

**AMENDMENT TO RULES COMMITTEE PRINT 117-**

**54**

**OFFERED BY MR. KHANNA OF CALIFORNIA**

At the end of subtitle G of title X, insert the following:

1 **SEC. 10\_\_\_ . SENSE OF CONGRESS REGARDING DEPART-**  
2 **MENT OF DEFENSE EFFORTS TO PREVENT**  
3 **AND ADDRESS CIVILIAN HARM.**

4 It is the sense of Congress—

5 (1) to commend the Department of Defense for  
6 its renewed commitment to preventing and address-  
7 ing harm to civilians resulting from United States  
8 military operations and work to develop an action  
9 plan to implement meaningful changes to further  
10 prevent and address such harm;

11 (2) to agree with the Department that harms to  
12 civilians is a tragic and unavoidable part of war, and  
13 to recognize that—

14 (A) the Department endeavors to conduct  
15 all military operations in compliance with the  
16 international law of armed conflict and the laws  
17 of the United States, including distinction, pro-  
18 portionality, and the requirement to take fea-

1           sible precautions in planning and conducting  
2           operations to reduce the risk of harm to civil-  
3           ians and other protected persons and objects;

4           (B) the protection of civilians and other  
5           protected persons and objects, in addition to a  
6           legal obligation and a strategic interest, is a  
7           moral and ethical imperative;

8           (C) despite those commitments, military  
9           operations of the United States and partner  
10          countries during the two decades before the  
11          date of the enactment of this Act have resulted  
12          in civilian deaths and injuries, and damage to  
13          or destruction of civilian objects including crit-  
14          ical infrastructure, in at least Afghanistan,  
15          Iraq, Pakistan, Somalia, Syria, and Yemen; and

16          (D) more must be done to improve the pro-  
17          tection of civilians;

18          (3) that the Department has submitted to Con-  
19          gress four successive annual reports on civilian cas-  
20          ualties resulting from United States military oper-  
21          ations for calendar years 2017, 2018, 2019, and  
22          2020, and has updated reports as appropriate; and

23          (4) to recognize the efforts of the Department,  
24          both in policy and in practice, to reduce the harm  
25          to civilians and other protected persons and objects

1 resulting from United States military operations,  
2 and to encourage the Department to make addi-  
3 tional progress in—

4 (A) developing at all combatant commands  
5 personnel and offices responsible for advising  
6 the commanders of such commands, and inte-  
7 grating into command strategy, the promotion  
8 of observance of human rights and the protec-  
9 tion of civilians and other protected persons  
10 and objects;

11 (B) finalizing and implementing the policy  
12 of the Department relating to civilian casualties  
13 resulting from United States military oper-  
14 ations, as required by section 936 of the John  
15 S. McCain National Defense Authorization Act  
16 for Fiscal Year 2019 (Public Law 115–232; 10  
17 U.S.C. 134 note);

18 (C) finalizing and implementing Depart-  
19 ment-wide regulations to implement section  
20 1213 of the National Defense Authorization for  
21 Fiscal Year 2020 (Public Law 116–92; 10  
22 U.S.C. 2731 note), for ex gratia payments for  
23 damage, personal injury, or death that is inci-  
24 dent to the use of force by the United States  
25 Armed Forces, a coalition that includes the

1 United States, a military organization sup-  
2 porting the United States, or a military organi-  
3 zation supporting the United States or such co-  
4 alition; and

5 (D) professionalizing foreign partner forces  
6 to minimize, mitigate, and respond to harm to  
7 civilians, including in connection with arms  
8 transfers, train and equip programs, advise, as-  
9 sist, accompany, and enable missions, and fully  
10 combined and coalition operations.

