AMENDMENT TO RULES COMM. PRINT 117–13
OFFERED BY MR. KHANNA OF CALIFORNIA

At the appropriate place in subtitle B of title XIII, insert the following:

SEC. 13. EXTENSION AND MODIFICATION OF AUTHORITY FOR CERTAIN PAYMENTS TO REDRESS INJURY AND LOSS.


(b) Modification to Conditions on Payment.—Subsection (b)(1) of such section 1213 is amended to read as follows:

“(1) the prospective foreign civilian recipient is not otherwise ineligible for payment under any other provision of law;”.

(c) Modifications to Quarterly Report Requirement.—Subsection (g) of such section 1213 is amended by adding at the end the following:

“(3) The status of Department of Defense efforts to establish the claims procedures required
under subsection (d)(1) and to otherwise implement this section.”.

(d) MODIFICATION TO PROCEDURE TO SUBMIT CLAIMS.—Such section 1213 is further amended—

(1) by redesignating subsections (d) through (g), as amended, as subsections (e) through (h), respectively; and

(2) by inserting after subsection (c) the following:

“(d) PROCEDURES TO REVIEW ALLEGATIONS.—

“(1) PROCEDURES REQUIRED.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Defense shall establish procedures to receive, evaluate, and respond to allegations of civilian harm resulting from military operations involving the United States Armed Forces, a coalition that includes the United States, or a military organization supporting the United States. Such responses may include—

“(A) a formal acknowledgement of such harm;

“(B) a nonmonetary expression of condolence; or

“(C) an ex gratia payment.
“(2) CONSULTATION.—In establishing the procedures under paragraph (1), the Secretary of Defense shall consult with the Secretary of State and with nongovernmental organizations that focus on addressing civilian harm in conflict.

“(3) POLICY UPDATES.—Not later than one year after the date of the enactment of this subsection, the Secretary of Defense shall ensure that procedures established under paragraph (1) are formalized through updates to the policy referred to in 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).”.

(e) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section may be construed to require the Secretary of Defense to pause, suspend, or otherwise alter the provision of ex gratia payments in accordance with section 1213 of the National Defense Authorization Act for Fiscal Year 2020, as amended, in the course of developing the procedures required by subsection (d) of such section (as added by subsection (d) of this section).