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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To direct the Director of National Intelligence to notify Congress if the Director determines, with high or moderate confidence, that a foreign government with which the United States is at peace is seeking to cause the death of, or serious bodily injury to, members of the United States Armed Forces.

IN THE HOUSE OF REPRESENTATIVES

Mrs. MURPHY introduced the following bill; which was referred to the Committee on _____

A BILL

To direct the Director of National Intelligence to notify Congress if the Director determines, with high or moderate confidence, that a foreign government with which the United States is at peace is seeking to cause the death of, or serious bodily injury to, members of the United States Armed Forces.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Deadly Escalation by
3 Foreign Entities Notification and Disclosure Act” or the
4 “DEFEND Act”.

5 **SEC. 2. NOTIFICATION OF CERTAIN THREATS TO UNITED**
6 **STATES ARMED FORCES BY FOREIGN GOV-**
7 **ERNMENTS.**

8 (a) DEFINITIONS.—In this section:

9 (1) ANYTHING OF PECUNIARY VALUE.—The
10 term “anything of pecuniary value” has the meaning
11 given that term in section 1958(b)(1) of title 18,
12 United States Code.

13 (2) CONGRESSIONAL INTELLIGENCE COMMIT-
14 TEES.—The term “congressional intelligence com-
15 mittees” has the meaning given that term in section
16 3 of the National Security Act of 1947 (50 U.S.C.
17 3003).

18 (3) CONGRESSIONAL LEADERSHIP.—The term
19 “congressional leadership” includes the following:

20 (A) The majority leader of the Senate.

21 (B) The minority leader of the Senate.

22 (C) The Speaker of the House of Rep-
23 resentatives.

24 (D) The minority leader of the House of
25 Representatives.

1 (4) DIRECT MEANS.—The term “direct means”
2 means without the use of intermediaries.

3 (5) FOREIGN GOVERNMENT.—The term “for-
4 eign government” means the government of a for-
5 eign country with which the United States is at
6 peace, irrespective of recognition by the United
7 States.

8 (6) HIGH CONFIDENCE.—The term “high con-
9 fidence”, with respect to a determination, means
10 that the determination is based on high-quality in-
11 formation from multiple sources.

12 (7) INDIRECT MEANS.—The term “indirect
13 means” means through, or with the assistance of,
14 intermediaries.

15 (8) MODERATE CONFIDENCE.—The term “mod-
16 erate confidence”, with respect to a determination,
17 means that a determination is credibly sourced and
18 plausible but not of sufficient quality or corrobo-
19 rated sufficiently to warrant a higher level of con-
20 fidence.

21 (b) DETERMINATION THAT FOREIGN GOVERNMENT
22 INTENDS TO CAUSE THE DEATH OF OR SERIOUS BODILY
23 INJURY TO MEMBERS OF THE ARMED FORCES.—The Di-
24 rector of National Intelligence shall carry out subsection
25 (c) if the Director, in consultation with the heads of the

1 elements of the intelligence community determined appro-
2 priate by the Director, determines with moderate or high
3 confidence that, on or after the date of the enactment of
4 this Act, the following:

5 (1) An official or agent of a foreign government
6 is deliberately seeking to cause the death of or seri-
7 ous bodily injury to any member of the United
8 States Armed Forces.

9 (2) Such official or agent is seeking to cause
10 such death or serious bodily injury through direct
11 means or indirect means, including through a prom-
12 ise or agreement by the foreign government to pay
13 anything of pecuniary value to an individual or orga-
14 nization in exchange for causing such death or seri-
15 ous bodily injury.

16 (c) BRIEFING.—

17 (1) IN GENERAL.—Not later than 14 days after
18 making a determination under subsection (b), the
19 Director of National Intelligence shall provide to the
20 congressional leadership, the congressional intel-
21 ligence committees and, consistent with the protec-
22 tion of sources and methods, the Committees on
23 Armed Services of the House of Representatives and
24 the Senate, a briefing on such determination. The

1 briefing shall be classified and address, at a min-
2 imum, the following:

3 (A) A description of the nature and extent
4 of the effort by the foreign government to tar-
5 get members of the United States Armed
6 Forces.

7 (B) An assessment of what specific offi-
8 cials, agents, entities, and departments within
9 the foreign government ordered, authorized, or
10 had knowledge of the effort.

11 (C) An assessment of the motivations of
12 the foreign government for undertaking such an
13 effort.

14 (D) An assessment of whether the effort of
15 the foreign government was a substantial factor
16 in the death or serious bodily injury of any
17 member of the United States Armed Forces.

18 (E) Any other information the Director de-
19 termines appropriate.

20 (2) UPDATED BRIEFINGS.—On a quarterly
21 basis beginning on the date of an initial briefing
22 under paragraph (1) regarding a determination
23 under subsection (b) and ending on the date on
24 which the Director determines that the determina-
25 tion under such subsection no longer applies, the Di-

1 rector shall provide to the officials and committees
2 specified in such subsection an updated briefing.

3 (3) PROTECTION OF SOURCES AND METH-
4 ODS.—This subsection shall be carried out in a man-
5 ner that is consistent with the protection of sources
6 and methods.