

118TH CONGRESS
1ST SESSION

S. 2153

To provide for the use of members of the Selected Reserve and Individual Ready Reserve to respond to significant cyber events.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2023

Mr. PETERS introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To provide for the use of members of the Selected Reserve and Individual Ready Reserve to respond to significant cyber events.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Defense Support for
5 Cyber Emergencies Response Act”.

6 **SEC. 2. SELECTED RESERVE AND READY RESERVE ORDER**
7 **TO ACTIVE DUTY TO RESPOND TO A SIGNIFI-**
8 **CANT CYBER INCIDENT.**

9 Section 12304 of title 10, United States Code, is
10 amended—

1 (1) in the subsection heading for subsection (a),
 2 by striking “AUTHORITY” and inserting “OPER-
 3 ATIONAL MISSIONS AND OTHER EMERGENCIES”;

4 (2) by redesignating subsections (c) through (j)
 5 as subsections (d) through (k), respectively;

6 (3) by inserting after subsection (b) the fol-
 7 lowing new subsection:

8 “(c) SUPPORT FOR COVERED CYBER INCIDENTS.—

9 The Secretary of Defense may, without the consent of the
 10 member affected, order any unit, and any member not as-
 11 signed to a unit organized to serve as a unit, of the Se-
 12 lected Reserve or Individual Ready Reserve to active duty
 13 for a continuous period of not more than 365 days when
 14 the Secretary of Defense determines it is necessary to aug-
 15 ment the active forces for a Department of Defense re-
 16 sponse to a covered incident.”;

17 (4) in paragraph (1) of subsection (d), as redes-
 18 ignated by paragraph (2) of this section, by insert-
 19 ing “or subsection (c)” after “subsection (b)”;

20 (5) in subsection (h) (as so redesignated)—

21 (A) by redesignating paragraphs (1) and
 22 (2) as subparagraphs (A) and (B), respectively;

23 (B) by striking “Whenever any” and in-
 24 serting “(1) Whenever any”; and

1 (C) by adding at the end the following new
 2 paragraph:

3 “(2) Whenever any unit of the Selected Reserve or
 4 any member of the Selected Reserve not assigned to a unit
 5 organized to serve as a unit, or any member of the Indi-
 6 vidual Ready Reserve, is ordered to active duty under au-
 7 thority of subsection (c), the service of all units or mem-
 8 bers so ordered to active duty may be terminated by—

9 “(A) order of the Secretary of Defense; or

10 “(B) law.”; and

11 (6) in subsection (k) (as so redesignated)—

12 (A) by redesignating paragraph (2) as
 13 paragraph (3); and

14 (B) by inserting after paragraph (1) the
 15 following new paragraph:

16 “(2) The term ‘covered incident’ means—

17 “(A) a cyber incident involving a Depart-
 18 ment of Defense information system, or a
 19 breach of a Department of Defense system that
 20 involves personally identifiable information, that
 21 the Secretary of Defense determines is likely to
 22 result in demonstrable harm to the national se-
 23 curity interests, foreign relations, or the econ-
 24 omy of the United States, or to the public con-

1 fidence, civil liberties, or public health and safe-
2 ty of the people of the United States;

3 “(B) a cyber incident or collection of re-
4 lated cyber incidents that the President deter-
5 mines is likely to result in demonstrable harm
6 to the national security interests, foreign rela-
7 tions, or economy of the United States or to the
8 public confidence, civil liberties, or public health
9 and safety of the people of the United States;
10 or

11 “(C) a significant incident declared pursu-
12 ant to section 2233 of the Homeland Security
13 Act of 2002 (6 U.S.C. 677b).”.

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