AMENDMENT TO RULES COMM. PRINT 116–57
OFFERED BY MR. ENGEL OF NEW YORK

At the end of subtitle G of title XII, add the following:

SEC. __. PROGRAM TO PREVENT, MITIGATE, AND RESPOND TO CIVILIAN HARM AS A RESULT OF MILITARY OPERATIONS IN SOMALIA.

(a) Program Required.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall develop and implement a program—

(A) to prevent, mitigate, and respond to civilian harm resulting from military operations to counter al-Shabaab or the Islamic State in Somalia (ISIS-Somalia); and

(B) to enhance the ability for Somali civilians to report instances of civilian harm resulting from—

(i) any operations conducted by United States Armed Forces; and

(ii) any operations in which United States Armed Forces provided operational
support to the Somali Army or the African
Union Mission in Somalia (AMISOM).

(2) COORDINATION.—The program required by
this subsection shall be carried out in accordance
with—

(A) section 1213 of the National Defense
Authorization Act for Fiscal Year 2020 (Public
Law 116–92);

(B) section 936 of the John S. McCain
Year 2019 (10 U.S.C. 134 note); and

(C) section 1057 of the National Defense

(b) SCOPE OF PROGRAM.—The program required by
subsection (a) shall include the following:

(1) Measures in accordance with section 1057
of the National Defense Authorization Act for Fiscal
Year 2018 to improve the ability of the Somali Na-
tional Army, AMISOM, the United States military,
and United States contractors to prevent, mitigate,
and respond to instances of civilian harm as a result
of military operations to counter al-Shabaab or
ISIS-Somalia.

(2) Measures in accordance with section 1057
of the National Defense Authorization Act for Fiscal
Year 2018 and section 936 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 134 note) to improve coordination among international actors involved in military operations in Somalia, to include AMISOM, with regard to preventing and mitigating civilian casualties, and collecting data and reporting on such incidents when they occur.

(3) Specific measures relating to compliance by Somalia with section 936(b)(3) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 134 note), to include measures to ensure that Somali civilians, including those without reliable access to the internet, and credible local or international nongovernmental organizations, can report civilian harm, including death, injury, or damage to civilian infrastructure, resulting from United States operations and partner operations; and

(4) Measures to ensure that ex gratia payments and other assistance are made available as appropriate in accordance with section 1213 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(c) REPORT.—
(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report on the measures that have been taken to implement the program required by subsection (a).

(2) FORM.—The report required by this subsection shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(2) OPERATIONAL SUPPORT.—The term “operational support” means training, advising, commanding, coordinating, participating in the movement of, or accompanying Somali Army or AMISOM forces, providing such forces with medevac or other
medical aid, aerial refueling, intelligence, surveillance, or reconnaissance, or close air support for operations.