

118TH CONGRESS
1ST SESSION

H. R. 5112

To direct the Secretary of Defense to establish procedures for the review and reinvestigation of certain allegations of civilian harm that resulted from United States military operations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2023

Ms. JACOBS (for herself, Mr. KHANNA, Mr. CROW, and Mr. KIM of New Jersey) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To direct the Secretary of Defense to establish procedures for the review and reinvestigation of certain allegations of civilian harm that resulted from 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. SHORT TITLE.**

4 This Act may be cited as the “Civilian Harm Review
5 and Reassessment Act”.

1 **SEC. 2. PROCEDURES FOR REVIEW AND REINVESTIGATION**
2 **OF ALLEGATIONS OF CIVILIAN HARM RE-**
3 **SULTING FROM CERTAIN UNITED STATES**
4 **MILITARY OPERATIONS.**

5 (a) PROCEDURES REQUIRED.—Not later than 180
6 days after the date of the enactment of this Act, the Sec-
7 retary of Defense shall establish procedures under which
8 the Secretary shall review and reinvestigate allegations of
9 civilian harm that—

10 (1) resulted from military operations involving
11 the United States Armed Forces that were con-
12 ducted between 2011 and 2023; and

13 (2) the Secretary finds were likely incorrectly
14 dismissed due to investigation errors or incomplete
15 information.

16 (b) CONSULTATION.—In establishing the procedures
17 under subsection (a), the Secretary of Defense shall con-
18 sult with nongovernmental organizations that focus on ci-
19 vilian harm and human rights.

20 (c) POLICY UPDATES.—Not later than one year after
21 the date of the enactment of this Act, the Secretary of
22 Defense shall submit to the congressional defense commit-
23 tees a report that includes—

24 (1) a description of any errors identified during
25 the review and re-investigation process required
26 under subsection (a);

1 (2) an identification of any revised credibility
2 assessments and new credibility findings;

3 (3) a description of steps taken in response to
4 new credibility findings, including any offers of ex
5 gratia payments; and

6 (4) recommended steps to prevent similar errors
7 in the future.

8 (d) CONGRESSIONAL DEFENSE COMMITTEES.—In
9 this section, the term “congressional defense committees”
10 means—

11 (1) the Committee on Armed Services and the
12 Committee on Appropriations of the Senate; and

13 (2) the Committee on Armed Services and the
14 Committee on Appropriations of the House of Rep-
15 resentatives.

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