

AMENDMENT TO RULES COMMITTEE
PRINT 116-22
OFFERED BY MR. YOHO OF FLORIDA

At the end of title XXV, add the following new section:

1 **SEC. 25** ____. **DESIGNATION OF CRITICAL CYBER THREAT AC-**
2 **TORS.**

3 (a) **IN GENERAL.**—The Director of National Intel-
4 ligence, in coordination with other heads of Federal agen-
5 cies as the Director determines appropriate, shall des-
6 ignate as a critical cyber threat actor—

7 (1) each foreign person and each agency or in-
8 strumentality of a foreign state that the Director of
9 National Intelligence determines to be knowingly re-
10 sponsible for or complicit in, or to have engaged in,
11 directly or indirectly, state-sponsored cyber activities
12 that are reasonably likely to result in, or have con-
13 tributed to, a significant threat to the national secu-
14 rity of the United States and United States election
15 infrastructure in States and localities and that have
16 the purpose or effect of—

17 (A) interfering with or undermining elec-
18 tion processes or institutions by tampering

1 with, altering, or causing misappropriation of
2 data; or

3 (B) causing a significant disruption to the
4 availability of a computer or network of com-
5 puters within United States election infrastruc-
6 ture in a State or locality;

7 (2) each foreign person that the Director of Na-
8 tional Intelligence has determined to have knowingly,
9 significantly, and materially assisted, sponsored, or
10 provided financial, material, or technological support
11 for, or goods or services to or in support of, any ac-
12 tivities described in paragraph (1) by a foreign per-
13 son or agency or instrumentality of a foreign state
14 designated as a critical cyber threat actor under
15 such paragraph; and

16 (3) each agency or instrumentality of a foreign
17 state that the Director of National Intelligence has
18 determined to have significantly and materially as-
19 sisted, sponsored, or provided financial, material, or
20 technological support for, or goods or services to or
21 in support of, any activities described in paragraph
22 (1) by a foreign person or agency or instrumentality
23 of a foreign state designated as a critical cyber
24 threat actor under such paragraph.

25 (b) REPORT.—

1 (1) ANNUAL REPORT REQUIRED.—The Director
2 of National Intelligence shall submit to the congress-
3 sional intelligence committees an annual report that
4 lists cyber threat actors designated under subsection
5 (a).

6 (2) CONTENTS.—The report under paragraph
7 (1) shall include the following:

8 (A) The identification of each foreign per-
9 son and each agency or instrumentality of a
10 foreign state that the Director of National In-
11 telligence has designated as a critical cyber
12 threat actor.

13 (B) A description of the activities of each
14 foreign person and agency or instrumentality
15 identified under subparagraph (A) that resulted
16 in a designation as a critical cyber threat actor.

17 (3) FORM.—The report under paragraph (1)
18 shall be submitted in unclassified form, but may in-
19 clude a classified annex.

20 (c) DEFINITIONS.—In this section:

21 (1) AGENCY OR INSTRUMENTALITY OF A FOR-
22 EIGN STATE.—The term “agency or instrumentality
23 of a foreign state” has the meaning given such term
24 in section 1603(b) of title 28, United States Code.

1 (2) FOREIGN PERSON.—The term “foreign per-
2 son” means a person that is not a United States
3 person.

4 (3) FOREIGN STATE.—The term “foreign state”
5 has the meaning given such term in section 1603(a)
6 of title 28, United States Code.

7 (4) KNOWINGLY.—The term “knowingly”, with
8 respect to conduct, a circumstance, or a result,
9 means that a person has actual knowledge, or should
10 have known, of the conduct, the circumstance, or the
11 result.

12 (5) STATE-SPONSORED CYBER ACTIVITIES.—
13 The term “state-sponsored cyber activities” means
14 any malicious cyber-enabled activities that—

15 (A) are carried out by a government of a
16 foreign state or an agency or instrumentality of
17 a foreign state; or

18 (B) are carried out by a foreign person
19 that is aided, abetted, or directed by a govern-
20 ment of a foreign state or an agency or instru-
21 mentality of a foreign state.

22 (6) UNITED STATES PERSON.—The term
23 “United States person” means—

1 (A) a United States citizen or an alien law-
2 fully admitted for permanent residence to the
3 United States; or

4 (B) an entity organized under the laws of
5 the United States or of any jurisdiction within
6 the United States, including a foreign branch of
7 such an entity.

