SEC. 30219H. NATIONAL INTELLIGENCE ESTIMATE ON ESCALATION AND DE-ESCALATION OF GRAY ZONE ACTIVITIES IN GREAT POWER COMPETITION.

(a) FINDINGS.—Congress finds the following:

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

(2) Rather than challenging the United States in a manner that could provoke a kinetic military response, foreign adversaries of the United States have turned to carrying out gray zone activities to advance the interests of such adversaries, weaken the power of the United States, and erode the norms that underpin the United States-led international order.

(3) Gray zone activity falls on a spectrum of attribution and deniability that ranges from covert adversary operations, to detectible covert adversary op-
erations, to unattributable adversary operations, to
deniable adversary operations, to open adversary op-
erations.

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

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

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

(A) Information operations, such as efforts
by Russia to influence the 2020 United States
Federal elections (as described in the March 15,
2021, intelligence community assessment of the
Office of the Director of National Intelligence
made publicly available on March 15, 2021).
(B) Adversary political coercion operations, such as the wielding of energy by Russia, particularly in the context of Ukrainian gas pipelines, to coerce its neighbors into compliance with its policies.

(C) Cyber operations, such as the use by China of cyber tools to conduct industrial espionage.

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

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

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

(G) The potential use by an adversary of technology that causes anomalous health incidents among United States Government personnel.
(b) NATIONAL INTELLIGENCE ESTIMATE.—

(1) REQUIREMENT.—The Director of National Intelligence, acting through the National Intelligence Council, shall produce a National Intelligence Estimate on how foreign adversaries use gray zone activities to advance interests, what responses by the United States (or the allies or partners of the United States) would tend to result in the escalation or de-escalation of such gray zone activities by foreign adversaries, and any opportunities for the United States to minimize the extent to which foreign adversaries use gray zone activities in furtherance of great power competition.

(2) MATTERS INCLUDED.—To the extent determined appropriate by the National Intelligence Council, the National Intelligence Estimate produced under paragraph (1) may include an assessment of the following topics:

(A) Any potential or actual lethal or harmful gray zone activities carried out against the United States by foreign adversaries, including against United States Government employees and United States persons, whether located within or outside of the United States.
(B) To the extent such activities have occurred, or are predicted to occur—

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

(ii) any actions of the United States Government that would tend to result in the escalation or de-escalation of such activities.

(C) Any incidents in which foreign adversaries could have used, but ultimately did not use, gray zone activities to advance the interests of such adversaries, including an assessment as to why the foreign adversary ultimately did not use gray zone activities.

(D) The effect of lowering the United States Government threshold for the public attribution of detectible covert adversary operations, unattributable adversary operations, and deniable adversary operations.

(E) The effect of lowering the United States Government threshold for responding to detectible covert adversary operations, unattributable adversary operations, and deniable adversary operations.
(F) The extent to which the governments of foreign adversaries exercise control over any proxies or parastate actors used by such governments in carrying out gray zone activities.

(G) The extent to which gray zone activities carried out by foreign adversaries affect the private sector of the United States.

(H) The international norms that provide the greatest deterrence to gray zone activities carried out by foreign adversaries, and opportunities for strengthening those norms.

(I) The effect, if any, of the strengthening of democratic governance abroad on the resilience of United States allies and partners to gray zone activities.

(J) Opportunities to strengthen the resilience of United States allies and partners to gray zone activities, and associated tactics, carried out by foreign adversaries.

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

(L) Opportunities for the United States to galvanize international support in responding to such activities and tactics.
(3) Submission to Congress.—

(A) Submission.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives the National Intelligence Estimate produced under paragraph (1), including all intelligence reporting underlying the Estimate.

(B) Notice Regarding Submission.—If at any time before the deadline specified in subparagraph (A), the Director determines that the National Intelligence Estimate produced under paragraph (1) cannot be submitted by such deadline, the Director shall (before such deadline) submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report setting forth the reasons why the National Intelligence Estimate cannot be submitted by such deadline and an estimated date for the submission of the National Intelligence Estimate.
(C) FORM.—Any report under subparagraph (B) shall be submitted in unclassified form.

(4) PUBLIC VERSION.—Consistent with the protection of intelligence sources and methods, at the same time as the Director submits to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives the National Intelligence Estimate under paragraph (1), the Director shall make publicly available on the internet website of the Director an unclassified version of the key findings of the National Intelligence Estimate.

(5) DEFINITIONS.—In this subsection:

(A) GRAY ZONE ACTIVITY.—The term “gray zone activity” means an activity to advance the national interests of a State that—

(i) falls between ordinary statecraft and open warfare;

(ii) is carried out with an intent to maximize the advancement of interests of the state without provoking a kinetic military response by the United States; and

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

(B) COVERT ADVERSARY OPERATION.—
The term “covert adversary operation” means
an operation by an adversary that—

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

(ii) does stay below such threshold.

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

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

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

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

(E) Deniable adversary operation.—
The term “deniable adversary operation” means
an operation by an adversary that—

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

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

(F) Open adversary operation.—The
term “open adversary operation” means an op-
eration by an adversary that the adversary
openly acknowledges as attributable to the ad-
versary.

(c) Requirement to develop lexicon.—

(1) Requirement.—The Director of National
Intelligence, acting through the National Intelligence
Council, shall develop a lexicon of common terms
(and corresponding definitions for such terms) for
concepts associated with gray zone activities.
(2) CONSIDERATIONS.—In developing the lexicon under paragraph (1), the National Intelligence Council shall include in the lexicon each term (and the corresponding definition for each term) specified in subsection (b)(5), unless the National Intelligence Council determines that an alternative term (or alternative definition)—

(A) more accurately describes a concept associated with gray zone activities; or

(B) is preferable for any other reason.

(3) REPORT.—

(A) PUBLICATION.—The Director of National Intelligence shall publish a report containing the lexicon developed under paragraph (1).

(B) FORM.—The report under subparagraph (A) shall be published in unclassified form.