

114TH CONGRESS
2D SESSION

H. R. 5220

To direct the President to develop a policy on when an action in cyberspace constitutes a use of force against the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2016

Mr. HIMES (for himself and Mr. WESTMORELAND) 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 policy on when an action in cyberspace constitutes a use of force 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 A USE OF FORCE 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 a use of
9 force 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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