

115TH CONGRESS  
2D SESSION

# S. 2313

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

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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

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## 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—

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.

8 **TITLE I—DETERMINATION OF**  
9 **FOREIGN INTERFERENCE IN**  
10 **UNITED STATES ELECTIONS**

11 **SEC. 101. DETERMINATION OF FOREIGN INTERFERENCE IN**  
12 **UNITED STATES ELECTIONS.**

13 (a) IN GENERAL.—Not later than 30 days after a  
14 United States election, the Director of National Intel-  
15 ligence, in consultation with the Director of the Federal  
16 Bureau of Investigation, the Director of the National Se-  
17 curity Agency, and the Director of the Central Intelligence  
18 Agency, shall—

19 (1) determine whether or not the government of  
20 a foreign country, or any person acting as an agent  
21 of or on behalf of that government, knowingly en-  
22 gaged in interference in the election; and

23 (2) submit to the appropriate congressional  
24 committees and leadership a report on that deter-  
25 mination, 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      **FERENCE 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                   SIAN 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-



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

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

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

17 (2) the President has received reliable assur-  
18 ances that the Government of the Russian Federa-  
19 tion will not engage in such interference in the fu-  
20 ture.

21 **SEC. 202. SENSE OF CONGRESS ON COORDINATION WITH**  
22 **EUROPEAN UNION.**

23 It is the sense of Congress that the United States  
24 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 **EIGN 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                   (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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