

**AMENDMENT TO RULES COMM. PRINT 117-31**  
**OFFERED BY MR. KRISHNAMOORTHY OF ILLINOIS**

Insert after section 30219G the following:

1 **SEC. 30219H. NATIONAL INTELLIGENCE ESTIMATE ON ES-**  
2 **CALATION AND DE-ESCALATION OF GRAY**  
3 **ZONE ACTIVITIES IN GREAT POWER COM-**  
4 **PETITION.**

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

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

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

18 (3) Gray zone activity falls on a spectrum of at-  
19 tribution and deniability that ranges from covert ad-  
20 versary operations, to detectible covert adversary op-

1 erations, to unattributable adversary operations, to  
2 deniable adversary operations, to open adversary op-  
3 erations.

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

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

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

20 (A) Information operations, such as efforts  
21 by Russia to influence the 2020 United States  
22 Federal elections (as described in the March 15,  
23 2021, intelligence community assessment of the  
24 Office of the Director of National Intelligence  
25 made publicly available on March 15, 2021).

1 (B) Adversary political coercion operations,  
2 such as the wielding of energy by Russia, par-  
3 ticularly in the context of Ukrainian gas pipe-  
4 lines, to coerce its neighbors into compliance  
5 with its policies.

6 (C) Cyber operations, such as the use by  
7 China of cyber tools to conduct industrial espio-  
8 nage.

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

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

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

22 (G) The potential use by an adversary of  
23 technology that causes anomalous health inci-  
24 dents among United States Government per-  
25 sonnel.

1 (b) NATIONAL INTELLIGENCE ESTIMATE.—

2 (1) REQUIREMENT.—The Director of National  
3 Intelligence, acting through the National Intelligence  
4 Council, shall produce a National Intelligence Esti-  
5 mate on how foreign adversaries use gray zone ac-  
6 tivities to advance interests, what responses by the  
7 United States (or the allies or partners of the  
8 United States) would tend to result in the escalation  
9 or de-escalation of such gray zone activities by for-  
10 eign adversaries, and any opportunities for the  
11 United States to minimize the extent to which for-  
12 eign adversaries use gray zone activities in further-  
13 ance of great power competition.

14 (2) MATTERS INCLUDED.—To the extent deter-  
15 mined appropriate by the National Intelligence  
16 Council, the National Intelligence Estimate produced  
17 under paragraph (1) may include an assessment of  
18 the following topics:

19 (A) Any potential or actual lethal or harm-  
20 ful gray zone activities carried out against the  
21 United States by foreign adversaries, including  
22 against United States Government employees  
23 and United States persons, whether located  
24 within or outside of the United States.

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

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

5 (ii) any actions of the United States  
6 Government that would tend to result in  
7 the escalation or de-escalation of such ac-  
8 tivities.

9 (C) Any incidents in which foreign adver-  
10 saries could have used, but ultimately did not  
11 use, gray zone activities to advance the inter-  
12 ests of such adversaries, including an assess-  
13 ment as to why the foreign adversary ultimately  
14 did not use gray zone activities.

15 (D) The effect of lowering the United  
16 States Government threshold for the public at-  
17 tribution of detectible covert adversary oper-  
18 ations, unattributable adversary operations, and  
19 deniable adversary operations.

20 (E) The effect of lowering the United  
21 States Government threshold for responding to  
22 detectible covert adversary operations,  
23 unattributable adversary operations, and deni-  
24 able adversary operations.

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

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

8 (H) The international norms that provide  
9 the greatest deterrence to gray zone activities  
10 carried out by foreign adversaries, and opportu-  
11 nities for strengthening those norms.

12 (I) The effect, if any, of the strengthening  
13 of democratic governance abroad on the resil-  
14 ience of United States allies and partners to  
15 gray zone activities.

16 (J) Opportunities to strengthen the resil-  
17 ience of United States allies and partners to  
18 gray zone activities, and associated tactics, car-  
19 ried out by foreign adversaries.

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

23 (L) Opportunities for the United States to  
24 galvanize international support in responding to  
25 such activities and tactics.

1 (3) SUBMISSION TO CONGRESS.—

2 (A) SUBMISSION.—Not later than 1 year  
3 after the date of the enactment of this Act, the  
4 Director shall submit to the Select Committee  
5 on Intelligence of the Senate and the Perma-  
6 nent Select Committee on Intelligence of the  
7 House of Representatives the National Intel-  
8 ligence Estimate produced under paragraph (1),  
9 including all intelligence reporting underlying  
10 the Estimate.

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

1 (C) FORM.—Any report under subpara-  
2 graph (B) shall be submitted in unclassified  
3 form.

4 (4) PUBLIC VERSION.—Consistent with the pro-  
5 tection of intelligence sources and methods, at the  
6 same time as the Director submits to the Select  
7 Committee on Intelligence of the Senate and the  
8 Permanent Select Committee on Intelligence of the  
9 House of Representatives the National Intelligence  
10 Estimate under paragraph (1), the Director shall  
11 make publicly available on the internet website of  
12 the Director an unclassified version of the key find-  
13 ings of the National Intelligence Estimate.

14 (5) DEFINITIONS.—In this subsection:

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

18 (i) falls between ordinary statecraft  
19 and open warfare;

20 (ii) is carried out with an intent to  
21 maximize the advancement of interests of  
22 the state without provoking a kinetic mili-  
23 tary response by the United States; and

24 (iii) falls on a spectrum that ranges  
25 from covert adversary operations, to



1 detectible covert adversary operations, to  
2 unattributable adversary operations, to de-  
3 niable adversary operations, to open adver-  
4 sary operations.

5 (B) COVERT ADVERSARY OPERATION.—

6 The term “covert adversary operation” means  
7 an operation by an adversary that—

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

11 (ii) does stay below such threshold.

12 (C) DETECTIBLE COVERT ADVERSARY OP-

13 ERATION.—The term “detectible covert adver-  
14 sary operation” means an operation by an ad-  
15 versary that—

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

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

23 (D) UNATTRIBUTABLE ADVERSARY OPER-

24 ATION.—The term “unattributable adversary  
25 operation” means an operation by an adversary

1           that the adversary intends to be detected by the  
2           United States, but remain below the threshold  
3           at which the United States will publicly at-  
4           tribute the operation to the adversary.

5           (E) DENIABLE ADVERSARY OPERATION.—  
6           The term “deniable adversary operation” means  
7           an operation by an adversary that—

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

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

14           (F) OPEN ADVERSARY OPERATION.—The  
15           term “open adversary operation” means an op-  
16           eration by an adversary that the adversary  
17           openly acknowledges as attributable to the ad-  
18           versary.

19           (c) REQUIREMENT TO DEVELOP LEXICON.—

20                   (1) REQUIREMENT.—The Director of National  
21           Intelligence, acting through the National Intelligence  
22           Council, shall develop a lexicon of common terms  
23           (and corresponding definitions for such terms) for  
24           concepts associated with gray zone activities.

1           (2) CONSIDERATIONS.—In developing the lexi-  
2           con under paragraph (1), the National Intelligence  
3           Council shall include in the lexicon each term (and  
4           the corresponding definition for each term) specified  
5           in subsection (b)(5), unless the National Intelligence  
6           Council determines that an alternative term (or al-  
7           ternative definition)—

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

10                   (B) is preferable for any other reason.

11           (3) REPORT.—

12                   (A) PUBLICATION.—The Director of Na-  
13                   tional Intelligence shall publish a report con-  
14                   taining the lexicon developed under paragraph  
15                   (1).

16                   (B) FORM.—The report under subpara-  
17                   graph (A) shall be published in unclassified  
18                   form.

