AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 1735
OFFERED BY MR. NADLER OF NEW YORK

Page 528, after line 2, insert the following:

SEC. 1092. TARGETED LETHAL FORCE OVERSIGHT REFORM.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term “Director” means the Director of National Intelligence.

(2) UNITED STATES PERSON.—The term “United States person” means a citizen of the United States or an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))).

(b) ALTERNATIVE ANALYSIS.—

(1) NOTIFICATION OF DIRECTOR.—Upon a determination by the head of an element of the intelligence community that a particular, known United States person is knowingly engaged in acts of international terrorism against the United States, such that the United States Government is considering the legality or the use of targeted lethal force
against that United States person, the head of the
element shall, as soon as practicable, notify the Di-
rector of the determination.

(2) INDEPENDENT ALTERNATIVE ANALYSIS.—

(A) REQUIREMENT FOR ALTERNATIVE
ANALYSIS.—Not later than 15 days after the
date the Director receives a notification under
paragraph (1), the Director shall complete an
independent alternative analysis (commonly re-
ferred to as “red-team analysis”) of the infor-
mination relied on to support the determination
made under paragraph (1).

(B) INDEPENDENT LEADERSHIP.—In com-
pleting the independent alternative analysis re-
quired by subparagraph (A), the Director shall
ensure that the individual appointed to lead
such alternative analysis does not report to the
head of the element of the intelligence commu-
nity who made the determination under para-
graph (1).

(3) NOTIFICATION OF THE INSPECTOR GEN-
ERAL OF THE INTELLIGENCE COMMUNITY.—As soon
as practicable, the Director shall notify the Inspector
General of the Intelligence Community of the receipt
of a notification under paragraph (1).
(4) Notification to Congress.—As soon as practicable, the Director shall notify the congressional intelligence committees, in writing, of the receipt of a notification under paragraph (1), including the identity of the United States person, and the results of the independent alternative analysis performed under paragraph (2), including any written product containing the alternative analysis, or if no product has been created, a summary of such analysis.

(5) Construction with other law.—Nothing in this section shall be construed to impede the ability of the United States Government to conduct any operation consistent with otherwise applicable law.

(c) Inspector General of the Intelligence Community Review.—On an annual basis the Inspector General of the Intelligence Community shall—

(1) conduct a review of any notifications received under subsection (b)(3) with respect to the element of the intelligence community’s compliance with all appropriate policies and procedures related to consideration of the use of targeted lethal force against a particular, known United States person; and
(2) submit to the Director and the congressional intelligence committees a report on the findings of such review.

(d) CONSTRUCTION.—Nothing in this section may be construed to authorize the use of targeted lethal force against a United States person.

SEC. 1093. UNCLASSIFIED ANNUAL REPORT ON THE USE OF TARGETED LETHAL FORCE OUTSIDE THE UNITED STATES.

(a) REQUIREMENT FOR ANNUAL REPORT.—For each year, the President shall prepare and make public an annual report that sets forth the following:

(1) The total number of combatants killed or injured during the preceding year by the use of targeted lethal force outside the United States by remotely piloted aircraft.

(2) The total number of noncombatant civilians killed or injured during the preceding year by such use of targeted lethal force outside the United States.

(b) TARGETED LETHAL FORCE DEFINED.—In this section, the term “targeted lethal force” means the act of directing lethal force at a particular person or group with the specific intent of killing those persons.
(c) EXCEPTION.—A report required by subsection (a) shall not include—

(1) any use of targeted lethal force in Afghanistan prior to the end of combat operations by the United States; or

(2) any use of targeted lethal force in a foreign country described by a future declaration of war or authorization for the use of military force.

SEC. 1094. OPINIONS OF THE OFFICE OF LEGAL COUNSEL CONCERNING INTELLIGENCE ACTIVITIES.

(a) ANNUAL SUBMISSION.—

(1) REQUIREMENT TO PROVIDE LIST OF OPINIONS TO CONGRESS.—Except as provided in subsections (b) and (c), not later than 180 days after the date of the enactment of this Act and annually thereafter, the Attorney General, in coordination with the Director of National Intelligence, shall provide to the congressional intelligence committees a listing of every opinion of the Office of Legal Counsel of the Department of Justice that has been provided to an element of the intelligence community.

(2) CONTENT.—Each listing submitted under paragraph (1) shall include—

(A) as much detail as possible about the subject of each opinion;
(B) the date the opinion was issued;

(C) a listing of each recipient agency;

(D) whether the opinion has been made available to Congress or a specific committee of Congress, including the identity of each such committee; and

(E) for any opinion that has not been made available to Congress or a specific committee of Congress, the basis for such withholding.

(b) EXCEPTION FOR COVERT ACTION.—If the President determines that it is essential to limit access to a covert action finding under section 503(c)(2) of the National Security Act of 1947 (50 U.S.C. 3093(c)(2)), the President may limit access to information concerning such finding that is subject to disclosure under subsection (a) to those members of Congress who have been granted access to the relevant finding under such section 503(c)(2).

(c) EXCEPTION FOR INFORMATION SUBJECT TO EXECUTIVE PRIVILEGE.—If the President determines that a particular listing subject to disclosure under subsection (a) is subject to an executive privilege that protects against such disclosure, the Attorney General shall not be required to disclose such opinion or listing if the Attorney General notifies the congressional intelligence committees, in writ-
ing, of the legal justification for such assertion of execu-
tive privilege prior to the date by which the opinion or
listing is required to be disclosed.