AMENDMENT TO RULES COMMITTEE

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OFFERED BY MR. YOHO OF FLORIDA

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

SEC. 25. DESIGNATION OF CRITICAL CYBER THREAT ACTORS.

(a) In General.—The Director of National Intelligence, in coordination with other heads of Federal agencies as the Director determines appropriate, shall designate as a critical cyber threat actor—

(1) each foreign person and each agency or instrumentality of a foreign state that the Director of National Intelligence determines to be knowingly responsible for or complicit in, or to have engaged in, directly or indirectly, state-sponsored cyber activities that are reasonably likely to result in, or have contributed to, a significant threat to the national security of the United States and United States election infrastructure in States and localities and that have the purpose or effect of—

(A) interfering with or undermining election processes or institutions by tampering
with, altering, or causing misappropriation of
data; or

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

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

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

(b) REPORT.—
(1) **ANNUAL REPORT REQUIRED.**—The Director of National Intelligence shall submit to the congressional intelligence committees an annual report that lists cyber threat actors designated under subsection (a).

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

(A) The identification of each foreign person and each agency or instrumentality of a foreign state that the Director of National Intelligence has designated as a critical cyber threat actor.

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

(3) **FORM.**—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) **DEFINITIONS.**—In this section:

(1) **AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE.**—The term “agency or instrumentality of a foreign state” has the meaning given such term in section 1603(b) of title 28, United States Code.
(2) FOREIGN PERSON.—The term “foreign person” means a person that is not a United States person.

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

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

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

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

   (B) are carried out by a foreign person that is aided, abetted, or directed by a government of a foreign state or an agency or instrumentality of a foreign state.

(6) UNITED STATES PERSON.—The term “United States person” means—
(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

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