

**Coburn Amendment #2683—  
To Establish Limitations on the President’s Authority to Direct the  
Department of Defense to Provide for the Common Defense of the  
Federal Information Infrastructure**

**What the Amendment Will Do:** This amendment would 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. (Importantly, this would place limits on this authority—including limiting it to 7 days and requiring immediate and ongoing notification of Congress.) The legislation states that this would NOT give DoD any authority over non-federal networks.

**As the Commander-in-Chief, the President of the United States should have the Authority to Direct the Department of Defense to Defend Federal Networks**

We recognize that the President would have the authority to use Department of Defense assets to defend against a physical attack against the United States at home if a foreign nation was invading and threatening essential government operations under Article II of the Constitution.

Certain cyber attacks have the potential to threaten the viability of computer networks that are necessary for essential federal government operations.

The President similarly has the authority to direct the Department of Defense to defend against cyber attacks that would threaten essential government operations by protecting all federal networks.

But Congress has not established limits or guidelines for how a temporary increase in DoD’s authority to defend all federal government networks would be carried out.

**Congress Should Define and Place Limitations on this Presidential Authority**

This Amendment would legislate that authority and place limitations on it—defining specifically what authorities DoD should have and how the President will notify and update Congress.

This amendment would allow the President to transfer authority to defend “federal information infrastructure” to the Department of Defense for a period of not more than 7-days.

It requires the President to immediately notify Congress and provide daily updates as long as DoD retains this authority.

And the amendment specifically states that DoD does not have any authority over non-federal information infrastructure.

### **We Should Trust DoD with this Authority to Defend Federal Networks in the Event of a Real Cyber Emergency, Rather than DHS**

The Department of Defense—and in particular, the National Security Agency (NSA)—has the workforce and expertise to defend federal government networks during a national cyber emergency that threatens the viability of essential government operations.

The Department of Homeland Security does not have this expertise and should not be trusted with a responsibility that it could not carry out in the event of a real national emergency.

This amendment recognizes this reality and creates a common-sense and constitutional framework to ensure the federal government can protect our networks, while maintaining Congressional order and limitations on temporary powers granted to the Department of Defense.