

(1), the Working Group may be terminated upon the Director of National Intelligence and the Secretary of Commerce jointly—

(A) determining that termination of the Working Group is appropriate; and

(B) submitting to the appropriate congressional committees a notification of such determination (including a description of the justification for such determination).

(6) Reports

(A) Submission to Congress

Not later than 60 days after December 23, 2022, and biannually thereafter until the date of termination under paragraph (5), the Working Group shall submit to the appropriate congressional committees a report on the activities of the Working Group.

(B) Matters

Each report under subparagraph (A) shall include a description of the following:

(i) Any current or future foreign commercial threats identified by the Working Group.

(ii) The strategy of the United States Government, if any, to mitigate any current foreign commercial threats so identified.

(iii) The plan of the intelligence community to provide to the Department of Commerce and other nontraditional customers of the intelligence community support in addressing foreign commercial threats.

(iv) Any other significant activity of the Working Group.

(c) Option to discharge obligation through other means

If the Director of National Intelligence and the Secretary of Commerce make a joint determination that the requirements of the Working Group under subsection (b) (including the duties under paragraph (3) and the reporting requirement under paragraph (6) of such subsection) may be appropriately filled by an existing entity or structure, and submit to the congressional intelligence committees a notification of such determination (including a description of the justification for such determination), the Director and Secretary may task such entity or structure with such requirements in lieu of establishing the Working Group.

(Pub. L. 117–263, div. F, title LXV, § 6514, Dec. 23, 2022, 136 Stat. 3546.)

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “intelligence community” and “congressional intelligence committees” as used in this section, see section 6002 of Pub. L. 117–263, set out as a note under section 3003 of this title.

§ 3371. Required counterintelligence assessments, briefings, notifications, and reports

(a) Foreign counterintelligence and cybersecurity threats to Federal election campaigns

(1) Reports required

(A) In general

As provided in subparagraph (B), with respect to an election for Federal office, the

Director of National Intelligence, in coordination with the Under Secretary of Homeland Security for Intelligence and Analysis and the Director of the Federal Bureau of Investigation, shall make publicly available on an internet website an advisory report on foreign counterintelligence and cybersecurity threats to campaigns of candidates for Federal office. Each such report, consistent with the protection of sources and methods, shall include the following:

(i) A description of foreign counterintelligence and cybersecurity threats to campaigns of candidates for Federal office.

(ii) A summary of best practices that campaigns of candidates for Federal office can employ in seeking to counter such threats.

(iii) An identification of publicly available resources, including United States Government resources, for countering such threats.

(B) Schedule for submittal

(i) In general

Except as provided by clause (ii), with respect to an election for Federal office, a report under this subsection shall be first made available not later than the date that is 1 year before the date of such election, and may be subsequently revised as the Director of National Intelligence determines appropriate.

(ii) 2020 elections

With respect to an election for Federal office that occurs during 2020, the report under this subsection shall be first made available not later than the date that is 60 days after December 20, 2020, and may be subsequently revised as the Director of National Intelligence determines appropriate.

(C) Information to be included

A report under this subsection shall reflect the most current information available to the Director of National Intelligence regarding foreign counterintelligence and cybersecurity threats.

(2) Treatment of campaigns subject to heightened threats

If the Director of the Federal Bureau of Investigation and the Under Secretary of Homeland Security for Intelligence and Analysis jointly determine that a campaign of a candidate for Federal office is subject to a heightened foreign counterintelligence or cybersecurity threat, the Director and the Under Secretary, consistent with the protection of sources and methods, may make available additional information to the appropriate representatives of such campaign.

(b) Omitted

(c) Director of National Intelligence assessment of foreign interference in Federal elections

(1) Assessments required

Not later than 45 days after the end of a Federal election cycle, the Director of National Intelligence, in consultation with the heads of

such other executive departments and agencies as the Director considers appropriate, shall—

(A) conduct an assessment of any information indicating that a foreign government, or any person acting as an agent of or on behalf of a foreign government, has acted with the intent or purpose of interfering in elections for Federal office occurring during the Federal election cycle; and

(B) transmit the findings of the Director with respect to the assessment conducted under subparagraph (A), along with such supporting information as the Director considers appropriate, to the following:

- (i) The President.
- (ii) The Secretary of State.
- (iii) The Secretary of the Treasury.
- (iv) The Secretary of Defense.
- (v) The Attorney General.
- (vi) The Secretary of Homeland Security.
- (vii) Congress.

(2) Elements

An assessment conducted under paragraph (1)(A), with respect to an act described in such paragraph, shall identify, to the maximum extent ascertainable, the following:

- (A) The nature of any foreign interference and any methods employed to execute the act.
- (B) The persons involved.
- (C) The foreign government or governments that authorized, directed, sponsored, or supported the act.

(3) Publication

The Director shall, not later than 60 days after the end of a Federal election cycle, make available to the public, to the greatest extent possible consistent with the protection of sources and methods, the findings transmitted under paragraph (1)(B).

(4) Federal election cycle defined

In this section, the term “Federal election cycle” means the period which begins on the day after the date of a regularly scheduled general election for Federal office and which ends on the date of the first regularly scheduled general election for Federal office held after such date.

(5) Effective date

This subsection shall apply with respect to the Federal election cycle that began during November 2018, and each succeeding Federal election cycle.

(Pub. L. 116–92, div. E, title LIII, § 5304, Dec. 20, 2019, 133 Stat. 2119.)

Editorial Notes

CODIFICATION

Section is comprised of section 5304 of Pub. L. 116–92. Subsec. (b) of section 5304 of Pub. L. 116–92 enacted section 3111 of this title and amended the analysis for the National Security Act of 1947 (50 U.S.C. 3001 et seq.).

§ 3371a. Assessment of foreign intelligence threats to Federal elections

(a) Definitions

In this section:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means—

- (A) the congressional intelligence committees;
- (B) the Committee on Homeland Security and Governmental Affairs of the Senate; and
- (C) the Committee on Homeland Security of the House of Representatives.

(2) Congressional leadership

The term “congressional leadership” includes the following:

- (A) The majority leader of the Senate.
- (B) The minority leader of the Senate.
- (C) The Speaker of the House of Representatives.
- (D) The minority leader of the House of Representatives.

(3) Security vulnerability

The term “security vulnerability” has the meaning given such term in section 650 of title 6.

(b) In general

The Director of National Intelligence, in coordination with the Director of the Central Intelligence Agency, the Director of the National Security Agency, the Director of the Federal Bureau of Investigation, the Secretary of Homeland Security, and the heads of other relevant elements of the intelligence community, shall—

- (1) commence not later than 1 year before any regularly scheduled Federal election occurring after December 31, 2018, and complete not later than 180 days before such election, an assessment of security vulnerabilities of State election systems; and
- (2) not later than 180 days before any regularly scheduled Federal election occurring after December 31, 2018, submit a report on such security vulnerabilities and an assessment of foreign intelligence threats to the election to—
 - (A) congressional leadership; and
 - (B) the appropriate congressional committees.

(c) Update

Not later than 90 days before any regularly scheduled Federal election occurring after December 31, 2018, the Director of National Intelligence shall—

- (1) update the assessment of foreign intelligence threats to that election; and
- (2) submit the updated assessment to—
 - (A) congressional leadership; and
 - (B) the appropriate congressional committees.

(Pub. L. 116–92, div. E, title LXV, § 6503, Dec. 20, 2019, 133 Stat. 2203; Pub. L. 117–263, div. G, title LXXI, § 7143(d)(7), Dec. 23, 2022, 136 Stat. 3664.)

Editorial Notes

AMENDMENTS

2022—Subsec. (a)(3). Pub. L. 117–263 substituted “section 650 of title 6” for “section 1501 of title 6”.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “congressional intelligence committees” and “intelligence community” as used in this