To require an adequate process in preplanned lethal operations that deliberately target citizens of the United States or citizens of strategic treaty allies of the United States, to limit the use of cluster munitions generally, including when likely to unintentionally harm such citizens, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2013

Mr. ISSA (for himself, Mr. MEADOWS, Mr. NUNNELEE, and Mr. ENYART) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on the Judiciary, Select Intelligence (Permanent Select), and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require an adequate process in preplanned lethal operations that deliberately target citizens of the United States or citizens of strategic treaty allies of the United States, to limit the use of cluster munitions generally, including when likely to unintentionally harm such citizens, and for other purposes.

Be it enacted by the Senate and House of Representa-

Of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Designating Requirements On Notification of Executive-ordered Strikes Act of 2013” or “DRONES Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—LIMITATIONS ON PREPLANNED LETHAL OPERATIONS DELIBERATELY TARGETING UNITED STATES CITIZENS OR CITIZENS OF STRATEGIC TREATY ALLIES

Sec. 101. Definitions.
Sec. 102. Scope of title.
Sec. 103. Limitation on preplanned lethal operations targeting United States citizens or citizens of strategic treaty allies.
Sec. 104. Prohibition on preplanned lethal operations inside the territory of the United States.

TITLE II—LIMITATIONS ON USE OF CLUSTER MUNITIONS

Sec. 201. Definitions.
Sec. 203. Limitation on use of cluster munitions when use is reasonably likely to unintentionally harm United States citizens or citizens of strategic treaty allies.
Sec. 204. Cleanup plan.
Sec. 205. Provision of cluster munitions to foreign nations.

TITLE I—LIMITATIONS ON PREPLANNED LETHAL OPERATIONS DELIBERATELY TARGETING UNITED STATES CITIZENS OR CITIZENS OF STRATEGIC TREATY ALLIES

SEC. 101. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional com-
mittees’’ means the Committee on the Judiciary, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on the Judiciary, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Appropriations, and the Committee on Oversight and Government Reform of the House of Representatives.

(2) Preplanned lethal operation.—The term “preplanned lethal operation” does not include, limit, or restrict actions taken in immediate self defense or immediate defense of others by members of the Armed Forces, law enforcement officers, or other persons authorized to use lethal force in the execution of their duties.

(3) Strategic treaty ally.—The term “strategic treaty ally” refers to a member nation of the North Atlantic Treaty Organization, Japan, the Republic of South Korea, and any other country with which the United States has entered into a security treaty.
SEC. 102. SCOPE OF TITLE.

(a) COVERED ENTITIES.—This title applies to all Federal departments and agencies and the Armed Forces.

(b) COVERED PREPLANNED LETHAL OPERATIONS.—This title only applies to preplanned lethal operations that deliberately target a citizen of the United States or a citizen of a strategic treaty ally of the United States.

SEC. 103. LIMITATION ON PREPLANNED LETHAL OPERATIONS TARGETING UNITED STATES CITIZENS OR CITIZENS OF STRATEGIC TREATY ALLIES.

(a) LIMITATION.—A Federal department or agency or the Armed Forces may not deliberately target a citizen of the United States or a citizen of a strategic treaty ally of the United States in a preplanned lethal operation unless the preplanned lethal operation is planned and executed pursuant to a written determination signed personally by the President—

(1) confirming the status of the targeted citizen as an enemy combatant; and

(2) authorizing the deliberate lethal targeting of the citizen based on an articulated need for the use of such lethal force.

(b) CONGRESSIONAL NOTIFICATION.—Not later than 30 days after making a determination under subsection (a), the President shall submit to the appropriate congres-
sional committees a report, in classified form if neces-

sary—

(1) certifying that the timing and details of the
preplanned lethal operation were approved personally
by the President; and

(2) describing in detail—

(A) the information used to determine that
the targeted citizen is an enemy combatant; and

(B) the reasons why the use of lethal force
was necessary.

(c) DELEGATION.—The President may not dele-
gate—

(1) the final determination of enemy combatant
status; and

(2) the final approval of timing and details of
the execution of the preplanned lethal operation.

SEC. 104. PROHIBITION ON PREPLANNED LETHAL OPER-
ATIONS INSIDE THE TERRITORY OF THE
UNITED STATES.

Nothing in this title may be construed to authorize
any Federal department or agency or the Armed Forces
to deliberately target a citizen of the United States or a
citizen of a strategic treaty ally in a preplanned lethal op-
eration inside the territory of the United States or any
location under the jurisdiction of the United States.
TITLE II—LIMITATIONS ON USE
OF CLUSTER MUNITIONS

SEC. 201. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Oversight and Government Reform of the House of Representatives.

(2) CLUSTER MUNITIONS.—

(A) IN GENERAL.—The term “cluster munitions” means conventional munitions that are designed to disperse or release explosive submunitions each weighing less than 40 pounds.

(B) EXCLUSIONS.—The term does not include any of the following:

(i) Munitions or submunitions designed to dispense flares, smoke, pyrotechnics or chaff.

(ii) Munitions designed exclusively for an air defense role.
(iii) Munitions or submunitions designed to produce electrical or electronic effects.

(iv) Munitions that, in order to avoid indiscriminate area effects and risks posed by unexploded submunitions, have all of the following characteristics:

(I) The munition contains fewer than ten explosive submunitions.

(II) Each explosive submunition is designed to detect and engage a single target object.

(III) Each explosive submunition is equipped with an electronic self-destruction or deactivation mechanism.

(3) Strategic treaty ally.—The term “strategic treaty ally” refers to a member nation of the North Atlantic Treaty Organization, Japan, the Republic of South Korea, and any other country with which the United States has entered into a security treaty.

SEC. 202. GENERAL LIMITATION ON UNITED STATES USE OF CLUSTER MUNITIONS.

(a) Limitation.—The President, head of any Federal department or agency, or general officer or flag officer
of the Armed Forces may not authorize the use of any
cluster munitions unless—

(1) the submunitions of the cluster munitions,
after arming, will not result in more than 1 percent
unexploded ordnance across the range of intended
operational environments; and

(2) the policy applicable to the use of the clus-
ter munitions requires that the cluster munitions—

(A) will only be used against clearly de-
defined military targets; and

(B) will not be used in locations where ci-
vilian noncombatants are known to be present
or in areas normally inhabited by civilian non-
combatants.

(b) PRESIDENTIAL WAIVER AUTHORITY.—

(1) LIMITED WAIVER AUTHORITY.—The Presi-
dent may waive the limitation imposed by subsection
(a)(1) if, before authorizing the use of cluster muni-
tions in a certain situation, the President certifies
that use of the cluster munitions in such situation
is vital to protect the security of the United States.

(2) CONGRESSIONAL NOTIFICATION.—Not later
than 30 days after the date on which the President
makes a certification under paragraph (1), the
President shall submit to the appropriate congres-
sional committees a report, in classified form if neces-

(A) the reasons for the certification;

(B) the steps that were taken or will be
taken to protect civilian noncombatants against
contact with the cluster munitions; and

(C) the failure rate of the cluster muni-
tions and whether the cluster munitions are
fitted with self-destruct or self-deactivation de-

(3) NO DELEGATION.—The President may not
delegate the authority to make a certification under
paragraph (1).

SEC. 203. LIMITATION ON USE OF CLUSTER MUNITIONS

WHEN USE IS REASONABLY LIKELY TO UNIN-
TENTIONALLY HARM UNITED STATES CITI-
ZENS OR CITIZENS OF STRATEGIC TREATY
ALLY.

(a) LIMITATION.—In addition to the limitation on the
use of cluster munitions applicable under section 202(a),
and notwithstanding any other provision of law, the Presi-
dent, head of any Federal department or agency, or gen-
eral officer or flag officer of the Armed Forces may not
authorize the use of any cluster munitions if the use of
the cluster munitions is reasonably likely to unintention-
ally harm any citizen of the United States or citizen of a strategic treaty ally of the United States.

(b) PRESIDENTIAL WAIVER AUTHORITY.—

(1) LIMITED WAIVER AUTHORITY.—The President may waive the limitation imposed by subsection (a) if, before authorizing the use of cluster munitions, the President certifies that, notwithstanding the risk to any citizen of the United States or citizen of a strategic treaty ally of the United States, use of the cluster munitions is vital to protect the security of the United States.

(2) CONGRESSIONAL NOTIFICATION.—Not later than 30 days after the date on which the President makes a certification under paragraph (1), the President shall submit to the appropriate congressional committees a report, in classified form if necessary, describing in detail—

(A) the reasons for the certification;

(B) the steps that were taken or will be taken to prevent unintentional harm to any citizen of the United States or citizen of a strategic treaty ally of the United States; and

(C) the failure rate of the cluster munitions and whether the cluster munitions are
fitted with self-destruct or self-deactivation devices.

(3) NO DELEGATION.—The President may not delegate the authority to make a certification under paragraph (1).

(c) RULE OF CONSTRUCTION.—For the purposes of this section, use of cluster munitions is reasonably likely to unintentionally harm a United States citizen or a citizen of a strategic treaty ally in any situation in which any citizen of the United States or any citizen of a strategic treaty ally is known to be within a two-mile radius of the area to be targeted with cluster munitions.

SEC. 204. CLEANUP PLAN.

Not later than 90 days after the date on which any cluster munitions are used by a Federal department or agency or the Armed Forces consistent with this title, the President shall submit to the appropriate congressional committees a plan for cleaning up any of the cluster munitions and submunitions that fail to explode and, therefore, continue to pose a hazard to civilian noncombatants.

SEC. 205. PROVISION OF CLUSTER MUNITIONS TO FOREIGN NATIONS.

The President, head of any Federal department or agency, or general officer or flag officer of the Armed
Forces may not provide any cluster munitions to a foreign nation, agency, or armed forces unless—

(1) the cluster munitions to be provided will be used in a combined military operation with the United States; and

(2) the use of the cluster munitions complies with the provisions of this title.