyberspace ecosystem and advance national and economic security objectives.

“**SEC. 588. AUTHORIZATION OF ASSISTANCE FOR CYBERSECURITY CAPACITY BUILDING.**

“(a) **AUTHORITY.**—The Congress recognizes that, under special economic, political, or security conditions, the national interests of the United States may require economic support for countries or in amounts which could not be justified solely under chapter 1 of part I or under chapter 4 of part II of this act. In such cases, the President is authorized to furnish assistance to countries and organizations, including national and regional institutions, on

such terms and conditions as the President may determine, in order to build cybersecurity capacity of countries and organizations. To the maximum extent feasible, the President shall provide assistance under this chapter consistent with the policy directions, purposes, and programs of part I of this Act.

“(b) **SCOPE OF ASSISTANCE.**—Assistance under this section may include:

“(1) Support for the development of national strategies to enhance cybersecurity and reduce the risks and effects of cyber disruptions.

“(2) Programs to enhance government-industry collaboration to manage cyber risk and share knowledge.

“(3) Expertise on the revision and enactment of criminal laws, policies, and procedures to address cybercrime.

“(4) Support for the development of incident management capability that can coordinate cybersecurity watch, warning, response, and recovery efforts, including through the development of Computer Security Incident Response Teams.

“(5) Programs to build a culture of cybersecurity, increasing awareness of citizenry and industry of their critical role in protecting cyber systems.

“(6) Programs to enhance cybersecurity workforce development.

“(7) Support for the development and use of globally relevant information communication technology security standards endorsed by bodies that are transparent and invite multi-stakeholder engagement.

“(8) Programs to provide information and educational resources to diplomats engaging in discussions and negotiations around international law, norms, and capacity building measures as they relate to cyberspace policy.

“(9) Support for multilateral, intergovernmental, and nongovernmental efforts to coordinate cybersecurity capacity building efforts internationally.

“(10) Programs that enhance the ability of relevant stakeholders to act collectively against shared threats in cyberspace.

“(11) Such other functions as the Secretary of State may designate.

“(c) **RESPONSIBILITY FOR POLICY DECISIONS AND JUSTIFICATIONS.**—The Secretary of State shall be responsible for policy decisions and justifications for cyber

capacity support programs under this chapter, including determinations of whether there will be a cyber capacity support program for a country or organization and the amount of the program for each country or organization. The Secretary shall exercise this responsibility in cooperation with the head of the Bureau of International Cyberspace Policy.

“(d) DETAILED JUSTIFICATION FOR USES AND PURPOSES OF FUNDS.—As part of the annual presentation materials for foreign assistance submitted to the Congress, the Bureau of International Cyberspace Policy shall provide a detailed justification for the uses and the purposes of the funds provided under this chapter. Such material shall include, but not be limited to, information concerning the amounts and kinds of cash grant transfers, the amounts and kinds of budgetary and balance-of-payments support provided, and the amounts and kinds of project assistance provided with funds made available under this part.

“(e) ASSISTANCE UNDER OTHER AUTHORITIES.—The authority granted by this section to provide assistance for cyber capacity building in countries and organizations is not intended to preclude the use of other authorities available for that purpose.

“(f) AVAILABILITY OF FUNDS.—Amounts appropriated to carry out this chapter shall be available for civilian cybersecurity programs only, except that such funds may be used to support military or paramilitary organizations if —

“(1) such organizations oversee civilian cybersecurity capacity building efforts; and

“(2) funds are directed only toward the civilian cybersecurity capacity building activities of such organizations.

“SEC. 589. AUTHORITIES RELATING TO ASSISTANCE AND OTHER PROVISIONS.

“(a) ASSISTANCE THROUGH GOVERNMENTS AND NONGOVERNMENTAL ORGANIZATIONS.—Assistance under this chapter may be provided to governments or through nongovernmental organizations.

“(b) TECHNICAL AND MANAGERIAL ASSISTANCE.—Technical assistance under this chapter shall, to the maximum extent feasible, be provided on a long term, on-site basis and shall emphasize the provision of practical, management and other problem-solving advice, particularly advice on private enterprise provided by United States business volunteers.

“(c) USE OF ECONOMIC SUPPORT FUNDS.—Any funds that have been allocated under chapter 4 of part II for cybersecurity capacity building assistance for

countries and organizations may be used in accordance with the provisions of this chapter.

“SEC. 590. EMERGENCY ASSISTANCE.

“(a) AUTHORIZATION.—Of the funds appropriated to carry out this chapter, up to \$4,000,000 for the fiscal year 2022 and up to \$6,000,000 for the fiscal year 2023 may be made available for emergency use under this section when the national interests of the United States urgently require support to promote cyber stability.

“(b) ADDITIONAL AVAILABILITY.—Notwithstanding any provision of this chapter or of an appropriations act (including a joint resolution making continuing appropriations) which earmarks funds available to carry out this part for a specific country or purpose, up to 15 percent of each amount so earmarked may be used to carry out this section.

“SEC. 591. AUTHORIZATION OF APPROPRIATIONS.

“(a) RECIPIENTS AND PURPOSES OF FUNDS.—There are authorized to be appropriated to the President to carry out the purposes of this chapter \$25,000,000 for the fiscal year 2022.

“(b) AVAILABILITY OF AMOUNTS.—Amounts appropriated to carry out this chapter are authorized to remain available until expended.”.