

**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:

1 **SEC. 1092. TARGETED LETHAL FORCE OVERSIGHT RE-**
2 **FORM.**

3 (a) DEFINITIONS.—In this section:

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

6 (2) UNITED STATES PERSON.—The term
7 “United States person” means a citizen of the
8 United States or an alien lawfully admitted for per-
9 manent residence (as defined in section 101(a)(20)
10 of the Immigration and Nationality Act (8 U.S.C.
11 1101(a)(20))).

12 (b) ALTERNATIVE ANALYSIS.—

13 (1) NOTIFICATION OF DIRECTOR.—Upon a de-
14 termination by the head of an element of the intel-
15 ligence community that a particular, known United
16 States person is knowingly engaged in acts of inter-
17 national terrorism against the United States, such
18 that the United States Government is considering
19 the legality or the use of targeted lethal force

1 against that United States person, the head of the
2 element shall, as soon as practicable, notify the Di-
3 rector of the determination.

4 (2) INDEPENDENT ALTERNATIVE ANALYSIS.—

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

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

21 (3) NOTIFICATION OF THE INSPECTOR GEN-
22 ERAL OF THE INTELLIGENCE COMMUNITY.—As soon
23 as practicable, the Director shall notify the Inspector
24 General of the Intelligence Community of the receipt
25 of a notification under paragraph (1).

1 (4) NOTIFICATION TO CONGRESS.—As soon as
2 practicable, the Director shall notify the congres-
3 sional intelligence committees, in writing, of the re-
4 ceipt of a notification under paragraph (1), includ-
5 ing the identity of the United States person, and the
6 results of the independent alternative analysis per-
7 formed under paragraph (2), including any written
8 product containing the alternative analysis, or if no
9 product has been created, a summary of such anal-
10 ysis.

11 (5) CONSTRUCTION WITH OTHER LAW.—Noth-
12 ing in this section shall be construed to impede the
13 ability of the United States Government to conduct
14 any operation consistent with otherwise applicable
15 law.

16 (c) INSPECTOR GENERAL OF THE INTELLIGENCE
17 COMMUNITY REVIEW.—On an annual basis the Inspector
18 General of the Intelligence Community shall—

19 (1) conduct a review of any notifications re-
20 ceived under subsection (b)(3) with respect to the
21 element of the intelligence community’s compliance
22 with all appropriate policies and procedures related
23 to consideration of the use of targeted lethal force
24 against a particular, known United States person;
25 and

1 (2) submit to the Director and the congres-
2 sional intelligence committees a report on the find-
3 ings of such review.

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

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

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

13 (1) The total number of combatants killed or
14 injured during the preceding year by the use of tar-
15 geted lethal force outside the United States by re-
16 motely piloted aircraft.

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

21 (b) TARGETED LETHAL FORCE DEFINED.—In this
22 section, the term “targeted lethal force” means the act
23 of directing lethal force at a particular person or group
24 with the specific intent of killing those persons.

1 (c) EXCEPTION.—A report required by subsection (a)
2 shall not include—

3 (1) any use of targeted lethal force in Afghani-
4 stan prior to the end of combat operations by the
5 United States; or

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

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

11 (a) ANNUAL SUBMISSION.—

12 (1) REQUIREMENT TO PROVIDE LIST OF OPIN-
13 IONS TO CONGRESS.—Except as provided in sub-
14 sections (b) and (c), not later than 180 days after
15 the date of the enactment of this Act and annually
16 thereafter, the Attorney General, in coordination
17 with the Director of National Intelligence, shall pro-
18 vide to the congressional intelligence committees a
19 listing of every opinion of the Office of Legal Coun-
20 sel of the Department of Justice that has been pro-
21 vided to an element of the intelligence community.

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

24 (A) as much detail as possible about the
25 subject of each opinion;

1 (B) the date the opinion was issued;

2 (C) a listing of each recipient agency;

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

7 (E) for any opinion that has not been
8 made available to Congress or a specific com-
9 mittee of Congress, the basis for such with-
10 holding.

11 (b) EXCEPTION FOR COVERT ACTION.—If the Presi-
12 dent determines that it is essential to limit access to a
13 covert action finding under section 503(c)(2) of the Na-
14 tional Security Act of 1947 (50 U.S.C. 3093(c)(2)), the
15 President may limit access to information concerning such
16 finding that is subject to disclosure under subsection (a)
17 to those members of Congress who have been granted ac-
18 cess to the relevant finding under such section 503(c)(2).

19 (c) EXCEPTION FOR INFORMATION SUBJECT TO EX-
20 ECUTIVE PRIVILEGE.—If the President determines that a
21 particular listing subject to disclosure under subsection (a)
22 is subject to an executive privilege that protects against
23 such disclosure, the Attorney General shall not be required
24 to disclose such opinion or listing if the Attorney General
25 notifies the congressional intelligence committees, in writ-

1 ing, of the legal justification for such assertion of execu-
2 tive privilege prior to the date by which the opinion or
3 listing is required to be disclosed.

