

gency recovery plans to respond to major failures of critical information systems; and

(3) fulfill the responsibilities of the Secretary to protect Federal information systems under subchapter II of chapter 35 of title 44.

(Pub. L. 107–296, title XXII, § 2205, formerly title II, § 223, Nov. 25, 2002, 116 Stat. 2156; Pub. L. 110–53, title V, § 531(b)(1)(A), Aug. 3, 2007, 121 Stat. 334; Pub. L. 113–283, § 2(e)(3)(A), Dec. 18, 2014, 128 Stat. 3086; renumbered title XXII, § 2205, and amended Pub. L. 115–278, § 2(g)(2)(I), (9)(A)(i), Nov. 16, 2018, 132 Stat. 4178, 4180; Pub. L. 117–263, div. G, title LXXI, § 7143(c)(6), Dec. 23, 2022, 136 Stat. 3663.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 143 of this title prior to renumbering by Pub. L. 115–278.

AMENDMENTS

2022—Pub. L. 117–263 substituted “Director of the Cybersecurity and Infrastructure Security Agency” for “Director of Cybersecurity and Infrastructure Security” in introductory provisions.

2018—Pub. L. 115–278, § 2(g)(9)(A)(i)(I), substituted “section 652 of this title” for “section 121 of this title” and “Director of Cybersecurity and Infrastructure Security” for “Under Secretary appointed under section 113(a)(1)(H) of this title” in introductory provisions.

Par. (1)(B). Pub. L. 115–278, § 2(g)(9)(A)(i)(II), struck out “and” at end.

2014—Pub. L. 113–283, § 2(e)(3)(A)(i), (ii), inserted “Federal and” before “non-Federal” in section catchline and substituted “the Under Secretary appointed under section 113(a)(1)(H) of this title” for “the Under Secretary for Intelligence and Analysis, in cooperation with the Assistant Secretary for Infrastructure Protection” in introductory provisions.

Par. (3). Pub. L. 113–283, § 2(e)(3)(A)(iii), (iv), added par. (3).

2007—Pub. L. 110–53 substituted “Under Secretary for Intelligence and Analysis, in cooperation with the Assistant Secretary for Infrastructure Protection” for “Under Secretary for Information Analysis and Infrastructure Protection” in introductory provisions.

Statutory Notes and Related Subsidiaries

RULE OF CONSTRUCTION

Nothing in amendment made by Pub. L. 117–263 to be construed to alter the authorities, responsibilities, functions, or activities of any agency (as such term is defined in 44 U.S.C. 3502) or officer or employee of the United States on or before Dec. 23, 2022, see section 7143(f)(1) of Pub. L. 117–263, set out as a note under section 650 of this title.

§ 656. NET Guard

The Director of the Cybersecurity and Infrastructure Security Agency may establish a national technology guard, to be known as “NET Guard”, comprised of local teams of volunteers with expertise in relevant areas of science and technology, to assist local communities to respond and recover from attacks on information systems and communications networks.

(Pub. L. 107–296, title XXII, § 2206, formerly title II, § 224, Nov. 25, 2002, 116 Stat. 2156; Pub. L. 110–53, title V, § 531(b)(1)(B), Aug. 3, 2007, 121 Stat. 334; renumbered title XXII, § 2206, and amended Pub. L. 115–278, § 2(g)(2)(I), (9)(A)(ii), Nov. 16, 2018, 132 Stat. 4178, 4180; Pub. L. 117–263,

div. G, title LXXI, § 7143(c)(7), Dec. 23, 2022, 136 Stat. 3663.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 144 of this title prior to renumbering by Pub. L. 115–278.

AMENDMENTS

2022—Pub. L. 117–263 substituted “Director of the Cybersecurity and Infrastructure Security Agency” for “Director of Cybersecurity and Infrastructure Security”.

2018—Pub. L. 115–278, § 2(g)(9)(A)(ii), substituted “Director of Cybersecurity and Infrastructure Security” for “Assistant Secretary for Infrastructure Protection”.

2007—Pub. L. 110–53 substituted “Assistant Secretary for Infrastructure Protection” for “Under Secretary for Information Analysis and Infrastructure Protection”.

Statutory Notes and Related Subsidiaries

RULE OF CONSTRUCTION

Nothing in amendment made by Pub. L. 117–263 to be construed to alter the authorities, responsibilities, functions, or activities of any agency (as such term is defined in 44 U.S.C. 3502) or officer or employee of the United States on or before Dec. 23, 2022, see section 7143(f)(1) of Pub. L. 117–263, set out as a note under section 650 of this title.

§ 657. Cyber Security Enhancement Act of 2002

(a) Short title

This section may be cited as the “Cyber Security Enhancement Act of 2002”.

(b) Amendment of sentencing guidelines relating to certain computer crimes

(1) Directive to the United States Sentencing Commission

Pursuant to its authority under section 994(p) of title 28 and in accordance with this subsection, the United States Sentencing Commission shall review and, if appropriate, amend its guidelines and its policy statements applicable to persons convicted of an offense under section 1030 of title 18.

(2) Requirements

In carrying out this subsection, the Sentencing Commission shall—

(A) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offenses described in paragraph (1), the growing incidence of such offenses, and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(B) consider the following factors and the extent to which the guidelines may or may not account for them—

(i) the potential and actual loss resulting from the offense;

(ii) the level of sophistication and planning involved in the offense;

(iii) whether the offense was committed for purposes of commercial advantage or private financial benefit;

(iv) whether the defendant acted with malicious intent to cause harm in committing the offense;