

115TH CONGRESS
1ST SESSION

H. R. 2812

To direct the President to develop a strategy for the offensive use of cyber capabilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2017

Mr. CORREA introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the President to develop a strategy for the offensive use of cyber capabilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Enhance Partner
5 Cyber Capabilities Act”.

6 **SEC. 2. FINDINGS.**

7 (1) The North Atlantic Treaty Organization
8 (commonly known as “NATO”) remains a critical
9 alliance for the United States and a cost-effective,

1 flexible means of providing security to the most im-
2 portant allies of the United States.

3 (2) The regime of Russian President Vladimir
4 Putin is actively working to erode democratic sys-
5 tems of NATO member states, including the United
6 States.

7 (3) According to the report of the Office of the
8 Director of National Intelligence dated January 6,
9 2017, on the Russian Federation's hack of the
10 United States presidential election: "Russian efforts
11 to influence the 2016 presidential election represent
12 the most recent expression of Moscow's longstanding
13 desire to undermine the US-led liberal democratic
14 order."

15 (4) As recently as May 4, 2017, the press re-
16 ported a massive cyber hack of French President
17 Emmanuel Macron's campaign, likely attributable to
18 Russian actors.

19 (5) It is in the core interests of the United
20 States to enhance the offensive and defensive cyber
21 capabilities of NATO member states to deter and
22 defend against Russian cyber and influence oper-
23 ations.

24 (6) Enhanced offensive cyber capabilities would
25 enable the United States to demonstrate strength

1 and deter the Russian Federation from threatening
2 NATO, while reassuring allies, without a provocative
3 buildup of conventional military forces.

4 **SEC. 3. SENSE OF CONGRESS ON CYBER STRATEGY OF THE**
5 **DEPARTMENT OF DEFENSE.**

6 It is the sense of Congress that—

7 (1) the Secretary of Defense should update the
8 cyber strategy of the Department of Defense (as
9 that strategy is described in the Department of De-
10 fense document titled “The Department of Defense
11 Cyber Strategy” dated April 15, 2015);

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

14 (A) specifically develop an offensive cyber
15 strategy that includes plans for the offensive
16 use of cyber capabilities, including computer
17 network exploitation and computer network at-
18 tacks, to thwart air, land, or sea attacks by the
19 regime of Russian President Vladimir Putin
20 and other adversaries;

21 (B) provide guidance on integrating offen-
22 sive tools into the cyber arsenal of the Depart-
23 ment; and

24 (C) assist NATO partners, through the
25 NATO Cooperative Cyber Center of Excellence

1 and other entities, in developing offensive cyber
2 capabilities.

3 **SEC. 4. STRATEGY FOR OFFENSIVE USE OF CYBER CAPA-**
4 **BILITIES.**

5 (a) STRATEGY REQUIRED.—The President shall de-
6 velop a written strategy for the offensive use of cyber
7 capabilities by departments and agencies of the Federal
8 Government.

9 (b) ELEMENTS.—The strategy developed under sub-
10 section (a) shall include, at minimum—

11 (1) a description of enhancements that are
12 needed to improve the offensive cyber capabilities of
13 the United States and partner nations, including
14 NATO member states; and

15 (2) a statement of principles concerning the ap-
16 propriate deployment of offensive cyber capabilities.

17 (c) SUBMISSION TO CONGRESS.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of the enactment of this Act, the
20 President shall submit to the congressional defense
21 committees (as that term is defined in section
22 101(a)(16) of title 10, United States Code) the
23 strategy developed under subsection (a).

1 (2) FORM OF SUBMISSION.—The strategy sub-
2 mitted under paragraph (1) may be submitted in
3 classified form.

4 **SEC. 5. INTERNATIONAL COOPERATION.**

5 (a) AUTHORITY TO PROVIDE TECHNICAL ASSIST-
6 ANCE.—The President, acting through the Secretary of
7 Defense and with the concurrence of the Secretary of
8 State, is authorized to provide technical assistance to
9 NATO member states to assist such states in developing
10 and enhancing offensive cyber capabilities.

11 (b) TECHNICAL EXPERTS.—In providing technical
12 assistance under subsection (a), the President, acting
13 through the NATO Cooperative Cyber Center of Excel-
14 lence, may detail technical experts in the field of cyber
15 operations to NATO member states.

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

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