

117TH CONGRESS
2^D SESSION

H. R. 6452

To require the Director of National Intelligence to produce a National Intelligence Estimate on escalation and de-escalation of gray zone activities in great power competition, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2022

Mr. KRISHNAMOORTHY introduced the following bill; which was referred to the Permanent Select Committee on Intelligence

A BILL

To require the Director of National Intelligence to produce a National Intelligence Estimate on escalation and de-escalation of gray zone activities in great power competition, and for other purposes.

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 “Gathering and Report-
5 ing Assessments Yielding Zero Overlooked Nefarious Ef-
6 forts Act”.

1 **SEC. 2. NATIONAL INTELLIGENCE ESTIMATE ON ESCA-**
2 **LATION AND DE-ESCALATION OF GRAY ZONE**
3 **ACTIVITIES IN GREAT POWER COMPETITION.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) The conventional power of the United
6 States has driven foreign adversaries to a level of
7 competition that does not always depend on military
8 confrontation with the United States.

9 (2) Rather than challenging the United States
10 in a manner that could provoke a kinetic military re-
11 sponse, foreign adversaries of the United States have
12 turned to carrying out gray zone activities to ad-
13 vance the interests of such adversaries, weaken the
14 power of the United States, and erode the norms
15 that underpin the United States-led international
16 order.

17 (3) Gray zone activity falls on a spectrum of at-
18 tribution and deniability that ranges from covert ad-
19 versary operations, to detectible covert adversary op-
20 erations, to unattributable adversary operations, to
21 deniable adversary operations, to open adversary op-
22 erations.

23 (4) To adequately address such a shift to gray
24 zone activity, the United States must understand
25 what actions tend to either escalate or de-escalate
26 such activity by our adversaries.

1 (5) The laws, principles, and values of the
2 United States are strategic advantages in great
3 power competition with authoritarian foreign adver-
4 saries that carry out gray zone activities, because
5 such laws, principles, and values increase the appeal
6 of the governance model of the United States, and
7 the United States-led international order, to states
8 and peoples around the world.

9 (6) The international security environment has
10 demonstrated numerous examples of gray zone ac-
11 tivities carried out by foreign adversaries, including
12 the following activities of foreign adversaries:

13 (A) Information operations, such as efforts
14 by Russia to influence the 2020 United States
15 Federal elections (as described in the March 15,
16 2021, intelligence community assessment of the
17 Office of the Director of National Intelligence
18 made publicly available on March 15, 2021).

19 (B) Adversary political coercion operations,
20 such as the wielding of energy by Russia, par-
21 ticularly in the context of Ukrainian gas pipe-
22 lines, to coerce its neighbors into compliance
23 with its policies.

1 (C) Cyber operations, such as the use by
2 China of cyber tools to conduct industrial espio-
3 nage.

4 (D) Provision of support to proxy forces,
5 such as the support provided by Iran to
6 Hezbollah and Shia militia groups.

7 (E) Provocation by armed forces controlled
8 by the government of the foreign adversary
9 through measures that do not rise to the level
10 of an armed attack, such as the use of the
11 China Coast Guard and maritime militia by
12 China to harass the fishing vessels of other
13 countries in the South China Sea.

14 (F) Alleged uses of lethal force on foreign
15 soil, such as the 2018 attempts by Russia to
16 poison Sergei Skripal in London.

17 (G) The potential use by an adversary of
18 technology that causes anomalous health inci-
19 dents among United States Government per-
20 sonnel.

21 (b) NATIONAL INTELLIGENCE ESTIMATE.—

22 (1) REQUIREMENT.—The Director of National
23 Intelligence, acting through the National Intelligence
24 Council, shall produce a National Intelligence Esti-
25 mate on how foreign adversaries use gray zone ac-

1 tivities to advance interests, what responses by the
2 United States (or the allies or partners of the
3 United States) would tend to result in the escalation
4 or de-escalation of such gray zone activities by for-
5 eign adversaries, and any opportunities for the
6 United States to minimize the extent to which for-
7 eign adversaries use gray zone activities in further-
8 ance of great power competition.

9 (2) MATTERS INCLUDED.—To the extent deter-
10 mined appropriate by the National Intelligence
11 Council, the National Intelligence Estimate produced
12 under paragraph (1) may include an assessment of
13 the following topics:

14 (A) Any potential or actual lethal or harm-
15 ful gray zone activities carried out against the
16 United States by foreign adversaries, including
17 against United States Government employees
18 and United States persons, whether located
19 within or outside of the United States.

20 (B) To the extent such activities have oc-
21 curred, or are predicted to occur—

22 (i) opportunities to reduce or deter
23 any such activities; and

24 (ii) any actions of the United States
25 Government that would tend to result in

1 the escalation or de-escalation of such ac-
2 tivities.

3 (C) Any incidents in which foreign adver-
4 saries could have used, but ultimately did not
5 use, gray zone activities to advance the inter-
6 ests of such adversaries, including an assess-
7 ment as to why the foreign adversary ultimately
8 did not use gray zone activities.

9 (D) The effect of lowering the United
10 States Government threshold for the public at-
11 tribution of detectible covert adversary oper-
12 ations, unattributable adversary operations, and
13 deniable adversary operations.

14 (E) The effect of lowering the United
15 States Government threshold for responding to
16 detectible covert adversary operations,
17 unattributable adversary operations, and deni-
18 able adversary operations.

19 (F) The extent to which the governments
20 of foreign adversaries exercise control over any
21 proxies or parastate actors used by such gov-
22 ernments in carrying out gray zone activities.

23 (G) The extent to which gray zone activi-
24 ties carried out by foreign adversaries affect the
25 private sector of the United States.

1 (H) The international norms that provide
2 the greatest deterrence to gray zone activities
3 carried out by foreign adversaries, and opportu-
4 nities for strengthening those norms.

5 (I) The effect, if any, of the strengthening
6 of democratic governance abroad on the resil-
7 ience of United States allies and partners to
8 gray zone activities.

9 (J) Opportunities to strengthen the resil-
10 ience of United States allies and partners to
11 gray zone activities, and associated tactics, car-
12 ried out by foreign adversaries.

13 (K) Opportunities for the United States to
14 improve the detection of, and early warning for,
15 such activities and tactics.

16 (L) Opportunities for the United States to
17 galvanize international support in responding to
18 such activities and tactics.

19 (3) SUBMISSION TO CONGRESS.—

20 (A) SUBMISSION.—Not later than 1 year
21 after the date of the enactment of this Act, the
22 Director shall submit to the Select Committee
23 on Intelligence of the Senate and the Perma-
24 nent Select Committee on Intelligence of the
25 House of Representatives the National Intel-

1 intelligence Estimate produced under paragraph (1),
2 including all intelligence reporting underlying
3 the Estimate.

4 (B) NOTICE REGARDING SUBMISSION.—If
5 at any time before the deadline specified in sub-
6 paragraph (A), the Director determines that the
7 National Intelligence Estimate produced under
8 paragraph (1) cannot be submitted by such
9 deadline, the Director shall (before such dead-
10 line) submit to the Select Committee on Intel-
11 ligence of the Senate and the Permanent Select
12 Committee on Intelligence of the House of Rep-
13 resentatives a report setting forth the reasons
14 why the National Intelligence Estimate cannot
15 be submitted by such deadline and an estimated
16 date for the submission of the National Intel-
17 ligence Estimate.

18 (C) FORM.—Any report under subpara-
19 graph (B) shall be submitted in unclassified
20 form.

21 (4) PUBLIC VERSION.—Consistent with the pro-
22 tection of intelligence sources and methods, at the
23 same time as the Director submits to the Select
24 Committee on Intelligence of the Senate and the
25 Permanent Select Committee on Intelligence of the

1 House of Representatives the National Intelligence
2 Estimate under paragraph (1), the Director shall
3 make publicly available on the internet website of
4 the Director an unclassified version of the key find-
5 ings of the National Intelligence Estimate.

6 (5) DEFINITIONS.—In this subsection:

7 (A) GRAY ZONE ACTIVITY.—The term
8 “gray zone activity” means an activity to ad-
9 vance the national interests of a State that—

10 (i) falls between ordinary statecraft
11 and open warfare;

12 (ii) is carried out with an intent to
13 maximize the advancement of interests of
14 the state without provoking a kinetic mili-
15 tary response by the United States; and

16 (iii) falls on a spectrum that ranges
17 from covert adversary operations, to
18 detectible covert adversary operations, to
19 unattributable adversary operations, to de-
20 niable adversary operations, to open adver-
21 sary operations.

22 (B) COVERT ADVERSARY OPERATION.—

23 The term “covert adversary operation” means
24 an operation by an adversary that—

1 (i) the adversary intends to remain
2 below the threshold at which the United
3 States detects the operation; and

4 (ii) does stay below such threshold.

5 (C) DETECTIBLE COVERT ADVERSARY OP-
6 ERATION.—The term “detectible covert adver-
7 sary operation” means an operation by an ad-
8 versary that—

9 (i) the adversary intends to remain
10 below the threshold at which the United
11 States detects the operation; but

12 (ii) is ultimately detected by the
13 United States at a level below the level at
14 which the United States will publicly at-
15 tribute the operation to the adversary.

16 (D) UNATTRIBUTABLE ADVERSARY OPER-
17 ATION.—The term “unattributable adversary
18 operation” means an operation by an adversary
19 that the adversary intends to be detected by the
20 United States, but remain below the threshold
21 at which the United States will publicly at-
22 tribute the operation to the adversary.

23 (E) DENIABLE ADVERSARY OPERATION.—
24 The term “deniable adversary operation” means
25 an operation by an adversary that—

1 (i) the adversary intends to be de-
2 tected and publicly or privately attributed
3 by the United States; and

4 (ii) the adversary intends to deny, to
5 limit the response by the United States,
6 and any allies of the United States.

7 (F) OPEN ADVERSARY OPERATION.—The
8 term “open adversary operation” means an op-
9 eration by an adversary that the adversary
10 openly acknowledges as attributable to the ad-
11 versary.

12 (c) REQUIREMENT TO DEVELOP LEXICON.—

13 (1) REQUIREMENT.—The Director of National
14 Intelligence, acting through the National Intelligence
15 Council, shall develop a lexicon of common terms
16 (and corresponding definitions for such terms) for
17 concepts associated with gray zone activities.

18 (2) CONSIDERATIONS.—In developing the lexi-
19 con under paragraph (1), the National Intelligence
20 Council shall include in the lexicon each term (and
21 the corresponding definition for each term) specified
22 in subsection (b)(5), unless the National Intelligence
23 Council determines that an alternative term (or al-
24 ternative definition)—

1 (A) more accurately describes a concept as-
2 sociated with gray zone activities; or

3 (B) is preferable for any other reason.

4 (3) REPORT.—

5 (A) PUBLICATION.—The Director of Na-
6 tional Intelligence shall publish a report con-
7 taining the lexicon developed under paragraph
8 (1).

9 (B) FORM.—The report under subpara-
10 graph (A) shall be published in unclassified
11 form.

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