

113TH CONGRESS
1ST SESSION

S. 1035

To require an independent alternative analysis of the consideration of the use of targeted lethal force against a particular, known United States person knowingly engaged in acts of international terrorism against the United States and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2013

Mr. KING (for himself and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

A BILL

To require an independent alternative analysis of the consideration of the use of targeted lethal force against a particular, known United States person knowingly engaged in acts of international terrorism against the United States and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Targeted Strike Over-
5 sight Reform Act of 2013”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) CONGRESSIONAL INTELLIGENCE COMMIT-
2 TEES.—The term “congressional intelligence com-
3 mittees” has the meaning given that term in section
4 3(7) of the National Security Act of 1947 (50
5 U.S.C. 3003(7)).

6 (2) DIRECTOR.—The term “Director” means
7 the Director of National Intelligence.

8 (3) INTELLIGENCE COMMUNITY.—The term
9 “intelligence community” has the meaning given
10 that term in section 3(4) of the National Security
11 Act of 1947 (50 U.S.C. 3003(4)).

12 (4) UNITED STATES PERSON.—The term
13 “United States person” means a citizen of the
14 United States or an alien lawfully admitted for per-
15 manent residence (as defined in section 101(a)(20)
16 of the Immigration and Nationality Act (8 U.S.C.
17 1101(a)(20)).

18 **SEC. 3. ALTERNATIVE ANALYSIS.**

19 (a) NOTIFICATION OF DIRECTOR.—Upon a deter-
20 mination by the head of an element of the intelligence
21 community that a particular, known United States person
22 is knowingly engaged in acts of international terrorism
23 against the United States, such that the United States
24 Government is considering the legality or the use of tar-
25 geted lethal force against that United States person, the

1 head of the element shall, as soon as practicable, notify
2 the Director of the determination.

3 (b) INDEPENDENT ALTERNATIVE ANALYSIS.—

4 (1) REQUIREMENT FOR ALTERNATIVE ANAL-
5 YSIS.—Not later than 15 days after the date the Di-
6 rector receives a notification under subsection (a),
7 the Director shall complete an independent alter-
8 native analysis (commonly referred to as “red-team
9 analysis”) of the information relied on to support
10 the determination made under subsection (a).

11 (2) INDEPENDENT LEADERSHIP.—In com-
12 pleting the independent alternative analysis required
13 by paragraph (1), the Director shall ensure that the
14 individual appointed to lead such alternative analysis
15 does not report to the head of the element of the in-
16 telligence community who made the determination
17 under subsection (a).

18 (c) NOTIFICATION OF THE INSPECTOR GENERAL OF
19 THE INTELLIGENCE COMMUNITY.—As soon as prac-
20 ticable, the Director shall notify the Inspector General of
21 the Intelligence Community of the receipt of a notification
22 under subsection (a).

23 (d) NOTIFICATION TO CONGRESS.—As soon as prac-
24 ticable, the Director shall notify the congressional intel-
25 ligence committees, in writing, of the receipt of a notifica-

1 tion under subsection (a), including the identity of the
2 United States person, and the results of the independent
3 alternative analysis performed under subsection (b), in-
4 cluding any written product containing the alternative
5 analysis, or if no product has been created, a summary
6 of such analysis.

7 (e) CONSTRUCTION WITH OTHER LAW.—Nothing in
8 this section shall be construed to impede the ability of the
9 United States Government to conduct any operation con-
10 sistent with otherwise applicable law.

11 **SEC. 4. INSPECTOR GENERAL OF THE INTELLIGENCE COM-**
12 **MUNITY REVIEW.**

13 On an annual basis the Inspector General of the In-
14 telligence Community shall—

15 (1) conduct a review of any notifications re-
16 ceived under section 3(c) with respect to the element
17 of the intelligence community's compliance with all
18 appropriate policies and procedures related to con-
19 sideration of the use of targeted lethal force against
20 a particular, known United States person; and

21 (2) submit to the Director and the congress-
22 sional intelligence committees a report on the find-
23 ings of such review.

1 **SEC. 5. CONSTRUCTION.**

2 Nothing in this Act or the amendments made by this
3 Act may be construed to authorize the use of targeted le-
4 thal force against a United States person.

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