

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:

1 **SEC. 13 ____ . EXTENSION AND MODIFICATION OF AUTHOR-**
2 **ITY FOR CERTAIN PAYMENTS TO REDRESS**
3 **INJURY AND LOSS.**

4 (a) EXTENSION.—Subsection (a) of section 1213 of
5 the National Defense Authorization Act for Fiscal Year
6 2020 (Public Law 116-92; 10 U.S.C. 2731 note) is
7 amended by striking “December 31, 2022” and inserting
8 “December 31, 2023”.

9 (b) MODIFICATION TO CONDITIONS ON PAYMENT.—
10 Subsection (b)(1) of such section 1213 is amended to read
11 as follows:

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

15 (c) MODIFICATIONS TO QUARTERLY REPORT RE-
16 QUIREMENT.—Subsection (g) of such section 1213 is
17 amended by adding at the end the following:

18 “(3) The status of Department of Defense ef-
19 forts to establish the claims procedures required

1 under subsection (d)(1) and to otherwise implement
2 this section.”.

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

5 (1) by redesignating subsections (d) through
6 (g), as amended, as subsections (e) through (h), re-
7 spectively; and

8 (2) by inserting after subsection (c) the fol-
9 lowing:

10 “(d) PROCEDURES TO REVIEW ALLEGATIONS.—

11 “(1) PROCEDURES REQUIRED.—Not later than
12 180 days after the date of enactment of this sub-
13 section, the Secretary of Defense shall establish pro-
14 cedures to receive, evaluate, and respond to allega-
15 tions of civilian harm resulting from military oper-
16 ations involving the United States Armed Forces, a
17 coalition that includes the United States, or a mili-
18 tary organization supporting the United States.
19 Such responses may include—

20 “(A) a formal acknowledgement of such
21 harm;

22 “(B) a nonmonetary expression of condo-
23 lence; or

24 “(C) an ex gratia payment.

1 “(2) CONSULTATION.—In establishing the pro-
2 cedures under paragraph (1), the Secretary of De-
3 fense shall consult with the Secretary of State and
4 with nongovernmental organizations that focus on
5 addressing civilian harm in conflict.

6 “(3) POLICY UPDATES.—Not later than one
7 year after the date of the enactment of this sub-
8 section, the Secretary of Defense shall ensure that
9 procedures established under paragraph (1) are for-
10 malized through updates to the policy referred to in
11 section 936 of the John S. McCain National Defense
12 Authorization Act for Fiscal Year 2019 (Public Law
13 115–232; 10 U.S.C. 134 note).”.

14 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion or the amendments made by this section may be con-
16 strued to require the Secretary of Defense to pause, sus-
17 pend, or otherwise alter the provision of ex gratia pay-
18 ments in accordance with section 1213 of the National De-
19 fense Authorization Act for Fiscal Year 2020, as amend-
20 ed, in the course of developing the procedures required by
21 subsection (d) of such section (as added by subsection (d)
22 of this section).

