AMENDMENT TO RULES COMM. PRINT 116–19
OFFERED BY MR. ENGEL OF NEW YORK

In subsection (b) of section 1087—

(1) redesignate paragraphs (7), (8), and (9) as paragraphs (9), (10), and (11), respectively; and

(2) insert after paragraph (6) the following:

(7) An analysis of reasons for any disparity between third party public estimates and official United States Government estimates of civilian casualties resulting from United States or joint operations, including with respect to each specific mission, strike, engagement, raid, or incident.

(8) A comparison of a representative sample of pre-strike collateral damage estimates and confirmed civilian casualty incidents for the purposes of developing possible explanations for any gaps between the two and assessing how to reduce such gaps.

In paragraph (10) of section 1087(b), as redesignated, add at the end before the period the following: “,

including an analysis of the principal and secondary causes of civilian casualties in a suitably representative
sample of air operations that includes both planned and
dynamic strikes”.

In paragraph (1) of section 1087(d), insert “and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representa-tives” after “congressional defense committees”.

At the end of subtitle G of title XII, add the fol-low ing:

1  SEC. __. AMENDMENTS RELATING TO CIVILIAN CASUALTY MATTERS.

(a) MODIFICATION OF RESPONSIBILITY FOR POLICY ON CIVILIAN CASUALTY MATTERS.—Section 936 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 134 note) is amended—

(1) in subsection (b)—

(A) in paragraph (3)—

(i) by inserting “appropriate to the specific regional circumstances” after “publicly available means”; and

(ii) by inserting “or in-person” after “Internet-based”;

(B) in paragraph (5)—
(i) in subparagraph (A), by inserting
“, including for acknowledging the status
of any individuals killed or injured who
were initially reported as lawful targets,
but subsequently determined not to be law-
ful targets” after “operations”; and
(ii) in subparagraph (B)—
(I) by inserting “or other assist-
ance” after “payments”; and
(II) by striking “necessary” and
inserting “reasonable and culturally
appropriate”; and
(C) in paragraph (7), by striking “and” at
the end;
(D) by redesignating paragraph (8) as
paragraph (10); and
(E) by inserting after paragraph (7) the
following:
“(8) uniform processes and standards across
the combatant commands for integrating civilian
protection into operational planning, including as-
sessments of the optimal staffing models for track-
ing, analyzing, and responding to civilian casualties
in named military operations of various sizes and
compositions, to include multinational coalition operations;

“(9) cultivating, developing, retaining, and disseminating lessons learned about the proximate cause or causes of civilian casualties, and practices developed to prevent, mitigate, or respond to such casualties; and”;

(2) by redesignating subsection (c) as subsection (d);

(3) by inserting after subsection (b) the following:

“(c) COORDINATION.—

“(1) IN GENERAL.—The senior civilian official designated under subsection (a) shall develop and implement steps to increase coordination with the Chiefs of Mission and other appropriate positions in the Department of State in any country with respect to which the policy required pursuant to subsection (a) is relevant.

“(2) MATTERS FOR COORDINATION.—The coordination required by paragraph (1) shall include the following:

“(A) The development of publicly available means, appropriate to the specific regional circumstances, including an internet-based or in-
person mechanism, for submission to the
United States Government of allegations of ci-
vilian casualties resulting from United States
military operations.

“(B) The offering of reasonable and cul-
turally appropriate ex gratia payments or other
assistance to civilians who have been injured, or
to the families of civilians killed, as a result of
United States military operations.”;

(4) by inserting after subsection (d), as redesig-
nated, the following:

“(e) BRIEFING.—Not later than 180 days after the
date of the enactment of this subsection, the senior civilian
official designated under subsection (a) shall brief the con-
gressional defense committees and the Committee on For-
eign Relations of the Senate and the Committee on For-
eign Affairs of the House of Representatives on—

“(1) the updates made to the policy developed
by the senior civilian official pursuant to this sec-
tion; and

“(2) the efforts of the Department to imple-
ment such updates.”.

(b) MODIFICATION OF ANNUAL REPORT ON CIVILIAN
CASUALTIES IN CONNECTION WITH UNITED STATES
MILITARY OPERATIONS.—Section 1057 of the National
Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) is amended—

(1) in subsection (a), by striking “congressional defense committees” and inserting “appropriate congressional committees”; and

(2) in subsection (b)—

(A) in paragraph (3), by striking the period at the end and inserting the following: “and, when relevant, makes ex gratia payments or provides other assistance to the victims or their families, including—

“(A) whether interviews were conducted with witnesses and survivors of United States lethal actions, directly or through a third party or intermediary;

“(B) whether the investigation relied on public reports or other nongovernmental sources; and

“(C) the process, criteria, and methodology used to assess external allegations of civilian casualties, including the sources of such allegations.”;

(B) in paragraph (4), by adding at the end before the period the following: “, including any assistance and support, as appropriate, pro-
vided for civilians displaced by such operations’’;

(C) by redesignating paragraph (6) as paragraph (9); and

(D) by inserting after paragraph (5) the following:

“(6) A list of allegations where the Department could confirm United States military activity but could not confirm civilian casualties due to lack of evidence, and any steps taken to further corroborate the allegations.

“(7) A list of allegations that the Department could not fully assess in a Civilian Casualty Assessment Review (CCAR) due to lack of information and any steps taken to obtain additional information needed to conduct a CCAR.

“(8) A description of the specific criteria the Department employed during the CCAR to determine that a civilian casualty is more likely than not to have occurred.”; and

(3) by adding at the end the following:

“(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the congressional defense committees; and
“(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.”.