

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 9087
OFFERED BY MR. ISSA OF CALIFORNIA**

At the appropriate place, insert the following:

1 **SEC. ____ . CYBERCRIME INVESTIGATIVE AUTHORITY FOR**
2 **DEPARTMENT OF STATE SYSTEMS AND**
3 **PERSONNE.**

4 Section 37 of the State Department Basic Authorities
5 Act of 1956 (22 U.S.C. 2709) is amended—

6 (1) in subsection (a)(1)—

7 (A) in subparagraph (C), by striking “or”
8 at the end;

9 (B) in subparagraph (D), by adding “or”
10 after the semicolon at the end; and

11 (C) by adding at the end the following:

12 “(E) Federal offenses involving unauthor-
13 ized access to, damage to, impairment of, theft
14 from, or malicious cyber activity directed
15 against—

16 “(i) Department of State computer,
17 information system, network, account, in-
18 formation resource, or data;

1 “(ii) a computer, information system,
2 network, account, information resource, or
3 data owned, operated, or maintained on be-
4 half of the Department of State or a
5 United States mission abroad;

6 “(iii) a personal account, personal de-
7 vice, or non-Department of State informa-
8 tion system of an officer, employee, con-
9 tractor, or eligible family member of the
10 Department of State, if the activity is rea-
11 sonably believed to be directed at, to facili-
12 tate, or to be part of a threat to a Depart-
13 ment of State system, person, facility, in-
14 formation, or mission; or

15 “(iv) any other system or data for
16 which the Secretary of State has security
17 responsibility under section 103 of the Om-
18 nibus Diplomatic Security and
19 Antiterrorism Act of 1986 (22 U.S.C.
20 4802).”; and

21 (2) by adding at the end the following:

22 “(h) DECONFLICTION.—The Secretary shall establish
23 procedures, in consultation with the Attorney General, to
24 deconflict investigations under subsection (a)(1)(E) con-
25 ducted by the Department of Justice, the Federal Bureau

1 of Investigation, or any other Federal department or agen-
2 cy.

3 “(i) MALICIOUS CYBER ACTIVITY DEFINED.—In this
4 section, the term ‘malicious cyber activity’ means activity,
5 other than activity authorized by or in accordance with
6 United States law, that seeks to compromise or impair the
7 confidentiality, integrity, functionality, or availability of
8 computers, information or communications systems, net-
9 works, physical or virtual infrastructure controlled by
10 computers or information systems, or information resident
11 thereon.”.

