

119TH CONGRESS
2D SESSION

S. _____

To authorize the President of the United States to issue cyber letters of
marque and reprisal, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To authorize the President of the United States to issue
cyber letters of marque and reprisal, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Cyber Letters of Marque and Reprisal Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purpose.
- Sec. 4. Definitions.
- Sec. 5. Issuance of letters of marque and reprisal.
- Sec. 6. Reciprocal invocation of letters of marque and reprisal.

Sec. 7. Requirements and qualifications.

Sec. 8. Protection from liability.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Clause 11 of section 8 of article I of the
4 Constitution of the United States grants Congress—

5 (A) the power to “grant Letters of Marque
6 and Reprisal” to punish, deter, and prevent
7 acts of aggression and depredation and other
8 malign acts committed by foreigners against
9 Americans through cyber-enabled means; and

10 (B) the authority to make “Rules con-
11 cerning Captures on Land and Water”.

12 (2) Digital assets have become a core compo-
13 nent of the global financial system and are used
14 daily by millions of Americans for payments, sav-
15 ings, remittances, and commerce.

16 (3) Americans are losing billions of dollars an-
17 nually to crypto-enabled scams, fraud, ransomware,
18 hacking, and theft. Seniors and other vulnerable
19 populations are disproportionately harmed, with
20 many victims losing life savings through schemes
21 that exploit the speed, scale, and cross-border nature
22 of digital assets.

23 (4) Cybercriminal organizations, transnational
24 criminal networks, and state-aligned actors increas-

1 ingly rely on digital assets to steal, launder, and
2 move funds at global scale, financing ransomware
3 attacks, sanctions evasion, weapons proliferation,
4 terrorism, and other threats to United States na-
5 tional security.

6 (5) Digital asset financial crime is unfolding at
7 machine speed. Funds can be stolen, laundered, and
8 cashed out globally within hours, far outpacing tra-
9 ditional compliance and enforcement frameworks.

10 **SEC. 3. PURPOSE.**

11 The purposes of this Act are—

12 (1) to authorize the President to issue cyber let-
13 ters of marque and reprisal to commission private
14 persons and entities to conduct limited cyberspace
15 operations;

16 (2) to deter and disrupt real-world and cyber
17 command and control structures and cyber oper-
18 ations against the United States, entities within the
19 United States, or persons within the United States;

20 (3) to deter and disrupt cyberthreats, provide
21 for compensation for successful private action mod-
22 eled upon historic privateering on the high seas, and
23 modernize such ancient tactics to deter modern
24 threats;

1 (4) to facilitate the return of stolen funds to
2 American victims of cyber-enabled crime; and
3 (5) to empower the private sector to protect vic-
4 tims, disrupt illicit networks in real time, and ensure
5 that lawful digital asset innovation can continue to
6 grow safely.

7 **SEC. 4. DEFINITIONS.**

8 In this Act:

9 (1) CYBER LETTER OF MARQUE AND RE-
10 PRISAL.—The term “cyber letter of marque and re-
11 prisal” means a Federal commission authorizing a
12 private entity to conduct specified cyber operations
13 against designated targets in accordance with the
14 conditions and restrictions imposed by the President
15 pursuant to section 7.

16 (2) CYBER OPERATION.—The term “cyber oper-
17 ation” means actions conducted in cyberspace, in-
18 cluding—

19 (A) cyber exploration, including intel-
20 ligence collection;

21 (B) data recovery;

22 (C) information operations;

23 (D) asset seizure (including digital assets
24 and cryptocurrency);

25 (E) disruption of malicious infrastructure;

1 (F) actions in support of government oper-
2 ations or other entities operating under a letter
3 of marque;

4 (G) combating cybercrimes; and

5 (H) other proactive actions intended to dis-
6 rupt, degrade, deny, or destroy information sys-
7 tems or networks belonging or affiliated with
8 designated cyberthreats.

9 (3) CYBERCRIME.—The term “cybercrime” in-
10 cludes any offense described in section 1028, 1028A,
11 1029, 1030, or 1343 of title 18, United States Code.

12 (4) DESIGNATED CYBERTHREAT.—The term
13 “designated cyberthreat” means a foreign individual,
14 group, or entity identified by the President as—

15 (A) responsible for, or a sponsor of,
16 cyberattacks against United States persons or
17 assets owned or controlled by United States
18 persons; and

19 (B) listed in a public registry in accord-
20 ance with applicable law.

21 **SEC. 5. ISSUANCE OF LETTERS OF MARQUE AND REPRISAL.**

22 (a) AUTHORITY OF THE PRESIDENT.—The Presi-
23 dent, or a senior official designated by the President in
24 accordance with section 301 of title 3, United States Code,
25 is authorized to commission, under officially issued letters

1 of marque and reprisal, as many privately equipped per-
2 sons and entities as the President determines may be re-
3 quired, with suitable instructions to such persons or to the
4 leaders of such entities to employ all means reasonably
5 necessary to conduct cyber operations to disrupt, degrade,
6 seize, and repatriate the assets, property, or infrastructure
7 located outside of the geographic boundaries of the United
8 States and its territories, of a designated cyberthreat.

9 (b) SECURITY BONDS.—

10 (1) REQUIREMENT.—The President may not
11 issue a letter of marque and reprisal without requir-
12 ing the recipient to post a security bond in an
13 amount the President determines to be sufficient to
14 ensure the execution of such letter in accordance
15 with its terms and conditions.

16 (2) FORFEITURE.—If the recipient of a letter of
17 marque and reprisal violates the terms of such let-
18 ter, the recipient shall forfeit part or all of the post-
19 ed bond, in accordance with the terms of such letter.

20 (c) RESTRICTION.—Any person or entity receiving a
21 cyber letter of marque and reprisal may not knowingly
22 conduct any operations relating to such letter against any
23 United States citizen or entity.

24 (d) RECORDKEEPING REQUIREMENT.—Any person
25 or entity receiving a cyber letter of marque or reprisal

1 shall keep a log of all activities conducted and assets
2 seized pursuant to such letter for a period of not less than
3 5 years.

4 (e) RECOVERED ASSETS.—In issuing cyber letters of
5 marque and reprisal, the President may require up to 15
6 percent of the total assets recovered by each holder of a
7 cyber letter be forfeited to the United States to fund a
8 bounty program to sustain future cyber letter of marque
9 and reprisal operations.

10 (f) BOUNTIES.—

11 (1) IN GENERAL.—The President is authorized
12 to use funds recovered through cyber operations to
13 establish bounties claimable by holders of cyber let-
14 ters of marque and reprisal.

15 (2) ASSISTANCE.—A person or entity without a
16 cyber letter of marque and reprisal may recover up
17 to 5 percent of the total assets recovered from a des-
18 ignated cyberthreat as a reward for providing infor-
19 mation leading to such recovery.

20 (3) DISPOSITION OF FUNDS.—Any funds recov-
21 ered through cyber operations that are not expended
22 pursuant to paragraph (1) or (2) shall be deposited
23 into the Crime Victims Fund established under sec-
24 tion 1402 of the Victims of Crime Act (34 U.S.C.
25 20101).

1 (g) LIMITED OFFENSIVE OPERATIONS.—Holders of
2 cyber letters of marque and reprisal are authorized to con-
3 duct limited offensive cyber operations, including the use
4 of malware and other offensive tools targeting digital in-
5 frastructure (including hardware and software to conduct
6 cyber operations) to the extent necessary to carry out such
7 cyber operations.

8 **SEC. 6. RECIPROCAL INVOCATION OF LETTERS OF MARQUE**
9 **AND REPRISAL.**

10 If Congress authorizes the use of traditional letters
11 of marque and reprisal for activities at sea, on land, in
12 air, or in space, a holder of a cyber letter of marque and
13 reprisal shall be authorized to conduct operations at sea,
14 on land, in air, or in space to the extent permitted by the
15 President under section 7.

16 **SEC. 7. REQUIREMENTS AND QUALIFICATIONS.**

17 The President, to the extent reasonably necessary,
18 may issue guidance for—

19 (1) the requirements and qualifications required
20 to receive a cyber letter of marque and reprisal
21 under section 5; and

22 (2) the extent to which a holder of a cyber let-
23 ter of marque and reprisal may conduct operations
24 at sea, on land, in air, or in space pursuant to sec-
25 tion 6.

1 **SEC. 8. PROTECTION FROM LIABILITY.**

2 No cause of action shall lie or be maintained in any
3 court against the holder of a letter of marque and reprisal
4 for any act of such holder that is expressly authorized by
5 such letter.