

113TH CONGRESS  
1ST SESSION

# H. R. 1904

To amend title 10, United States Code, to require the Secretary of Defense to notify the congressional defense committees of certain sensitive military operations, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2013

Mr. THORNBERRY (for himself, Mr. CONAWAY, Mr. KLINE, Mrs. HARTZLER, Mr. FRANKS of Arizona, Mr. TURNER, Mr. MCKEON, Mr. MILLER of Florida, Mr. RIGELL, Mr. ROGERS of Alabama, Mr. WENSTRUP, Mr. WILSON of South Carolina, Mr. HECK of Nevada, Mr. NUGENT, Mr. BRIDENSTINE, Mr. LAMBORN, Mr. WITTMAN, Mr. SMITH of Washington, Mr. BISHOP of Utah, Mr. LANGEVIN, Mr. SHUSTER, Mr. COFFMAN, Mr. FORBES, Ms. HANABUSA, Mr. LOBIONDO, Mr. HUNTER, Mr. AUSTIN SCOTT of Georgia, Mrs. ROBY, Mrs. NOEM, and Mr. GIBSON) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to require the Secretary of Defense to notify the congressional defense committees of certain sensitive military operations, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Oversight of Sensitive  
3 Military Operations Act”.

4 **SEC. 2. CONGRESSIONAL NOTIFICATION OF SENSITIVE**  
5 **MILITARY OPERATIONS.**

6 (a) NOTIFICATION REQUIRED.—

7 (1) IN GENERAL.—Chapter 3 of title 10, United  
8 States Code, is amended by adding at the end the  
9 following new section:

10 **“§ 130f. Congressional notification of sensitive mili-**  
11 **tary operations**

12 “(a) IN GENERAL.—The Secretary of Defense shall  
13 promptly submit to the congressional defense committees  
14 notice in writing of any sensitive military operation fol-  
15 lowing such operation.

16 “(b) PROCEDURES.—(1) The Secretary of Defense  
17 shall establish and submit to the congressional defense  
18 committees procedures for complying with the require-  
19 ments of subsection (a) consistent with the national secu-  
20 rity of the United States and the protection of operational  
21 integrity.

22 “(2) The congressional defense committees shall en-  
23 sure that committee procedures designed to protect from  
24 unauthorized disclosure classified information relating to  
25 national security of the United States are sufficient to pro-

1 tect the information that is submitted to the committees  
2 pursuant to this section.

3 “(c) SENSITIVE MILITARY OPERATION DEFINED.—

4 The term ‘sensitive military operation’ means a lethal op-  
5 eration or capture operation conducted by the armed  
6 forces outside the United States pursuant to—

7 “(1) the Authorization for Use of Military  
8 Force (Public Law 107–40; 50 U.S.C. 1541 note);  
9 or

10 “(2) any other authority except—

11 “(A) a declaration of war; or

12 “(B) a specific authorization for the use of  
13 force other than the authorization referred to in  
14 paragraph (1).

15 “(d) EXCEPTION.—The notification requirement  
16 under subsection (a) shall not apply with respect to a sen-  
17 sitive military operation executed within the territory of  
18 Afghanistan pursuant to the Authorization for Use of  
19 Military Force (Public Law 107–40; 50 U.S.C. 1541  
20 note).

21 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-  
22 tion shall be construed to provide any new authority or  
23 to alter or otherwise affect the War Powers Resolution (50  
24 U.S.C. 1541 et seq.) or the Authorization for Use of Mili-  
25 tary Force (Public Law 107–40; 50 U.S.C. 1541 note).”.

1 (2) CLERICAL AMENDMENT.—The table of sec-  
2 tions at the beginning of such chapter is amended  
3 by inserting after the item relating to section 130e  
4 the following new item:

“130f. Congressional notification regarding sensitive military operations.”.

5 (b) EFFECTIVE DATE.—Section 130f of title 10,  
6 United States Code, as added by subsection (a), shall  
7 apply with respect to any sensitive military operation (as  
8 defined in subsection (c) of such section) executed on or  
9 after the date of the enactment of this Act.

10 (c) DEADLINE FOR SUBMITTAL OF PROCEDURES.—  
11 The Secretary of Defense shall submit to the congressional  
12 defense committees the procedures required under section  
13 130f(b) of title 10, United States Code, as added by sub-  
14 section (a), by not later than 60 days after the date of  
15 the enactment of this Act.

16 **SEC. 3. REPORT ON PROCESS FOR DETERMINING TARGETS**  
17 **OF LETHAL OPERATIONS.**

18 (a) REPORT REQUIRED.—Not later than 60 days  
19 after the date of the enactment of this Act, the Secretary  
20 of Defense shall submit to the congressional defense com-  
21 mittees a report containing an explanation of the legal and  
22 policy considerations and approval processes used in deter-  
23 mining whether an individual or group of individuals could  
24 be the target of a lethal operation or capture operation

1 conducted by the Armed Forces of the United States out-  
2 side the United States.

3 (b) CONGRESSIONAL DEFENSE COMMITTEES DE-  
4 FINED.—In this section, the term “congressional defense  
5 committees” means—

6 (1) the Committee on Armed Services and the  
7 Committee on Appropriations of the Senate; and

8 (2) the Committee on Armed Services and the  
9 Committee on Appropriations of the House of Rep-  
10 resentatives.

11 **SEC. 4. COUNTERTERRORISM OPERATIONAL BRIEFINGS.**

12 (a) BRIEFINGS REQUIRED.—Chapter 23 of title 10,  
13 United States Code, is amended by adding at the end the  
14 following new section:

15 **“§ 492. Quarterly briefings: counterterrorism oper-**  
16 **ations**

17 “(a) BRIEFINGS REQUIRED.—The Secretary of De-  
18 fense shall provide to the congressional defense commit-  
19 tees quarterly briefings outlining Department of Defense  
20 counterterrorism operations and related activities involv-  
21 ing special operations forces.

22 “(b) ELEMENTS.—Each briefing under subsection  
23 (a) shall include each of the following:

24 “(1) A global update on activity within each ge-  
25 ographic combatant command.

1           “(2) An overview of authorities and legal issues  
2 including limitations.

3           “(3) An outline of interagency activities and  
4 initiatives.

5           “(4) Any other matters the Secretary considers  
6 appropriate.”.

7           (b) CLERICAL AMENDMENT.—The table of sections  
8 at the beginning of such chapter is amended by adding  
9 at the end the following new item:

“492. Quarterly briefings: counterterrorism operations.”.

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