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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To direct the Secretary of Defense to notify Congress if the Secretary determines, with high confidence, that a foreign government or foreign official has taken, or plans to take, steps intended to cause the death of, or serious bodily injury to, a member of the United States Armed Forces.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To direct the Secretary of Defense to notify Congress if the Secretary determines, with high confidence, that a foreign government or foreign official has taken, or plans to take, steps intended to cause the death of, or serious bodily injury to, a member 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) DETERMINATION THAT FOREIGN GOVERNMENT
9 INTENDS TO CAUSE THE DEATH OF OR SERIOUS BODILY
10 INJURY TO MEMBERS OF THE ARMED FORCES.—The
11 Secretary of Defense shall carry out the notification re-
12 quirements under subsection (b) whenever the Secretary,
13 in consultation with the Director of National Intelligence,
14 determines with high confidence that, on or after the date
15 of the enactment of this Act, an official of a foreign gov-
16 ernment plans or takes some other substantial step that
17 is intended to cause the death of, or serious bodily injury
18 to, any member of the United States Armed Forces,
19 whether through direct means or indirect means, including
20 through a promise or agreement by the foreign govern-
21 ment to pay anything of pecuniary value to an individual
22 or organization in exchange for causing such death or in-
23 jury.

24 (b) NOTICE TO CONGRESS.—

25 (1) NOTIFICATION.—Except as provided in
26 paragraph (3), not later than 14 days after making

1 a determination under subsection (a), the Secretary
2 shall notify the congressional leadership, the con-
3 gressional intelligence committees and, consistent
4 with the protection of sources and methods, the ap-
5 propriate congressional committees of such deter-
6 mination. Such notification shall include, at a min-
7 imum, the following:

8 (A) A description of the nature and extent
9 of the effort by the foreign government to tar-
10 get members of the United States Armed
11 Forces.

12 (B) An assessment of what specific offi-
13 cials, agents, entities, and departments within
14 the foreign government ordered, authorized, or
15 had knowledge of the effort.

16 (C) An assessment of the motivations of
17 the foreign government for undertaking such an
18 effort.

19 (D) An assessment of whether the effort of
20 the foreign government was a substantial factor
21 in the death or serious bodily injury of any
22 member of the United States Armed Forces.

23 (E) Any other information the Secretary
24 determines appropriate.

1 (2) OPTION FOR BRIEFING.—Upon the request
2 of a congressional recipient specified in paragraph
3 (1) after being notified of a determination under
4 such paragraph, the Secretary shall provide to the
5 recipient a briefing on the contents of the notifica-
6 tion.

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

11 (c) DEFINITIONS.—In this section:

12 (1) The term “anything of pecuniary value” has
13 the meaning given that term in section 1958(b)(1)
14 of title 18, United States Code.

15 (2) The term “appropriate congressional com-
16 mittees” means the following:

17 (A) The Committee on Armed Services and
18 the Committee on Foreign Affairs of the House
19 of Representatives.

20 (B) The Committee on Armed Services and
21 the Committee on Foreign Relations of the Sen-
22 ate.

23 (3) The terms “congressional intelligence com-
24 mittees” and “intelligence community” have the

1 meaning given those terms in section 3 of the Na-
2 tional Security Act of 1947 (50 U.S.C. 3003).

3 (4) The term “congressional leadership” in-
4 cludes the following:

5 (A) The majority leader of the Senate.

6 (B) The minority leader of the Senate.

7 (C) The Speaker of the House of Rep-
8 resentatives.

9 (D) The minority leader of the House of
10 Representatives.

11 (5) The term “determines with high con-
12 fidence”—

13 (A) means that the official making the de-
14 termination—

15 (i) has concluded that the judgments
16 in the determination are based on sound
17 analytic argumentation and high-quality,
18 consistent reporting from multiple sources,
19 including through clandestinely obtained
20 documents, clandestine and open source re-
21 porting, and in-depth expertise;

22 (ii) with respect to such judgments,
23 has concluded that the intelligence commu-
24 nity has few intelligence gaps and few as-
25 sumptions underlying the analytic line and

1 that the intelligence community has con-
2 cluded that the potential for deception is
3 low; and

4 (iii) has examined long-standing ana-
5 lytic judgments and considered alternatives
6 in making the determination; but

7 (B) does not mean that the official making
8 the determination has concluded that the judg-
9 ments in the determination are fact or cer-
10 tainty.

11 (6) The term “direct means” means without the
12 use of intermediaries.

13 (7) The term “foreign government” means the
14 government of a foreign country with which the
15 United States is at peace.

16 (8) The term “indirect means” means through,
17 or with the assistance of, intermediaries.