AMENDMENT TO RULES COMMITTEE PRINT 118–10

OFFERED BY MS. JACOBS OF CALIFORNIA

At the end of subtitle G of title X, insert the following:

SEC. 10. REVIEW OF EXECUTE ORDERS PERMITTING USE OF FORCE.

(a) Review.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall review all execute orders permitting the United States Armed Forces to engage, or to direct partner forces to engage, in the use of lethal or potentially lethal force in order to ensure that all such orders specify by name—

(1) any location within a country where force may be used;

(2) the country or organization against which force may be used; and

(3) the law under which the use of force is authorized.

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report describ-
ing the results of the review conducted under subsection (a). Such report shall include each of the following:

(1) The number of execute orders that had to be withdrawn or amended to ensure that they included sufficiently specific information on where, against whom, and on what legal basis force may be used.


(3) A comparison of the countries and organizations covered by the execute orders permitting the use of lethal or potentially lethal force and the full list of foreign forces, irregular forces, groups, or individuals ever reported under section 1264 of the National Defense Authorization Act for Fiscal Year 2018 (50 U.S.C. 1549) and section 1285 of the National Defense Authorization Act for Fiscal Year 2020 (50 U.S.C. 1550).
(4) Any procedures the Secretary has implemented, or plans to implement, to ensure that execute orders are drafted in a manner that reflects the legal limits on the authority of the United States Armed Forces to use lethal or potentially lethal force.

(e) Format of Report.—The report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex. The unclassified portion of the report shall be made publicly available at the same time the report is submitted to the congressional defense committees.