

(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 1501 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.)

Statutory Notes and Related Subsidiaries**DEFINITIONS**

For definitions of “congressional intelligence committees” and “intelligence community”, referred to in text, see section 5003 of div. E of Pub. L. 116-92, set out as a note under section 3003 of this title.

§ 3371b. Information sharing with State election officials**(a) State defined**

In this section, the term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(b) Security clearances**(1) In general**

Not later than 30 days after December 20, 2019, the Director of National Intelligence shall support the Under Secretary of Homeland Security for Intelligence and Analysis, and any other official of the Department of Homeland Security designated by the Secretary of Homeland Security, in sponsoring a security clearance up to the top secret level for each eligible chief election official of a State or the District of Columbia, and additional eligible designees of such election official as appropriate, at the time that such election official assumes such position.

(2) Interim clearances

Consistent with applicable policies and directives, the Director of National Intelligence may issue interim clearances, for a period to be determined by the Director, to a chief election official as described in paragraph (1) and up to one designee of such official under such paragraph.

(c) Information sharing**(1) In general**

The Director of National Intelligence shall assist the Under Secretary of Homeland Security for Intelligence and Analysis and the Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department (as specified in section

113(a)(1)(H) of title 6) with sharing any appropriate classified information related to threats to election systems and to the integrity of the election process with chief election officials and such designees who have received a security clearance under subsection (b).

(2) Coordination

The Under Secretary of Homeland Security for Intelligence and Analysis shall coordinate with the Director of National Intelligence and the Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department (as specified in section 113(a)(1)(H) of title 6) to facilitate the sharing of information to the affected Secretaries of State or States.

(Pub. L. 116-92, div. E, title LXV, § 6506, Dec. 20, 2019, 133 Stat. 2206.)

§ 3371c. Notification of significant foreign cyber intrusions and active measures campaigns directed at elections for Federal offices

(a) Definitions

In this section:

(1) Active measures campaign

The term “active measures campaign” means a foreign semi-covert or covert intelligence operation.

(2) Candidate, election, and political party

The terms “candidate”, “election”, and “political party” have the meanings given those terms in section 30101 of title 52.

(3) 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.

(4) Cyber intrusion

The term “cyber intrusion” means an electronic occurrence that actually or imminently jeopardizes, without lawful authority, electronic election infrastructure, or the integrity, confidentiality, or availability of information within such infrastructure.

(5) Electronic election infrastructure

The term “electronic election infrastructure” means an electronic information system of any of the following that is related to an election for Federal office:

- (A) The Federal Government.
- (B) A State or local government.
- (C) A political party.
- (D) The election campaign of a candidate.

(6) Federal office

The term “Federal office” has the meaning given that term in section 30101 of title 52.

(7) High confidence

The term “high confidence”, with respect to a determination, means that the determination is based on high-quality information from multiple sources.

(8) Moderate confidence

The term “moderate confidence”, with respect to a determination, means that a determination is credibly sourced and plausible but not of sufficient quality or corroborated sufficiently to warrant a higher level of confidence.

(9) Other appropriate congressional committees

The term “other appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

(b) Determinations of significant foreign cyber intrusions and active measures campaigns

The Director of National Intelligence, the Director of the Federal Bureau of Investigation, and the Secretary of Homeland Security shall jointly carry out subsection (c) if such Directors and the Secretary jointly determine—

(1) that on or after December 20, 2019, a significant foreign cyber intrusion or active measures campaign intended to influence an upcoming election for any Federal office has occurred or is occurring; and

(2) with moderate or high confidence, that such intrusion or campaign can be attributed to a foreign state or to a foreign nonstate person, group, or other entity.

(c) Briefing

(1) In general

Not later than 14 days after making a determination under subsection (b), the Director of National Intelligence, the Director of the Federal Bureau of Investigation, and the Secretary of Homeland Security shall jointly provide a briefing to the congressional leadership, the congressional intelligence committees and, consistent with the protection of sources and methods, the other appropriate congressional committees. The briefing shall be classified and address, at a minimum, the following:

(A) A description of the significant foreign cyber intrusion or active measures campaign, as the case may be, covered by the determination.

(B) An identification of the foreign state or foreign nonstate person, group, or other entity, to which such intrusion or campaign has been attributed.

(C) The desirability and feasibility of the public release of information about the cyber intrusion or active measures campaign.

(D) Any other information such Directors and the Secretary jointly determine appropriate.

(2) Electronic election infrastructure briefings

With respect to a significant foreign cyber intrusion covered by a determination under