

118TH CONGRESS
2D SESSION

S. 5365

To require the President to notify Congress and take certain actions in response to any attempt by a country of concern to affect United States elections.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 21, 2024

Mr. SULLIVAN introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To require the President to notify Congress and take certain actions in response to any attempt by a country of concern to affect United States elections.

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.**

4 This Act may be cited as the “Stop Adversaries Med-
5 dling in American Elections Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) On November 8, 2024, the Department of
9 Justice unsealed a charge involving an Iranian plot

1 to kill President-elect Donald Trump in the leadup
2 to the election. A criminal complaint filed in Federal
3 court in Manhattan alleges that an unnamed official
4 in Iran’s paramilitary Revolutionary Guard in-
5 structed a contact to put together a plan to surveil
6 and ultimately kill Donald J. Trump.

7 (2) On November 5, 2024, the New York Times
8 reported that the Cybersecurity and Infrastructure
9 Security Agency, the Federal Bureau of Investiga-
10 tion, and intelligence agencies issued a warning that
11 adversaries, led by Russia, were conducting addi-
12 tional influence operations. Central Intelligence
13 Agency officials called out a video circulating on No-
14 vember 5 that falsely claimed the spy agency had
15 uncovered cases of fraud in which dead people had
16 voted. Another disinformation campaign targeted the
17 “Federal Bureau of Investigation”, prompting the
18 Bureau to say its name and logo were being used to
19 spread election falsehoods.

20 (3) On November 5, 2024, Reuters reported
21 that according to the Federal Bureau of Investiga-
22 tion, hoax bomb threats, many of which appeared to
23 originate from Russian e-mail domains, were di-
24 rected on Tuesday at polling locations in 5 battle-
25 ground States, including Georgia, Michigan, Ari-

1 zona, Wisconsin, and Pennsylvania, as election day
2 voting was underway.

3 (4) On November 1, 2024, the New York Times
4 reported United States intelligence agencies have
5 concluded that Russia was behind 2 new fabricated
6 videos that appeared on social media this week false-
7 ly claiming that Haitians illegally voted in Georgia
8 and that Vice President Kamala Harris and her hus-
9 band received a \$500,000 bribe from the performer
10 Sean Combs.

11 (5) On November 2, 2024, the Washington
12 Post reported that the China-linked hack of at least
13 3 major United States telecommunications providers
14 targeted high-level figures in the presidential cam-
15 paign. Officials have said that information related to
16 Federal requests for wiretaps was targeted, as well
17 as telephones used by former President Donald
18 Trump, Senator JD Vance, campaign workers in
19 both the Kamala Harris and Trump campaigns, and
20 members of President Trump's family. It is being
21 reported as the first time Beijing is known to have
22 targeted presidential election candidates directly.

23 (6) On October 29, 2024, the New York Times
24 reported "Disinformation from abroad—particularly
25 from Russia, China and Iran—has matured into a

1 consistent and pernicious threat”. They note the fol-
2 lowing 5 key trends:

3 (A) A broad expansion of disinformation
4 across a multiplicity of social media outlets.

5 (B) The content is far more targeted to
6 specific demographics.

7 (C) Artificial intelligence is propelling this
8 evolution.

9 (D) It is becoming much harder to identify
10 disinformation.

11 (E) Technology companies are not doing as
12 much to stop disinformation.

13 (7) On October 25, 2024, the Federal Bureau
14 of Investigation and officials from the Office of the
15 Director of National Intelligence and the Cybersecu-
16 rity and Infrastructure Security Agency issued a
17 statement indicating Russian actors “manufactured
18 and amplified” a recent viral video that falsely
19 showed a person tearing up ballots in Pennsylvania.
20 They added “this Russian activity is part of Mos-
21 cow’s broader effort to raise unfounded questions
22 about the integrity of the US election and stoke divi-
23 sions among Americans,” the agencies said in a
24 statement.

1 (8) On October 25, 2024, investigators on back-
2 ground told United States media “The Chinese
3 hackers who burrowed into the networks of U.S.
4 telecommunications firms have used their deep ac-
5 cess to target the phones of former President Don-
6 ald Trump, his running mate, JD Vance, and people
7 affiliated with Vice President Kamala Harris’s presi-
8 dential campaign, according to people familiar with
9 the matter.”

10 (9) Separately on October 25, 2024, the Fed-
11 eral Bureau of Investigation confirmed it was inves-
12 tigating “unauthorized access to commercial tele-
13 communications infrastructure” by Chinese actors.
14 The statement was the first formal acknowledgment
15 by the United States Government about the massive
16 breach. After the Federal Bureau of Investigation
17 identified specific malicious activity targeting the
18 sector, the Federal Bureau of Investigation and the
19 Cybersecurity and Infrastructure Security Agency
20 issued a statement and notified affected companies,
21 rendered technical assistance, and rapidly shared in-
22 formation to assist other potential victims.

23 (10) An October 23, 2024, Microsoft Threat
24 Analysis Center report revealed Chinese influence
25 operations targeted a handful of Republican can-

1 didates and congressional members who “advocate
2 for anti-Chinese policies.”

3 (11) On October 22, 2024, United States intel-
4 ligence officials on Tuesday said Russians seeking to
5 disrupt the United States elections created a faked
6 video and other material smearing Democratic vice-
7 presidential nominee Tim Walz with abuse allega-
8 tions and are considering fomenting violence during
9 and after the vote.

10 (12) On September 25, 2024, the Wall Street
11 Journal reported that hackers linked to the Chinese
12 government have broken into a handful of United
13 States internet-service providers in recent months in
14 pursuit of sensitive information, according to people
15 familiar with the matter. The hacking campaign,
16 called “Salt Typhoon” by investigators, hasn’t pre-
17 viously been publicly disclosed and is the latest in a
18 series of incursions that United States investigators
19 have linked to China in recent years.

20 (13) A September 2024 Office of the Director
21 of National Intelligence conference call about foreign
22 election interference efforts stated propagandists in
23 China, Iran, and Russia are using artificial intel-
24 ligence to create content designed to deceive Ameri-
25 cans about the presidential election.

1 (14) In April 2024, Secretary of State Anthony
2 Blinken told CNN that China was attempting to in-
3 fluence and interfere in the United States election
4 despite President Xi previously giving assurances to
5 President Biden that it would not do so.

6 (15) In an April 2024, New York Times article,
7 United States officials claimed covert Chinese ac-
8 counts are promoting conspiracy theories, stoking
9 domestic divisions, and attacking President Biden
10 ahead of the election in November, according to re-
11 searchers and government officials.

12 (16) Researchers at the Institute for Strategic
13 Dialogue connected China’s online interference to a
14 long-running network of accounts connected with the
15 Chinese government known as Spamouflage.

16 (17) An October 2024 Office of the Director of
17 National Intelligence report warned that the United
18 States intelligence community expected “foreign in-
19 fluence actors to . . . call into question the validity
20 of the election’s results after the polls close.”

21 (18) The October 2024 Office of the Director
22 of National Intelligence report stated that “foreign
23 actors are almost certainly considering the possi-
24 bility of another contested presidential election and

1 a tight contest for control of both the Senate and
2 the House of Representatives.”

3 (19) The October 2024 Office of the Director
4 of National Intelligence report stated that foreign
5 actors “will likely take advantage of such an oppor-
6 tunity to use similar tactics in a post-election period
7 to undermine trust in the integrity of the election,
8 election processes, and further exacerbate divisions
9 among Americans.”

10 (20) An October 2024 New York Times article
11 quoted a Biden administration official who stated
12 “foreign powers realize . . . they can spread mes-
13 sages that suggest the process was flawed. Officials
14 said they called such efforts “perception hacking”.

15 (21) A February 2024 Office of the Director of
16 National Intelligence Threat Assessment states:
17 “The PRC aims to sow doubts about U.S. leader-
18 ship, undermine democracy, and extend Beijing’s in-
19 fluence . . .” due to “its desire to sideline critics of
20 China and magnify U.S. societal divisions. PRC ac-
21 tors have increased their capabilities to conduct cov-
22 ert influence operations and disseminate
23 disinformation.”

24 (22) A December 2022 National Intelligence
25 Council report states China tacitly approved efforts

1 to try to influence a handful of 2022 midterm races
2 involving members of both U.S. political parties.”
3 The assessment adds with high confidence that Chi-
4 na’s goals are “to counter U.S. politicians viewed as
5 anti-China and to support others viewed as pro-
6 China.”

7 (23) Cybersecurity firm Mandiant alleged Chi-
8 nese interference in the 2022 United States midterm
9 elections via DRAGONBRIDGE, an influence cam-
10 paign assessed to be operating in support of the po-
11 litical interests of the People’s Republic of China.

12 (24) A November 2023 memo by the Select
13 Committee on the Chinese Communist Party out-
14 lines China’s “united front work,” described as “a
15 unique blend of engagement, influence activities, and
16 intelligence operations that the CCP uses to shape
17 its political environment, including to influence other
18 countries’ policy toward the PRC and to gain access
19 to advanced foreign technology.”

20 (25) In April 2023, the United States Attor-
21 ney’s Office for the Eastern District of New York
22 charged 44 Chinese nationals for conducting online
23 disinformation campaigns that promoted PRC prop-
24 aganda and for attempting to intimidate and silence
25 PRC critics.

1 (26) An October 2024 Office of the Director of
2 National Intelligence report states “Russia is
3 leveraging a wide range of influence actors in an ef-
4 fort to influence congressional races and in par-
5 ticular to encourage the U.S. public to oppose pro-
6 Ukraine policies and politicians.”

7 (27) In September 2024, the Biden administra-
8 tion announced a broad effort to counter Russia’s
9 influence campaigns in the 2024 election, including
10 through sanctions, indictments, and seizing of web
11 domains that United States officials say the Kremlin
12 uses to spread propaganda and disinformation.

13 (28) A nearly 300-page FBI affidavit lays out
14 a broad, Kremlin-backed effort to seed fake news
15 stories to attack United States politicians supporting
16 Ukraine in the war against Russia and stoke ten-
17 sions in United States society.

18 (29) In September 2024, the State Department
19 announced forthcoming designations of 5 Russian
20 state-funded news outlets, including RT, Ruptly and
21 Sputnik, as foreign government missions and restrict
22 the issuance of visas to people working for Kremlin-
23 supported media institutions.

24 (30) In a September 2024 report, the Founda-
25 tion for the Defense of Democracies identified 19

1 websites that Iran has used to spread disinformation
2 through what appear to be American and foreign
3 news outlets.

4 (31) In August 2024, the FBI and United
5 States intelligence agencies stated the Iranian gov-
6 ernment was behind a hack and leak operation tar-
7 geting Donald Trump’s presidential campaign and
8 also attempted to target the Biden-Harris campaign.

9 (32) The dictators running these countries of
10 concern would never stand for free, fair, and open
11 elections themselves because they fear their own peo-
12 ple and prioritize their power over them above all
13 else.

14 **SEC. 3. REQUIRING THE PRESIDENT TO NOTIFY CONGRESS**
15 **AND TAKE CERTAIN ACTIONS IN RESPONSE**
16 **TO ANY ATTEMPT BY A COUNTRY OF CON-**
17 **CERN TO AFFECT UNITED STATES ELEC-**
18 **TIONS.**

19 (a) IN GENERAL.—If the President determines that
20 the government, or an individual acting on behalf of the
21 government, of a country of concern is attempting to af-
22 fect the outcome of any Federal, State, or local election
23 through the dissemination of disinformation, the President
24 shall—

1 (1) not later than 30 days after making such
2 determination, notify the appropriate committees of
3 Congress of—

4 (A) such attempt; and

5 (B) any actions the President intends to
6 take under paragraph (2), including any waiver
7 of the disclosure of information described in
8 such paragraph under subsection (b); and

9 (2) subject to subsections (b) and (c), take ac-
10 tion, including through international media and
11 media available in the country of concern in ques-
12 tion, or through any other means available to the
13 United States, to reveal any information the United
14 States Government has in its possession relating to
15 any unexplained wealth, corruption, or malfeasance
16 of any senior official of the government in question,
17 their family members, or the political party or par-
18 ties which govern it, to as many of the citizens as
19 possible in such country of concern.

20 (b) WAIVER OF DISCLOSURE.—The President may
21 waive the disclosure of information under subsection
22 (a)(2) if the President determines that the disclosure of
23 such information would be detrimental to the national in-
24 terest. In the case where the President waives such dislo-
25 sure, the President shall submit to the appropriate com-

1 mittees of Congress an explanation of why the disclosure
2 of such information would be detrimental to the national
3 interest.

4 (c) TREATMENT OF CLASSIFIED INFORMATION.—
5 The release or disclosure of classified information under
6 subsection (a)(2) shall be subject to the standards and
7 procedures established under Executive Order 13526 (50
8 U.S.C. 3161 note; relating to classified national security
9 information).

10 (d) DEFINITIONS.—In this section:

11 (1) APPROPRIATE COMMITTEES OF CON-
12 GRESS.—The term “appropriate committees of Con-
13 gress” means—

14 (A) the Committee on Foreign Relations of
15 the Senate;

16 (B) the Select Committee on Intelligence
17 of the Senate;

18 (C) the Committee on Foreign Affairs of
19 the House of Representatives; and

20 (D) the Permanent Select Committee on
21 Intelligence of the House of Representatives.

22 (2) COUNTRY OF CONCERN.—The term “coun-
23 try of concern” has the meaning given to the term
24 “covered nation” in section 4872(d)(2) of title 10,
25 United States Code.

1 (3) DISINFORMATION.—The term
2 “disinformation” means any false information or de-
3 piction that is deliberately meant to mislead.

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