AMENDMENT TO RULES COMMITTEE PRINT 115–23

OFFERED BY MR. CORREA OF CALIFORNIA

At the end of subtitle D of title XVI, add the following new section:

SEC. 1656. STRATEGY FOR THE OFFENSIVE USE OF CYBER CAPABILITIES.

(a) FINDINGS.—

(1) The North Atlantic Treaty Organization (commonly known as “NATO”) remains a critical alliance for the United States and a cost-effective, flexible means of providing security to the most important allies of the United States.

(2) The regime of Russian President Vladimir Putin is actively working to erode democratic systems of NATO member states, including the United States.

(3) According to the report of the Office of the Director of National Intelligence dated January 6, 2017, on the Russian Federation’s hack of the United States presidential election: “Russian efforts to influence the 2016 presidential election represent the most recent expression of Moscow’s longstanding
desire to undermine the US-led liberal democratic order.’’.

(4) As recently as May 4, 2017, the press reported a massive cyber hack of French President Emmanuel Macron’s campaign, likely attributable to Russian actors.

(5) It is in the core interests of the United States to enhance the offensive and defensive cyber capabilities of NATO member states to deter and defend against Russian cyber and influence operations.

(6) Enhanced offensive cyber capabilities would enable the United States to demonstrate strength and deter the Russian Federation from threatening NATO, while reassuring allies, without a provocative buildup of conventional military forces.

(b) SENSE OF CONGRESS ON CYBER STRATEGY OF THE DEPARTMENT OF DEFENSE.—It is the sense of Congress that —

(1) the Secretary of Defense should update the cyber strategy of the Department of Defense (as that strategy is described in the Department of Defense document titled “The Department of Defense Cyber Strategy” dated April 15, 2015); and
(2) in updating the cyber strategy of the Department, the Secretary should—

(A) specifically develop an offensive cyber strategy that includes plans for the offensive use of cyber capabilities, including computer network exploitation and computer network attacks, to thwart air, land, or sea attacks by the regime of Russian President Vladimir Putin and other adversaries;

(B) provide guidance on integrating offensive tools into the cyber arsenal of the Department; and

(C) assist NATO partners, through the NATO Cooperative Cyber Center of Excellence and other entities, in developing offensive cyber capabilities.

(c) STRATEGY FOR OFFENSIVE USE OF CYBER CAPABILITIES.—

(1) STRATEGY REQUIRED.—The President shall develop a written strategy for the offensive use of cyber capabilities by departments and agencies of the Federal Government.

(2) ELEMENTS.—The strategy developed under paragraph (1) shall include, at minimum—
(A) a description of enhancements that are
needed to improve the offensive cyber capabil-
ties of the United States and partner nations,
including NATO member states; and

(B) a statement of principles concerning
the appropriate deployment of offensive cyber
capabilities.

(3) Submission to Congress.—

(A) In general.—Not later than 180
days after the date of the enactment of this
Act, the President shall submit to the congres-
sional defense committees (as that term is de-
defined in section 101(a)(16) of title 10, United
States Code) the strategy developed under para-
graph (1).

(B) Form of submission.—The strategy
submitted under subparagraph (A) may be sub-
mitted in classified form.

(d) International Cooperation.—

(1) Authority to provide technical as-
sistance.—The President, acting through the Sec-
retary of Defense and with the concurrence of the
Secretary of State, is authorized to provide technical
assistance to NATO member states to assist such
states in developing and enhancing offensive cyber capabilities.

(2) TECHNICAL EXPERTS.—In providing technical assistance under paragraph (1), the President, acting through the NATO Cooperative Cyber Center of Excellence, may detail technical experts in the field of cyber operations to NATO member states.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude or limit the authorities of the President or the Secretary of Defense to provide cyber-related assistance to foreign countries, including the authority of the Secretary to provide such assistance under section 333 of title 10, United States Code.