

**AMENDMENT TO RULES COMM. PRINT 118-36**  
**OFFERED BY MR. PFLUGER OF TEXAS**

At the end of subtitle C of title XVII, add the following:

1 **SEC. 17\_. NATIONAL GRAY ZONE DIRECTOR.**

2 (a) ESTABLISHMENT.—There is established, within  
3 the Executive Office of the President, the Office of the  
4 National Gray Zone Director (in this section referred to  
5 as the “Office”).

6 (b) NATIONAL GRAY ZONE DIRECTOR.—

7 (1) IN GENERAL.—The Office shall be headed  
8 by the National Gray Zone Director (in this section  
9 referred to as the “Director”) who shall be ap-  
10 pointed by the President, by and with the advice and  
11 consent of the Senate.

12 (2) POSITION.—The Director shall hold office  
13 at the pleasure of the President.

14 (3) PAY AND ALLOWANCES.—The Director shall  
15 be entitled to receive the same pay and allowances  
16 as are provided for level II of the Executive Schedule  
17 under section 5313 of title 5, United States Code.

18 (c) DUTIES OF THE NATIONAL GRAY ZONE DIREC-  
19 TOR.—

1           (1) IN GENERAL.—Subject to the authority, di-  
2           rection, and control of the President, the Director  
3           shall—

4                   (A) serve as the principal advisor to the  
5           President on gray zone policy and strategy re-  
6           lating to the coordination of—

7                           (i) programs and policies intended to  
8                           counter adversaries’ and competitors’ ac-  
9                           tions which operate below the threshold of  
10                          open military conflict and at the edges of  
11                          international law, actions that are cal-  
12                          culated to achieve maximum effect without  
13                          provoking a direct military response from  
14                          the United States;

15                          (ii) programs and policies intended to  
16                          improve national security posture of the  
17                          United States as it relates to the gray  
18                          zone, which shall include developing a cam-  
19                          paign plan that shall include—

20                                   (I) a clear assessment of the  
21                                   global threats and opportunities posed  
22                                   by gray zone activities;

23                                   (II) actions the United States  
24                                   should take to compete in the gray  
25                                   zone when necessary; and

1 (III) actions to ultimately deter  
2 adversaries from using gray zone tac-  
3 tics;

4 (iii) diplomatic and other efforts to  
5 develop norms and international consensus  
6 around responsible state behavior with re-  
7 gards to the gray zone;

8 (iv) awareness and adoption of emerg-  
9 ing technology that may enhance, aug-  
10 ment, or degrade the gray zone posture of  
11 the United States; and

12 (v) such other matters as the Presi-  
13 dent considers appropriate;

14 (B) offer advice and consultation to the  
15 National Security Council and its staff, the  
16 Homeland Security Council and its staff, and  
17 relevant Federal departments and agencies, for  
18 their consideration, relating to the development  
19 and coordination of national gray zone policy  
20 and strategy, including the National Grand  
21 Strategy for the Gray Zone;

22 (C) lead the coordination of implementa-  
23 tion of national gray zone policy and strategy,  
24 including the National Grand Strategy for the  
25 Gray Zone, by—

1 (i) in coordination with the heads of  
2 relevant Federal departments or agencies,  
3 monitoring and assessing the effectiveness,  
4 including cost-effectiveness, of the imple-  
5 mentation of such national gray zone pol-  
6 icy and strategy by Federal departments  
7 and agencies;

8 (ii) making recommendations, relevant  
9 to changes in the organization, personnel,  
10 and resource allocation and to policies of  
11 Federal departments and agencies, to the  
12 heads of relevant Federal departments and  
13 agencies in order to implement such na-  
14 tional gray zone policy and strategy;

15 (iii) reviewing the annual budget pro-  
16 posals for relevant Federal departments  
17 and agencies and advising the heads of  
18 such departments and agencies whether  
19 such proposals are consistent with such na-  
20 tional gray zone policy and strategy;

21 (iv) continuously assessing and mak-  
22 ing relevant recommendations to the Presi-  
23 dent on the appropriate level of integration  
24 and interoperability across the Federal  
25 agencies as it relates to the gray zone;

1 (v) reporting annually to the Presi-  
2 dent, the Assistant to the President for  
3 National Security Affairs, and Congress on  
4 the state of the gray zone posture of the  
5 United States, the effectiveness of such na-  
6 tional gray zone policy and strategy, and  
7 the status of the implementation of such  
8 national gray zone policy and strategy by  
9 Federal departments and agencies; and

10 (vi) such other activity as the Presi-  
11 dent considers appropriate to further such  
12 national gray zone policy and strategy;

13 (D) lead coordination of the development  
14 and ensuring implementation by the Federal  
15 Government of integrated incident response to  
16 gray zone attacks and gray zone campaigns of  
17 significant consequence, including—

18 (i) ensuring and facilitating coordina-  
19 tion among relevant Federal departments  
20 and agencies in the development of inte-  
21 grated operational plans, processes, and  
22 playbooks, including for incident response,  
23 that feature—

1 (I) clear lines of authority and  
2 lines of effort across the Federal Gov-  
3 ernment;

4 (II) authorities that have been  
5 delegated to an appropriate level to  
6 facilitate effective operational re-  
7 sponses across the Federal Govern-  
8 ment; and

9 (III) support for the integration  
10 of plans and capabilities with offensive  
11 plans and capabilities in a manner  
12 consistent with improving the gray  
13 zone posture of the United States;

14 (ii) ensuring the exercising of defen-  
15 sive operational plans, processes, and play-  
16 books for incident response;

17 (iii) ensuring the updating of defen-  
18 sive operational plans, processes, and play-  
19 books for incident response as needed to  
20 keep them updated; and

21 (iv) reviewing and ensuring that de-  
22 fensive operational plans, processes, and  
23 playbooks improve coordination with rel-  
24 evant private sector entities, as appro-  
25 priate;

1 (E) preparing the response by the Federal  
2 Government to gray zone attacks and gray zone  
3 campaigns of significant consequence across  
4 Federal departments and agencies with respon-  
5 sibilities pertaining to national security and  
6 with the relevant private sector entities, includ-  
7 ing—

8 (i) developing for the approval of the  
9 President, in coordination with the Assist-  
10 ant to the President for National Security  
11 Affairs and the heads of relevant Federal  
12 departments and agencies, operational pri-  
13 orities, requirements, and plans;

14 (ii) ensuring incident response is exe-  
15 cuted consistent with the plans described  
16 in clause (i); and

17 (iii) ensuring relevant Federal depart-  
18 ment and agency consultation with rel-  
19 evant private sector entities in incident re-  
20 sponse;

21 (F) annually report to Congress on gray  
22 zone threats and issues facing the United  
23 States, including any new or emerging tactics  
24 and technologies that may affect national secu-

1           rity, economic prosperity, or enforcing the rule  
2           of law; and

3           (G) be responsible for such other functions  
4           as the President may direct.

5           (2) DELEGATION OF AUTHORITY.—

6           (A) IN GENERAL.—The Director may—

7           (i) serve as the senior representative  
8           to any organization that the President may  
9           establish for the purpose of providing the  
10          President advice on the gray zone;

11          (ii) subject to subparagraph (B), be  
12          included as a participant in preparations  
13          for and, when appropriate, execution of do-  
14          mestic and international summits and  
15          other international meetings at which the  
16          gray zone is a major topic;

17          (iii) delegate any of the Director's  
18          functions, powers, and duties to such offi-  
19          cers and employees of the Office as the Di-  
20          rector considers appropriate; and

21          (iv) authorize such successive re-dele-  
22          gations of such functions, powers, and du-  
23          ties to such officers and employees of the  
24          Office as the Director considers appro-  
25          priate.



1 (B) COORDINATION.—In acting under sub-  
2 paragraph (A)(ii) in the case of a summit or a  
3 meeting with an international partner, the Di-  
4 rector shall act in coordination with the Sec-  
5 retary of State.

6 (d) ATTENDANCE AND PARTICIPATION IN NATIONAL  
7 SECURITY COUNCIL MEETINGS.—Section 101(c)(2) of the  
8 National Security Act of 1947 (50 U.S.C. 3021(c)(2)) is  
9 amended by striking “and the National Cyber Director”  
10 and inserting “the National Cyber Director, and the Na-  
11 tional Gray Zone Director”.

12 (e) POWERS OF THE DIRECTOR.—The Director may,  
13 for the purposes of carrying out the functions of the Direc-  
14 tor under this section—

15 (1) subject to the civil service and classification  
16 laws, select, appoint, employ, and fix the compensa-  
17 tion of such officers and employees as are necessary  
18 and prescribe their duties, except that not more than  
19 75 individuals may be employed without regard to  
20 any provision of law regulating the employment or  
21 compensation at rates not to exceed the basic rate  
22 of basic pay payable for level IV of the Executive  
23 Schedule under section 5315 of title 5, United  
24 States Code;

1           (2) employ experts and consultants in accord-  
2           ance with section 3109 of title 5, United States  
3           Code, and compensate individuals so employed for  
4           each day (including travel time) at rates not in ex-  
5           cess of the maximum rate of basic pay for grade  
6           GS-15 as provided in section 5332 of such title, and  
7           while such experts and consultants are so serving  
8           away from their homes or regular place of business,  
9           to pay such employees travel expenses and per diem  
10          in lieu of subsistence at rates authorized by section  
11          5703 of such title 5 for persons in Federal Govern-  
12          ment service employed intermittently;

13          (3) promulgate such rules and regulations as  
14          may be necessary to carry out the functions, powers,  
15          and duties vested in the Director;

16          (4) utilize, with their consent, the services, per-  
17          sonnel, and facilities of other Federal agencies;

18          (5) enter into and perform such contracts,  
19          leases, cooperative agreements, or other transactions  
20          as may be necessary in the conduct of the work of  
21          the Office and on such terms as the Director may  
22          determine appropriate, with any Federal agency, or  
23          with any public or private person or entity;

1           (6) accept voluntary and uncompensated serv-  
2           ices, notwithstanding the provisions of section 1342  
3           of title 31, United States Code;

4           (7) adopt an official seal, which shall be judi-  
5           cially noticed; and

6           (8) provide, where authorized by law, copies of  
7           documents to persons at cost, except that any funds  
8           so received shall be credited to, and be available for  
9           use from, the account from which expenditures relat-  
10          ing thereto were made.

11          (f) RULES OF CONSTRUCTION.—Nothing in this sec-  
12          tion may be construed as—

13           (1) modifying any authority or responsibility,  
14           including any operational authority or responsibility  
15           of any head of a Federal department or agency;

16           (2) authorizing the Director or any person act-  
17           ing under the authority of the Director to interfere  
18           with or to direct a criminal or national security in-  
19           vestigation, arrest, search, seizure, or disruption op-  
20           eration;

21           (3) amending a legal restriction that was in ef-  
22           fect on the day before the date of the enactment of  
23           this Act that requires a law enforcement agency to  
24           keep confidential information learned in the course  
25           of a criminal or national security investigation;

1           (4) authorizing the Director or any person act-  
2           ing under the authority of the Director to interfere  
3           with or to direct a military operation;

4           (5) authorizing the Director or any person act-  
5           ing under the authority of the Director to interfere  
6           with or to direct any diplomatic or consular activity;

7           (6) authorizing the Director or any person act-  
8           ing under the authority of the Director to interfere  
9           with or to direct an intelligence activity, resource, or  
10          operation; or

11          (7) authorizing the Director or any person act-  
12          ing under the authority of the Director to modify  
13          the classification of intelligence information.

14          (g) DEFINITIONS.—In this section—

15           (1) the term “gray zone” or “gray zone activ-  
16           ity” has the meaning given that term in section 825  
17           of the Intelligence Authorization Act for Fiscal Year  
18           2022 (Public Law 117–103);

19           (2) the term “gray zone attack and gray zone  
20           campaign of significant consequence” means an inci-  
21           dent or series of incidents that has the purpose or  
22           effect of—

23                   (A) causing a significant disruption to the  
24                   confidentiality, integrity, or availability of a  
25                   Federal system;

1 (B) harming, or otherwise significantly  
2 compromising the provision of service that sup-  
3 ports one or more entities in a critical infra-  
4 structure sector;

5 (C) significantly compromising the provi-  
6 sion of services by one or more entities in a  
7 critical infrastructure sector;

8 (D) causing a significant misappropriation  
9 of funds or economic resources, trade secrets,  
10 personal identifiers, or financial information for  
11 commercial or competitive advantage or private  
12 financial gain; or

13 (E) otherwise constituting a significant  
14 threat to the national security, foreign policy, or  
15 economic health or financial stability of the  
16 United States;

17 (3) the term “incident” has the meaning given  
18 such term in section 3552 of title 44, United States  
19 Code;

20 (4) the term “incident response” means a gov-  
21 ernment or private sector activity that detects, miti-  
22 gates, or recovers from a gray zone attack or gray  
23 zone campaign of significant consequence; and

1           (5) the term “intelligence” has the meaning  
2           given such term in section 3 of the National Security  
3           Act of 1947 (50 U.S.C. 3003).

