

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

S. 4632

To amend title 17, United States Code, to establish an alternative dispute resolution program for copyright small claims, to amend the Communications Act of 1934 to modify the scope of protection from civil liability for “good Samaritan” blocking and screening of offensive material, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. BLUMENTHAL

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. FINDINGS.**

4 Congress makes the following findings:

5 (1) Voting by mail is a safe, secure, and suc-
6 cessful method for voters to participate in the demo-
7 cratic process.

8 (2) Voting by mail is commonplace and well-
9 tested in presidential elections. According to the
10 Election Assistance Commission, 23.7 percent of all

1 ballots in the 2016 presidential election were cast
2 using vote by mail absentee voting. In five States—
3 Colorado, Hawaii, Oregon, Utah, and Washington—
4 voting by mail is the primary method of casting a
5 ballot.

6 (3) As States take precautions to prevent the
7 spread of the COVID-19 pandemic, including during
8 the election, voting-by-mail is a vital means of par-
9 ticipating in the democratic process while keeping
10 communities safe and healthy.

11 (4) According to the Election Assistance Com-
12 mission, voting-by-mail is an “essential part of the
13 elections process for citizens away from home, such
14 as our military and overseas voters,” adding urgency
15 to the need to ensure that members of our armed
16 forces have the ability to vote.

17 (5) According to the Select Committee on Intel-
18 ligence of the Senate, during the 2016 presidential
19 election, the Russian Internet Research Agency
20 sought to suppress electoral participation, including
21 through spreading “expressly voter suppressive con-
22 tent intended to dissuade African-American voters
23 from participating in the 2016 presidential election.”
24 During the 2016 election, such disinformation was
25 spread through paid advertisements, automated bots,

1 and front groups impersonating American citizens
2 on social media.

3 (6) According to a September 3, 2020, Depart-
4 ment of Homeland Security bulletin, entitled “Rus-
5 sia Likely to Continue Seeking to Undermine Faith
6 in US Electoral Process,” Russia is “amplifying
7 criticisms of vote-by-mail and shifting voting proc-
8 esses amidst the COVID–19 pandemic to undermine
9 public trust in the electoral process.” Further, the
10 memo documents that Russian media have “deni-
11 grated vote-by-mail processes, alleging they lack
12 transparency and procedural oversight, creating vast
13 opportunities for voter fraud,” and that the Depart-
14 ment of Homeland Security assesses that “social
15 media trolls are likely to promote allegations of cor-
16 ruption, system failure, and foreign malign inter-
17 ference to sow distrust in democratic institutions
18 and election outcomes.” Protecting and promoting
19 participation in the November 3, 2020, election will
20 require collaboration and cooperation from the social
21 media companies.

22 **SEC. 2. REQUIRED BRIEFING.**

23 Not later than October 15, 2020, the Director of Na-
24 tional Intelligence shall brief the Senate Judiciary Com-
25 mittee regarding—

1 (1) the sources, tactics, and examples of foreign
2 influence operations with respect to the integrity of
3 voting by mail processes, campaigns that seek to
4 suppress voter participation, or disinformation that
5 misleads about the election process;

6 (2) the extent of cooperation and preparation
7 between social media platforms and the Federal gov-
8 ernment, law enforcement, and elections officials to
9 identify, remove, and alert the public about foreign
10 disinformation regarding voting and attempts to
11 suppress voter participation; and

12 (3) what steps the Office of the Director of Na-
13 tional Intelligence has taken and will take to declas-
14 sify information about foreign influence operations
15 regarding voting and attempts to suppress voter par-
16 ticipation.