

114TH CONGRESS  
2D SESSION

# S. 2905

To require the President to develop a policy for determining when an action carried out in cyberspace constitutes an act of war against the United States, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 9, 2016

Mr. ROUNDS (for himself and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To require the President to develop a policy for determining when an action carried out in cyberspace constitutes an act of war against the United States, 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 “Cyber Act of War Act  
5 of 2016”.

1 **SEC. 2. POLICY ON WHEN AN ACTION IN CYBERSPACE CON-**  
2 **STITUTES AN ACT OF WAR AGAINST THE**  
3 **UNITED STATES.**

4 (a) **POLICY REQUIRED.**—Not later than 180 days  
5 after the date of the enactment of this Act, the President  
6 shall—

7 (1) develop a policy for determining when an  
8 action carried out in cyberspace constitutes an act of  
9 war against the United States; and

10 (2) revise the Department of Defense Law of  
11 War Manual accordingly.

12 (b) **CONSIDERATIONS.**—In developing the policy re-  
13 quired by subsection (a)(1), the President shall consider  
14 the following:

15 (1) The ways in which the effects of a cyber at-  
16 tack may be equivalent to the effects of an attack  
17 using conventional weapons, including with respect  
18 to physical destruction or casualties.

19 (2) Intangible effects of significant scope, inten-  
20 sity, or duration.

21 (c) **REPORT.**—

22 (1) **IN GENERAL.**—The President shall submit  
23 to the congressional defense committees the policy  
24 required by paragraph (1) of subsection (a) and a  
25 copy of the Law of War Manual revised pursuant to  
26 paragraph (2) of such subsection.

1           (2) CONGRESSIONAL DEFENSE COMMITTEES.—  
2           In this subsection, the term “congressional defense  
3           committees” has the meaning given that term in sec-  
4           tion 101(a) of title 10, United States Code.

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