

Overview of the Process for the Executive Branch to Notify the Public and Others Regarding Foreign Malign Influence and Interference Operations Targeting U.S. Elections



The Federal Government is committed to protecting our democratic processes, institutions, economy, and the American public from foreign malign influence. Of particular concern are the intentions and activities of foreign governments, persons acting on their behalf, or independent foreign non-state actors to covertly, coercively, or unlawfully influence or interfere in our elections.

The Executive Branch maintains a notification framework to ensure that foreign intelligence regarding foreign malign influence and interference operations targeting U.S. elections is shared appropriately with government officials, the private sector, and the public to protect U.S. national security, including the integrity of our election processes.

Public exposure and attribution of foreign election influence and interference can render these operations less effective. Non-public notifications to targets of election influence and interference, including both individuals and organizations, may also mitigate the impacts of these operations by providing accurate and reliable information and by enhancing resilience against future attempts.

Under the notification framework, the Executive Branch follows an Office of the Director of National Intelligence (ODNI)-led process adhering to defined principles and factors to ensure, to the greatest extent possible, that notification decisions are consistent, well-informed, unbiased, and appropriately coordinated across the Executive Branch.

The notification framework supplements existing laws and policies for victim notifications and notifications to owners and operators of targeted critical infrastructure, including state and local election officials. Notifications conducted under these existing processes are provided by the Federal Bureau of Investigation (FBI) and the Department of Homeland Security (DHS) under established policies that govern notifications to victims of crime (including computer intrusions or other criminal activity directly harming a political organization or campaign) and to owners and operators of critical infrastructure (including state and local election officials) that are targets of a cyber threat.

The Executive Branch relies on guiding principles when considering whether to provide notifications under this framework. These principles include:

- Notification decisions shall serve U.S. national security interests, consistent with the responsibility to protect the American people and to uphold the Constitution.

- Partisan politics shall not play a role in the decision to provide notifications.
- Notification decisions shall not be intended to censor or chill political and social discourse or other First Amendment-protected activities.
- Notification decisions shall be intended to support broader Federal Government efforts to protect U.S. democratic institutions and processes, including elections, and to counter foreign malign influence.

In addition to the principles described above, the Executive Branch considers several factors in determining whether to provide a notification. These factors include protection of sources and methods, the specificity of the information regarding the foreign malign influence or interference operation, and whether notification is reasonably expected to render the operation less effective.

The following process ensures that notification decisions are thoroughly informed:

- When relevant foreign intelligence is identified, the ODNI will convene a Credibility Assessment Group (CAG), comprised of experts from different intelligence community (IC) agencies, to conduct a credibility assessment of the intelligence.
- When appropriate, the ODNI will provide the CAG assessment to an Experts Group comprised of senior representatives of the IC elements within the CAG and the Departments of Defense, Justice, Treasury, and Homeland Security, which will evaluate whether a public or non-public notification is appropriate under the notification framework.
- When the Experts Group recommends a non-public notification, the FBI and/or DHS will provide the notification.
- When the Experts Group recommends a public notification, the Director of National Intelligence will convene a Leaders Group comprised of the Secretaries of State, Defense, Homeland Security, and the Treasury, the Attorney General, and the Directors of the Central Intelligence Agency, FBI, Cybersecurity and Infrastructure Security Agency, and National Security Agency, to determine if a public notification is appropriate, the nature of the notification, and the notifying agency.