

AMENDMENT TO RULES COMM. PRINT 116-57

OFFERED BY MR. CHABOT OF OHIO

Page 837, after line 2, insert the following:

1 **SEC. 12 ____ . DETERRENCE STRATEGY AGAINST CHINESE-**
2 **ORIGIN CYBER ATTACKS.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) Cyber-enabled industrial espionage and the
5 large scale cybertheft of personal information by the
6 People’s Republic of China (“PRC”) are severely
7 detrimental to national security, economic vitality,
8 and technological preeminence.

9 (2) Such attacks are generally situated within
10 the context of state-sponsored gray zone campaigns
11 and not generally ultimately attributable to sub-state
12 actors.

13 (3) The United States response to such espio-
14 nage has not included the imposition of sufficient
15 costs on the PRC to deter or credibly respond to
16 such attacks.

17 (b) STATEMENT OF POLICY.—It is the policy of the
18 United States to deter and respond to industrial espionage
19 and the theft of personal information conducted against
20 the United States or United States persons by the PRC,

1 PRC persons or entities, or persons or entities acting on
2 behalf of the PRC.

3 (c) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the President shall sub-
5 mit to the appropriate congressional committees a whole-
6 of-government strategy, in unclassified and classified
7 forms as specified in paragraphs (1) through (4), to im-
8 pose costs on the PRC or appropriate PRC persons or en-
9 tities in order to deter industrial espionage and the large-
10 scale theft of personal information conducted by the PRC,
11 PRC persons or entities, or persons or entities acting on
12 behalf of the PRC against the United States or United
13 States persons, that includes the following:

14 (1) An unclassified discussion of United States
15 interests in preventing such cyber attacks that in-
16 cludes a general discussion of the impact on the
17 United States and its economy from such attacks.

18 (2) An unclassified general discussion of the
19 contexts in which and the means by which the
20 United States will seek to deter such cyber attacks,
21 that seeks to demonstrate the credibility of United
22 States resolve to defend its interests in cyberspace.

23 (3) A classified theory of deterrence with re-
24 spect to the PRC that explains—

1 (A) the means or combination of means,
2 including available non-cyber responses, antici-
3 pated to achieve deterrence and the justification
4 for such assessment; and

5 (B) an escalation ladder that describes the
6 circumstances and the timeframe under which
7 the President plans to invoke the use of such
8 means to be effective to deter such attacks or
9 to invoke lesser means to provide a credible re-
10 sponse.

11 (4) A classified description of the roles of the
12 Secretary of State, the Secretary of Defense, the At-
13 torney General, the Secretary of Commerce, the Sec-
14 retary of the Treasury, the Secretary of Homeland
15 Security, the Secretary of Health and Human Serv-
16 ices, and, as appropriate, the head of each element
17 of the intelligence community (as such term is de-
18 fined by section 3 of the National Security Act of
19 1947 (50 U.S.C. 3003)) in carrying out such strat-
20 egy.

21 (d) IMPLEMENTATION PLAN.—Not later than 30
22 days after the date of the submission of the strategy re-
23 quired by subsection (c), each Federal official listed in
24 subsection (c)(4) shall submit to the appropriate congres-
25 sional committees a classified implementation plan to de-

1 scribe the manner in which the respective department or
2 agency will carry out this strategy.

3 (e) UPDATE.—Not later than 1 year after the date
4 of the submission of the strategy required by subsection
5 (c), and annually thereafter, the President shall submit
6 to the appropriate congressional committees an unclassi-
7 fied assessment of the effectiveness of the strategy, an un-
8 classified summary of the lessons learned from the past
9 year on the effectiveness of deterrence (which may contain
10 a classified annex), and an unclassified summary of
11 planned changes to the strategy with a classified annex
12 on changes to its theory of deterrence.

13 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
14 FINED.—In this section, the term “appropriate congres-
15 sional committees” means—

16 (1) the Committee on Foreign Affairs, the
17 Committee on Armed Services, the Permanent Select
18 Committee on Intelligence, the Committee on the
19 Judiciary, the Committee on Energy and Commerce,
20 the Committee on Homeland Security, and the Com-
21 mittee on Financial Services of the House of Rep-
22 resentatives; and

23 (2) the Committee on Foreign Relations, the
24 Committee on Armed Services, the Committee on
25 Banking, Housing, and Urban Affairs, the Com-

1 mittee on Commerce, Science, and Transportation,
2 the Committee on Homeland Security and Govern-
3 ment Affairs, and the Committee on the Judiciary of
4 the Senate.

