

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To authorize the President to direct the Department of Defense to provide for the common defense of Federal information infrastructure in the event of a Federal cyber emergency.

**IN THE SENATE OF THE UNITED STATES—112th Cong., 2d Sess.**

**S. 3414**

To enhance the security and resiliency of the cyber and communications infrastructure of the United States.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. COBURN

Viz:

1 At the end of title V, add the following:

2 **SEC. 503. DEPARTMENT OF DEFENSE PROVISION FOR THE**  
3 **COMMON DEFENSE OF FEDERAL INFORMA-**  
4 **TION INFRASTRUCTURE IN FEDERAL CYBER**  
5 **EMERGENCIES.**

6 (a) **AUTHORITY FOR PRESIDENT TO DIRECT.**—The  
7 President shall have the authority to direct the Depart-  
8 ment of Defense to provide for the common defense of  
9 Federal information infrastructure in the event of a Fed-  
10 eral cyber emergency.

1           (b) FEDERAL CYBER EMERGENCY.—For purposes of  
2 this section, a Federal cyber emergency is an incident that  
3 threatens the viability of Federal information infrastruc-  
4 ture necessary for maintaining critical Federal govern-  
5 ment functions or operations.

6           (c) SCOPE.—The authorities exercised by the Depart-  
7 ment of Defense pursuant to subsection (a) may, as di-  
8 rected by the President under that subsection, including  
9 the authorities in section 3553 of title 44, United States  
10 Code (as amended by section 201 of this Act).

11          (d) DURATION OF AUTHORITY.—Any direction of the  
12 Department of Defense to provide for the common defense  
13 of Federal information infrastructure in the event of a  
14 Federal cyber emergency under subsection (a) shall be for  
15 such period, not to exceed seven days, as the President  
16 shall direct under that subsection.

17          (e) NOTICE TO CONGRESS.—The President shall no-  
18 tify Congress immediately upon directing the Department  
19 of Defense to provide for the common defense of Federal  
20 information infrastructure under subsection (a), and shall  
21 provide daily updates to Congress thereafter until the au-  
22 thority to provide for such defense expires.

23          (f) CONSTRUCTION.—Nothing in this section shall be  
24 construed to grant the Department of Defense authority,

- 1 jurisdiction, or control over any non-Federal information
- 2 infrastructure.