

117TH CONGRESS
2D SESSION

H. R. 9696

To direct the Secretary of Defense to provide certain resources to implement the Department of Defense policy on civilian harm in connection with United States military operations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 27, 2022

Mr. KHANNA introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To direct the Secretary of Defense to provide certain resources to implement the Department of Defense policy on civilian harm in connection with United States military operations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. RESOURCES TO IMPLEMENT DEPARTMENT OF**
4 **DEFENSE POLICY ON CIVILIAN HARM IN CON-**
5 **NECTION WITH UNITED STATES MILITARY**
6 **OPERATIONS.**

7 (a) PURPOSE.—The purpose of this section is to fa-
8 cilitate fulfillment of the requirements in section 936 of

1 the John S. McCain National Defense Authorization Act
2 for Fiscal Year (Public Law 115–232; 10 U.S.C. 134
3 note).

4 (b) PERSONNEL.—Not later than 180 days after the
5 date of the enactment of this Act, the Secretary of Defense
6 shall do the following:

7 (1) Assign within each of the United States
8 Central Command, the United States Africa Com-
9 mand, the United States Special Operations Com-
10 mand, the United States European Command, the
11 United States Southern Command, the United
12 States Indo-Pacific Command, and the United
13 States Northern Command not fewer than two per-
14 sonnel who shall have primary responsibility for the
15 following in connection with military operations un-
16 dertaken by such command:

17 (A) Providing guidance and oversight re-
18 lating to prevention of and response to harm to
19 civilians, promotion of observance of human
20 rights, and the protection of civilians and civil-
21 ian infrastructure, including ensuring imple-
22 mentation of the policy of the Department of
23 Defense on harm to civilians resulting from
24 United States military operations.

1 (B) Overseeing civilian harm prevention,
2 mitigation, and response functions on behalf of
3 the commander of such command.

4 (C) Receiving reports of harm to civilians
5 and conducting assessments and investigations
6 relating to such harm.

7 (D) Analyzing incidents and trends with
8 respect to harm to civilians, identifying lessons
9 learned, and ensuring that lessons learned are
10 incorporated into updated command guidance
11 and practices.

12 (E) Offering condolences and amends for
13 harm to civilians, including ex gratia payments.

14 (F) Ensuring the integration of activities
15 relating to civilian harm prevention, mitigation,
16 and response, the protection of civilians, and
17 promotion of observance of human rights in se-
18 curity cooperation activities.

19 (G) Working with the Center for Excel-
20 lence established under section 184 of title 10,
21 United States Code.

22 (H) Consulting with non-governmental or-
23 ganizations on civilian harm and human rights
24 matters.

1 (2) Assign within the Office of the Under Sec-
2 retary of Defense for Policy not fewer than two per-
3 sonnel who shall have primary responsibility for im-
4 plementing and overseeing implementation by the
5 components of the Department of Defense of De-
6 partment policy on harm to civilians resulting from
7 United States military operations.

8 (3) Assign within the Joint Staff not fewer
9 than two personnel who shall have primary responsi-
10 bility for the following:

11 (A) Overseeing implementation by the com-
12 ponents of the Department of Defense of De-
13 partment policy on harm to civilians resulting
14 from United States military operations.

15 (B) Developing and sharing in the imple-
16 mentation of such policy.

17 (C) Communicating operational guidance
18 on such policy.

19 (c) TRAINING, SOFTWARE, AND OTHER REQUIRE-
20 MENTS.—

21 (1) IN GENERAL.—In each of fiscal years 2023
22 through 2025, the Secretary of Defense and each
23 Secretary of a military department may obligate and
24 expend, from amounts specified in paragraph (2),
25 not more than \$5,000,000 for the following:

1 (A) Training related to civilian harm pre-
2 vention, mitigation, and response.

3 (B) Information technology equipment,
4 support and maintenance, and data storage, in
5 order to implement the policy of the Depart-
6 ment relating to harms to civilians resulting
7 from United States military operations as re-
8 quired by section 936 of the John S. McCain
9 National Defense Authorization Act for Fiscal
10 Year 2019.

11 (2) FUNDS.—The funds for a fiscal year speci-
12 fied in this subparagraph are funds as follows:

13 (A) In the case of the Secretary of De-
14 fense, amounts authorized to be appropriated
15 for such fiscal year for operation and mainte-
16 nance, Defense-wide.

17 (B) In the case of a Secretary of a military
18 department, amounts authorized to be appro-
19 priated for such fiscal year for operation and
20 maintenance for the components of the Armed
21 Forces under the jurisdiction of such Secretary.

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