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.


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 INFORMATION INFRASTRUCTURE IN FEDERAL CYBER
4 EMERGENCIES.

5 (a) AUTHORITY FOR PRESIDENT TO DIRECT.—The
6 President shall have the authority to direct the Department of Defense to provide for the common defense of
7 Federal information infrastructure in the event of a Federal cyber emergency.
(b) Federal Cyber Emergency.—For purposes of this section, a Federal cyber emergency is an incident that threatens the viability of Federal information infrastructure necessary for maintaining critical Federal government functions or operations.

(c) Scope.—The authorities exercised by the Department of Defense pursuant to subsection (a) may, as directed by the President under that subsection, including the authorities in section 3553 of title 44, United States Code (as amended by section 201 of this Act).

(d) Duration of Authority.—Any direction of the Department of Defense to provide for the common defense of Federal information infrastructure in the event of a Federal cyber emergency under subsection (a) shall be for such period, not to exceed seven days, as the President shall direct under that subsection.

(e) Notice to Congress.—The President shall notify Congress immediately upon directing the Department of Defense to provide for the common defense of Federal information infrastructure under subsection (a), and shall provide daily updates to Congress thereafter until the authority to provide for such defense expires.

(f) Construction.—Nothing in this section shall be construed to grant the Department of Defense authority,
1 jurisdiction, or control over any non-Federal information
2 infrastructure.