

115TH CONGRESS
2D SESSION

S. 2313

To deter foreign interference in United States elections, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2018

Mr. VAN HOLLEN (for himself and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To deter foreign interference in United States elections, 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 “Defending Elections from Threats by Establishing Red-
6 lines Act of 2018”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—DETERMINATION OF FOREIGN INTERFERENCE IN
UNITED STATES ELECTIONS

Sec. 101. Determination of foreign interference in United States elections.

TITLE II—DETECTING INTERFERENCE IN UNITED STATES
ELECTIONS BY THE RUSSIAN FEDERATION

Sec. 201. Imposition of sanctions.

Sec. 202. Sense of Congress on coordination with European Union.

TITLE III—DETECTING INTERFERENCE IN UNITED STATES
ELECTIONS BY OTHER FOREIGN GOVERNMENTS

Sec. 301. Briefing on interference in United States elections.

Sec. 302. Sense of Congress on deterrence strategies for interference in United States elections by China, Iran, North Korea, and other foreign governments of concern.

1 SEC. 2. DEFINITIONS.

2 In this Act:

3 (1) ACCOUNT; CORRESPONDENT ACCOUNT; PAY-
4 ABLE-THROUGH ACCOUNT.—The terms “account”,
5 “correspondent account”, and “payable-through ac-
6 count” have the meanings given those terms in sec-
7 tion 5318A of title 31, United States Code.

8 (2) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term “appropriate congressional com-
10 mittees” means—

11 (A) the Committee on Banking, Housing,
12 and Urban Affairs, the Committee on Foreign
13 Relations, the Committee on Finance, the Se-
14 lect Committee on Intelligence, and the Com-
15 mittee on Rules and Administration of the Sen-
16 ate; and

1 (B) the Committee on Financial Services,
 2 the Committee on Foreign Affairs, the Com-
 3 mittee on Ways and Means, the Permanent Se-
 4 lect Committee on Intelligence, and the Com-
 5 mittee on House Administration of the House
 6 of Representatives.

7 (3) APPROPRIATE CONGRESSIONAL COMMIT-
 8 TEES AND LEADERSHIP.—The term “appropriate
 9 congressional committees and leadership” means—

10 (A) the appropriate congressional commit-
 11 tees;

12 (B) the majority leader and minority lead-
 13 er of the Senate; and

14 (C) the Speaker, the majority leader, and
 15 the minority leader of the House of Representa-
 16 tives.

17 (4) ELECTION AND CAMPAIGN INFRASTRUC-
 18 TURE.—The term “election and campaign infra-
 19 structure” means information and communications
 20 technology and systems used by or on behalf of—

21 (A) the Federal Government or a State or
 22 local government in managing the election proc-
 23 ess, including voter registration databases, vot-
 24 ing machines, voting tabulation equipment,

1 equipment for the secure transmission of elec-
2 tion results, and other systems; or

3 (B) a principal campaign committee or na-
4 tional committee (as those terms are defined in
5 section 301 of the Federal Election Campaign
6 Act of 1971 (52 U.S.C. 30101)) with respect to
7 strategy or tactics affecting the conduct of a
8 political campaign, including electronic commu-
9 nications, and the information stored on, proc-
10 essed by, or transiting such technology and sys-
11 tems.

12 (5) INTERFERENCE IN UNITED STATES ELEC-
13 TIONS.—The term “interference”, with respect to a
14 United States election, means any of the following
15 actions of the government of a foreign country, or
16 any person acting as an agent of or on behalf of
17 such a government, undertaken with the intent to
18 influence the election:

19 (A) Obtaining unauthorized access to elec-
20 tion and campaign infrastructure or related sys-
21 tems or data and releasing such data or modi-
22 fying such infrastructure, systems, or data.

23 (B) Blocking or degrading otherwise legiti-
24 mate and authorized access to election and

1 campaign infrastructure or related systems or
2 data.

3 (C) Contributions or expenditures for ad-
4 vertising, including on the internet.

5 (D) Using social or traditional media to
6 spread significant amounts of false information
7 to individuals in the United States.

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

13 (7) PERSON.—The term “person” means indi-
14 vidual or entity.

15 (8) PRESIDENTIAL ELECTION CYCLE.—The
16 term “presidential election cycle” means the period
17 beginning on the day after the date of the most re-
18 cent election for the office of President of the United
19 States and ending on the date of the next election
20 for that office.

21 (9) UNITED STATES ELECTION.—The term
22 “United States election” means any United States
23 Federal election.

24 (10) UNITED STATES PERSON.—The term
25 “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.

TITLE I—DETERMINATION OF FOREIGN INTERFERENCE IN UNITED STATES ELECTIONS

SEC. 101. DETERMINATION OF FOREIGN INTERFERENCE IN UNITED STATES ELECTIONS.

(a) IN GENERAL.—Not later than 30 days after a United States election, the Director of National Intelligence, in consultation with the Director of the Federal Bureau of Investigation, the Director of the National Security Agency, and the Director of the Central Intelligence Agency, shall—

(1) determine whether or not the government of a foreign country, or any person acting as an agent of or on behalf of that government, knowingly engaged in interference in the election; and

(2) submit to the appropriate congressional committees and leadership a report on that determination, including an identification of the govern-

1 ment or person that interfered in the election if the
2 Director determines that interference did occur.

3 (b) **ADDITIONAL REPORTING.**—If the Director of Na-
4 tional Intelligence determines and reports under sub-
5 section (a) that neither the government of a foreign coun-
6 try nor any person acting as an agent of or on behalf of
7 that government knowingly engaged in interference in a
8 United States election, and the Director subsequently de-
9 termines that that government, or such a person, did en-
10 gage in such interference, the Director shall submit to the
11 appropriate congressional committees and leadership a re-
12 port on the subsequent determination not later than 30
13 days after making that determination.

14 (c) **FORM OF REPORT.**—Each report required by sub-
15 section (a) or (b) shall be submitted in unclassified form
16 but may include a classified annex.

17 **TITLE II—DETECTING INTER-**
18 **REFERENCE IN UNITED STATES**
19 **ELECTIONS BY THE RUSSIAN**
20 **FEDERATION**

21 **SEC. 201. IMPOSITION OF SANCTIONS.**

22 (a) **IN GENERAL.**—If the Director of National Intel-
23 ligence determines under section 101 that the Government
24 of the Russian Federation, or any person acting as an
25 agent of or on behalf of that government, knowingly en-

1 gaged in interference in a United States election, the
2 President shall, not later than 10 days after such deter-
3 mination is made, impose the following sanctions:

4 (1) BLOCKING THE ASSETS OF CERTAIN STATE-
5 OWNED RUSSIAN FINANCIAL INSTITUTIONS AND RE-
6 STRICTING ACCOUNTS.—

7 (A) IN GENERAL.—The Secretary of the
8 Treasury shall impose one or more of the fol-
9 lowing sanctions on three or more entities speci-
10 fied in subparagraph (B):

11 (i) Pursuant to the International
12 Emergency Economic Powers Act (50
13 U.S.C. 1701 et seq.), blocking and prohib-
14 iting all transactions in all property and
15 interests in property of the entity if such
16 property and interests in property are in
17 the United States, come within the United
18 States, or are or come within the posses-
19 sion or control of a United States person.

20 (ii) Prohibiting, or imposing strict
21 conditions on, the opening or maintaining
22 in the United States of a correspondent ac-
23 count or payable-through account by the
24 entity.

1 (B) ENTITIES SPECIFIED.—The entities
2 specified in this subparagraph are the following:

- 3 (i) Sberbank.
- 4 (ii) VTB Bank.
- 5 (iii) Gazprombank.
- 6 (iv) Vnesheconombank.
- 7 (v) Bank of Moscow.
- 8 (vi) Rosselkhozbank.

9 (2) BLOCKING THE ASSETS OF CERTAIN RUS-
10 SIAN ENERGY COMPANIES.—

11 (A) IN GENERAL.—The Secretary of the
12 Treasury shall, pursuant to the International
13 Emergency Economic Powers Act (50 U.S.C.
14 1701 et seq.), block and prohibit all trans-
15 actions in all property and interests in property
16 of two or more of the entities specified in sub-
17 paragraph (B) if such property and interests in
18 property are in the United States, come within
19 the United States, or are or come within the
20 possession or control of a United States person.

21 (B) ENTITIES SPECIFIED.—The entities
22 specified in this subparagraph are the following:

- 23 (i) Gazprom.
- 24 (ii) Rosneft.
- 25 (iii) Lukoil.

1 (3) BLOCKING THE ASSETS OF ENTITIES IN
2 RUSSIAN DEFENSE AND INTELLIGENCE SECTORS.—

3 (A) IN GENERAL.—The Secretary of the
4 Treasury shall, pursuant to the International
5 Emergency Economic Powers Act (50 U.S.C.
6 1701 et seq.), block and prohibit all trans-
7 actions in all property and interests in property
8 of any entity described in subparagraph (B) if
9 such property and interests in property are in
10 the United States, come within the United
11 States, or are or come within the possession or
12 control of a United States person.

13 (B) ENTITIES DESCRIBED.—An entity de-
14 scribed in this subparagraph is—

15 (i) an entity that the President has
16 determined under section 231 of the Coun-
17 tering Russian Influence in Europe and
18 Eurasia Act of 2017 (22 U.S.C. 9525) en-
19 gages in a significant transaction with a
20 person that is part of, or operates for or
21 on behalf of, the defense or intelligence
22 sectors of the Government of the Russian
23 Federation; or

1 (ii) an entity in which an entity de-
2 scribed in clause (i) has an ownership in-
3 terest of 50 percent or more.

4 (4) BLOCKING THE ASSETS OF CERTAIN RUS-
5 SLIAN STATE-OWNED ENTITIES.—

6 (A) IN GENERAL.—The Secretary of the
7 Treasury shall, pursuant to the International
8 Emergency Economic Powers Act (50 U.S.C.
9 1701 et seq.), block and prohibit all trans-
10 actions in all property and interests in property
11 of any entity described in subparagraph (B) in
12 which the Government of the Russian Federa-
13 tion has an ownership interest of 25 percent or
14 more if such property and interests in property
15 are in the United States, come within the
16 United States, or are or come within the pos-
17 session or control of a United States person.

18 (B) ENTITIES DESCRIBED.—The entities
19 described in this subparagraph are the fol-
20 lowing:

21 (i) Any entity in the railway or metals
22 and mining sector of the economy of the
23 Russian Federation.

1 (ii) Any aerospace company or air car-
2 rier, including any subsidiary of such a
3 company or carrier.

4 (5) BLOCKING THE ASSETS OF ENTITIES AC-
5 QUIRED BY RUSSIAN STATE-OWNED ENTITIES.—The
6 Secretary of the Treasury shall, pursuant to the
7 International Emergency Economic Powers Act (50
8 U.S.C. 1701 et seq.), block and prohibit all trans-
9 actions in all property and interests in property of
10 any entity in which an entity owned 50 percent or
11 more in the aggregate by the Government of the
12 Russian Federation acquires, on or after the date of
13 the enactment of this Act, an ownership interest of
14 20 percent or more if such property and interests in
15 property are in the United States, come within the
16 United States, or are or come within the possession
17 or control of a United States person.

18 (6) PROHIBITION ON TRANSACTIONS INVOLVING
19 CERTAIN RUSSIAN DEBT.—The Secretary of the
20 Treasury shall, pursuant to such regulations as the
21 Secretary may prescribe, prohibit all transactions
22 within the United States or by a United States per-
23 son, in—

24 (A) sovereign debt of the Government of
25 the Russian Federation issued on or after the

1 date of the enactment of this Act, including
2 governmental bonds; and

3 (B) debt of any entity owned or controlled
4 by the Russian Federation issued on or after
5 such date of enactment, including bonds.

6 (7) BLOCKING THE ASSETS OF SENIOR POLIT-
7 ICAL FIGURES AND OLIGARCHS AND EXCLUSION
8 FROM THE UNITED STATES.—The President shall
9 impose with respect to any senior foreign political
10 figure or oligarch in the Russian Federation de-
11 scribed in subsection (a)(1) of section 241 of the
12 Countering Russian Influence in Europe and Eur-
13 asia Act of 2017 (title II of Public Law 115–44; 131
14 Stat. 922) and identified in the report required by
15 that section the following sanctions:

16 (A) Pursuant to the International Emer-
17 gency Economic Powers Act (50 U.S.C. 1701 et
18 seq.), the President shall block and prohibit all
19 transactions in all property and interests in
20 property of the individual if such property and
21 interests in property are in the United States,
22 come within the United States, or are or come
23 within the possession or control of a United
24 States person.

1 (B) The President shall deny a visa to, and
2 exclude from the United States, the individual,
3 and revoke in accordance with section 221(i) of
4 the Immigration and Nationality Act (8 U.S.C.
5 1201(i)) any visa or other documentation of the
6 individual.

7 (b) REPORT TO CONGRESS.—

8 (1) IN GENERAL.—Not later than one year
9 after the date of the enactment of this Act, and an-
10 nually thereafter, the President shall submit to the
11 committees specified in paragraph (2) a report—

12 (A) identifying the 6 largest financial insti-
13 tutions owned or controlled by the Government
14 of the Russian Federation, determined by esti-
15 mated net assets;

16 (B) identifying the 3 largest energy compa-
17 nies in the Russian Federation, in terms of esti-
18 mated net assets; and

19 (C) recommending entities that should be
20 subject to sanctions pursuant to paragraphs (1)
21 and (2) of subsection (a), as appropriate.

22 (2) COMMITTEES SPECIFIED.—The committees
23 specified in this paragraph are—

1 (A) the Committee on Banking, Housing,
 2 and Urban Affairs and the Committee on For-
 3 eign Relations of the Senate; and

4 (B) the Committee on Financial Services
 5 and the Committee on Foreign Affairs of the
 6 House of Representatives.

7 (c) EXCEPTIONS.—

8 (1) EXCEPTION FOR IMPORTATION OF
 9 GOODS.—The requirement to impose sanctions under
 10 subsection (a) shall not include the authority to im-
 11 pose sanctions with respect to the importation of
 12 goods (as defined in section 16 of the Export Ad-
 13 ministration Act of 1979 (50 U.S.C. 4618) (as con-
 14 tinued in effect pursuant to the International Emer-
 15 gency Economic Powers Act (50 U.S.C. 1701 et
 16 seq.))).

17 (2) COMPLIANCE WITH UNITED NATIONS HEAD-
 18 QUARTERS AGREEMENT.—Subsection (a)(7)(B) shall
 19 not apply with respect to the admission of an alien
 20 to the United States if such admission is necessary
 21 to comply with United States obligations under the
 22 Agreement between the United Nations and the
 23 United States of America regarding the Head-
 24 quarters of the United Nations, signed at Lake Suc-
 25 cess June 26, 1947, and entered into force Novem-

1 ber 21, 1947, under the Convention on Consular Re-
2 lations, done at Vienna April 24, 1963, and entered
3 into force March 19, 1967, or under other inter-
4 national agreements.

5 (d) IMPLEMENTATION; PENALTIES.—

6 (1) IMPLEMENTATION.—The President may ex-
7 ercise all authorities provided under sections 203
8 and 205 of the International Emergency Economic
9 Powers Act (50 U.S.C. 1702 and 1704) to carry out
10 this section.

11 (2) PENALTIES.—A person that violates, at-
12 tempts to violate, conspires to violate, or causes a
13 violation of this section or any regulation, license, or
14 order issued to carry out this section shall be subject
15 to the penalties set forth in subsections (b) and (c)
16 of section 206 of the International Emergency Eco-
17 nomic Powers Act (50 U.S.C. 1705) to the same ex-
18 tent as a person that commits an unlawful act de-
19 scribed in subsection (a) of that section.

20 (e) SUSPENSION.—The President may suspend sanc-
21 tions imposed under subsection (a) on or after the date
22 on which the Director of National Intelligence, in con-
23 sultation with the Director of the Federal Bureau of In-
24 vestigation, the Director of the National Security Agency,
25 and the Director of the Central Intelligence Agency, sub-

mits to the appropriate congressional committees and leadership a certification that the Government of the Russian Federation has not engaged in interference in United States elections for at least 2 presidential election cycles.

(f) TERMINATION.—The President may terminate sanctions imposed under subsection (a) on or after the date on which the Director of National Intelligence, in consultation with the Director of the Federal Bureau of Investigation, the Director of the National Security Agency, and the Director of the Central Intelligence Agency, submits to the appropriate congressional committees and leadership a certification that—

(1) the Government of the Russian Federation has not engaged in interference in United States elections for at least 2 presidential election cycles; and

(2) the President has received reliable assurances that the Government of the Russian Federation will not engage in such interference in the future.

SEC. 202. SENSE OF CONGRESS ON COORDINATION WITH EUROPEAN UNION.

It is the sense of Congress that the United States should—

1 (1) work in concert with the European Union
2 and member countries of the European Union to
3 deter interference by the Government of the Russian
4 Federation in elections; and

5 (2) coordinate with the European Union and
6 member countries of the European Union to enact
7 legislation similar to this Act.

8 **TITLE III—DETECTING INTER-**
9 **FERENCE IN UNITED STATES**
10 **ELECTIONS BY OTHER FOR-**
11 **IGN GOVERNMENTS**

12 **SEC. 301. BRIEFING ON INTERFERENCE IN UNITED STATES**
13 **ELECTIONS.**

14 Not later than 90 days after the date of the enact-
15 ment of this Act, and every 90 days thereafter, the Presi-
16 dent, or a designee of the President, shall brief the appro-
17 priate congressional committees and leadership on any
18 government of a foreign country, or person acting as an
19 agent of or on behalf of that government, that is deter-
20 mined by the President as having engaged in or being like-
21 ly to engage in interference in a United States election.

1 **SEC. 302. SENSE OF CONGRESS ON DETERRENCE STRATE-**
2 **gies FOR INTERFERENCE IN UNITED STATES**
3 **ELECTIONS BY CHINA, IRAN, NORTH KOREA,**
4 **AND OTHER FOREIGN GOVERNMENTS OF**
5 **CONCERN.**

6 It is the sense of Congress that—

7 (1) not later than 90 days after the date of the
8 enactment of this Act, the President should submit
9 to the appropriate congressional committees and
10 leadership a report that includes a strategy of the
11 President to deter interference in a United States
12 election by the Government of the People’s Republic
13 of China, the Government of Iran, the Government
14 of the Democratic People’s Republic of Korea, and
15 any other foreign government determined by the
16 President as having engaged in or being likely to en-
17 gage in interference in a United States election, in-
18 cluding any person acting as an agent of or on be-
19 half of such a government; and

20 (2) the report described in paragraph (1)
21 should include—

22 (A) proposed sanctions if that government
23 engages in such interference and any authori-
24 ties the President may require from Congress to
25 impose such sanctions;

1 (B) other actions undertaken by Federal
2 agencies or in cooperation with other countries
3 to deter such interference; and

4 (C) a plan for communicating such deter-
5 rence actions to those governments.

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