

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:

1 **SEC. 1656. STRATEGY FOR THE OFFENSIVE USE OF CYBER**
2 **CAPABILITIES.**

3 (a) FINDINGS.—

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

9 (2) The regime of Russian President Vladimir
10 Putin is actively working to erode democratic sys-
11 tems of NATO member states, including the United
12 States.

13 (3) According to the report of the Office of the
14 Director of National Intelligence dated January 6,
15 2017, on the Russian Federation’s hack of the
16 United States presidential election: “Russian efforts
17 to influence the 2016 presidential election represent
18 the most recent expression of Moscow’s longstanding

1 desire to undermine the US-led liberal democratic
2 order.”.

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

7 (5) It is in the core interests of the United
8 States to enhance the offensive and defensive cyber
9 capabilities of NATO member states to deter and
10 defend against Russian cyber and influence oper-
11 ations.

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

17 (b) SENSE OF CONGRESS ON CYBER STRATEGY OF
18 THE DEPARTMENT OF DEFENSE.—It is the sense of Con-
19 gress that —

20 (1) the Secretary of Defense should update the
21 cyber strategy of the Department of Defense (as
22 that strategy is described in the Department of De-
23 fense document titled “The Department of Defense
24 Cyber Strategy” dated April 15, 2015); and

1 (2) in updating the cyber strategy of the De-
2 partment, the Secretary should—

3 (A) specifically develop an offensive cyber
4 strategy that includes plans for the offensive
5 use of cyber capabilities, including computer
6 network exploitation and computer network at-
7 tacks, to thwart air, land, or sea attacks by the
8 regime of Russian President Vladimir Putin
9 and other adversaries;

10 (B) provide guidance on integrating offen-
11 sive tools into the cyber arsenal of the Depart-
12 ment; and

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

17 (c) STRATEGY FOR OFFENSIVE USE OF CYBER CA-
18 PABILITIES.—

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

23 (2) ELEMENTS.—The strategy developed under
24 paragraph (1) shall include, at minimum—

1 (A) a description of enhancements that are
2 needed to improve the offensive cyber capabili-
3 ties of the United States and partner nations,
4 including NATO member states; and

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

8 (3) SUBMISSION TO CONGRESS.—

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

16 (B) FORM OF SUBMISSION.—The strategy
17 submitted under subparagraph (A) may be sub-
18 mitted in classified form.

19 (d) INTERNATIONAL COOPERATION.—

20 (1) AUTHORITY TO PROVIDE TECHNICAL AS-
21 SISTANCE.—The President, acting through the Sec-
22 retary of Defense and with the concurrence of the
23 Secretary of State, is authorized to provide technical
24 assistance to NATO member states to assist such

1 states in developing and enhancing offensive cyber
2 capabilities.

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

8 (3) RULE OF CONSTRUCTION.—Nothing in this
9 section shall be construed to preclude or limit the
10 authorities of the President or the Secretary of De-
11 fense to provide cyber-related assistance to foreign
12 countries, including the authority of the Secretary to
13 provide such assistance under section 333 of title
14 10, United States Code.

