

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 or absentee voting. In five
3 States—Colorado, Hawaii, Oregon, Utah, and Wash-
4 ington—voting by mail is the primary method of
5 casting a ballot.

6 (3) As States take precautions to prevent the
7 spread of the COVID-19 pandemic, including during
8 the Georgia runoff election in January 2021, voting
9 by mail remains a vital means of participating in the
10 democratic process while keeping communities safe
11 and healthy.

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

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

1 spread through paid advertisements, automated bots,
2 and front groups impersonating American citizens
3 on social media.

4 (6) During the November 2020 general election,
5 residents of several States received robocalls and
6 text messages with false information about mail-in
7 ballots and voting that were intended to suppress
8 participation or confuse voters. In at least one case,
9 these messages primarily targeted predominately Af-
10 rican-American communities and sought to intimi-
11 date voters based on the threat of arrest for voting.

12 (7) According to a September 3, 2020, Depart-
13 ment of Homeland Security bulletin, entitled “Rus-
14 sia Likely to Continue Seeking to Undermine Faith
15 in US Electoral Process,” Russia amplified “criti-
16 cisms of vote-by-mail and shifting voting processes
17 amidst the COVID–19 pandemic to undermine pub-
18 lic trust in the electoral process.” Further, the
19 memo documents that Russian media have “deni-
20 grated vote-by-mail processes, alleging they lack
21 transparency and procedural oversight, creating vast
22 opportunities for voter fraud,” and that the Depart-
23 ment of Homeland Security assesses that “social
24 media trolls are likely to promote allegations of cor-
25 ruption, system failure, and foreign malign inter-

1 ference to sow distrust in democratic institutions
2 and election outcomes.”

3 (8) According to a joint statement by the Elec-
4 tion Infrastructure Government Coordinating Coun-
5 cil (GCC) Executive Committee, representing Fed-
6 eral and State election and cybersecurity officials,
7 “the November 3rd【, 2020】 election was the most
8 secure in American history”. The statement refuted
9 unfounded claims of fraud and misinformation about
10 vote counting, explaining “there is no evidence that
11 any voting system deleted or lost votes, changed
12 votes, or was in any way compromised.”

13 **SEC. 2. REQUIRED BRIEFING.**

14 Not later than December 23, 2020, the Assistant At-
15 torney General for National Security shall brief the Senate
16 Judiciary Committee regarding—

17 (1) the sources, tactics, and examples of foreign
18 influence operations with respect to the integrity of
19 voting by mail processes, campaigns that seek to
20 suppress voter participation, or disinformation that
21 misleads about the election process;

22 (2) the extent of cooperation between social
23 media platforms and other communication firms,
24 and the Federal Government, law enforcement, and
25 elections officials, in any efforts to identify, remove,

1 and alert the public about foreign disinformation re-
2 garding voting and attempts to suppress voter par-
3 ticipation; and

4 (3) the status of investigations into attempts to
5 disenfranchise and intimidate voters through
6 robocalls, social media posts, text messages, and
7 other communications channels during the 2020
8 general election.