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.

IN THE SENATE OF THE UNITED STATES

Mr. ROUNDS introduced the following bill; which was read twice and referred to the Committee on ____________

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 of 2016”.

SEC. 2. POLICY ON WHEN AN ACTION IN CYBERSPACE CONSTITUTES AN ACT OF WAR AGAINST THE UNITED STATES.

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

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

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

(b) CONSIDERATIONS.—In developing the policy required by subsection (a)(1), the President shall consider the following:

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

(2) Intangible effects of significant scope, intensity, or duration.

(c) REPORT.—

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

In this subsection, the term “congressional defense committees” has the meaning given that term in section 101(a) of title 10, United States Code.