

The U.S. Military and Post-Harm Amends Policy and Programs: Key Considerations and NGO Recommendations

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Summary

This paper sets forth NGO recommendations for the U.S. Department of Defense (DoD) regarding U.S. military policy, practices and programs on civilian harm mitigation and condolence response, in particular acknowledgement of harm and provision of amends following incidents of civilian harm. While there is consistent operational history for “making amends” in armed conflict, as well as legislation to support this practice by the U.S. military in contemporary contexts, there is a lack of clarity and consistency across DoD regarding the various forms of amends available as well as the mechanisms and processes for operationalization.

Comprehensive DoD Policy on Civilian Harm and Amends must ensure:

- **Acknowledgement of harm** experienced by civilians in relation to U.S. military operations should be established as a minimum requirement in DoD policy addressing amends.
- An **Amends Framework** should be developed within the broader DoD policy on civilian harm and protection of civilians. The framework should promote **institutional clarity** and provide for **flexible solutions** to enhance the effectiveness of amends in its implementation. **Each mission** should have a plan for amends provision.
- Amends processes should be **culturally appropriate and locally sensitive**. Acknowledgement of harm, apologies and other forms of contrition may be communicated publicly or privately depending on local demands and scale of harm, and should be **communicated effectively** to the harmed individuals, in a language that the harmed individual understands and through accessible means.
- Ex gratia payments should be tailored according to **gravity of harm, local needs, and operational context**, including cases of death, injury, property losses and damage to public infrastructure. Ex gratia payments should additionally take into account the context-specific considerations of gender and unaccompanied children.
- Amends processes should ensure **fairness, effectiveness, and accessibility** for claimants, including when the U.S. military must work with **third parties** to provide amends. In expeditionary contexts with little to no U.S. military ground presence, the DoD should identify points of contact at U.S. embassies, consulates, or other actors.
- DoD policy should address how the amends process should work in the context of **coalition operations** and in **partnered operations** with national forces of the host nation and with non-state armed actors.
- Amends processes should be **aligned with national condolence or compensation programs** where applicable, to ensure complementarity and mutual process legitimacy.
- Regardless of the chosen form, amends should be provided in a **timely fashion**.

¹ Recommendations compiled by Daniel R. Mahanty, Director of U.S. Program, Center for Civilians in Conflict (CIVIC), Jenny McAvoy, Director of Protection at InterAction, and Archibald S. Henry, Senior Program Associate for Protection at InterAction, drawing on materials referenced herein, with inputs from various NGOs and informed by ongoing NGO dialogue with counterparts at the U.S. Department of Defense (DoD). These recommendations were submitted to DoD in March 2019.

- Adequate **training and preparation** should be devoted for provision of amends, to include theater-specific guidance, SOPs, types of amends and claims, and cultural sensitivity.
- The Amends framework would benefit from a **centralized fund** to empower commanders' decision-making in amends processes, including a range of options for and execution of amends.

Background

“Making amends” is the practice of warring parties providing recognition and assistance to civilians they harm within the lawful parameters of their combat operations. There is consistent operational history for this practice: from World War I to the Korean War to Afghanistan and other contemporary contexts, U.S. military commanders have for long made amends in conflict, backed by legal and institutional tools provided by the U.S. Congress.² Though there is no legal obligation to make amends, the practice is, at its core, a gesture of respect to victims, and can serve an important role in recognizing the loss and agency of civilians affected by war. Commanders and military officers express the usefulness of the provision of amends in order to help mend relationships with civilian populations suffering harm as a result of their operations and in order to promote the values and legitimacy of their mission. Although discussions about amends tend to focus on the provision of *ex gratia* condolence payments (voluntary payments that do not automatically imply legal liability), amends can also be provided in the form of public acknowledgement of and apologies for harm, community level acknowledgement of harm, livelihood assistance, and restoration of damaged public infrastructure, and other offerings in accordance with victims' needs and preferences.

This document proposes guiding principles that may be relevant in the formulation of a policy on *ex gratia*/amends and provides basic details about the kinds of programs available to the U.S. government. The general thrust of this document is to articulate the need for a system-wide, DoD institutional policy on Amends that is informed by practice and evidence, that is consistent with a broader protection of civilians framework, that encourages flexibility and provides a range of options for *ex gratia*/amends according to local demands, scale of harm, and operational context.

Proposed Guiding Principles for Developing a DoD Policy on Amends

1. Amends within broader protection of civilians policy

A policy on amends should be framed within a comprehensive policy on prevention of and response to civilian harm (which may include death, injury, or damage to property or infrastructure), which should also include adequate measures for assessing, investigating, and reporting civilian harm, as well as ensuring direct communication with victims and survivors as appropriate. *Ex gratia* payments and/or other forms of making amends does not obviate the need to prevent and account for civilian harm more broadly. Ideally, the process of providing amends would derive from an effective process of assessing civilian casualty reports (internally and externally sourced) that also serves to help prevent future incidents of harm through operational adjustments. Incidents that are found to violate U.S. and international law should be appropriately compensated under a reparations framework.

² See U.S. Department of Defense, [“Report to Congress in Response to Section 1230 of the National Defense and Authorization Act for Fiscal Year 2010,”](#) *Just Security*, July 2010.

See also Center for Civilians in Conflict (CIVIC), [“Backgrounder: U.S. “Condolence” Payments,”](#) June 2010.

See also Cora Currier, [“How the U.S. Paid for Death and Damage in Afghanistan,”](#) *The Intercept*, 27 February 2015.

2. Ensure local ownership of Amends process

Any form of amends, to include *ex gratia* payments, must actually serve their intended purpose, whether to recognize loss or to restore trust. An amends policy should acknowledge the importance of involving communities to ensure amends is culturally appropriate and undertaken in a safe way without possible repercussions for civilians harmed, their families and communities. Although *ex gratia* payments are not admissions of guilt, they should not be seen as an attempt to preclude accountability. An amends policy should emphasize the need for effective communication and process transparency with the directly affected as well as local communities.

3. Develop an Amends policy, not just an *ex gratia* payment policy

DoD policy should express the institutional posture of acknowledging and being responsible for harm it believes can be attributed to U.S. military action. Payments may or may not be the most appropriate form of amends. A policy should acknowledge that amends may also include formal apologies, public and community-level acknowledgement, and other expressions of regret or contrition. In several operational theaters, civilians ask for acknowledgement, apology, and explanation, before financial remuneration.³ In some instances it may also be appropriate to allow *ex gratia* payments linked to a specific incident and specific civilians harmed be used for assistance with a wider target audience, e.g. when used for public infrastructure, such as schools and hospitals, which benefit the community as a whole. *Ex gratia* payments are not intended to serve as insurance against loss of life and it is useful consider the broader range of options, in line with concerns and needs voiced by affected populations on the ground.

A comprehensive Amends policy should stress the importance of civilian perceptions of the response, and highlight the need to consult with harmed civilians, their families, and communities, in order to ensure an appropriate approach and process for *ex gratia* amends. Without effective consultations, *ex gratia* can do more harm than good. As noted below, even in contexts where ground U.S. military presence is minimal, there is a range of means to ensure a fair and well-implemented amends process.

Clarifying the intended scope of amends in an Amends policy will also help avoid confusion between humanitarian assistance and post harm assistance like amends or the notions of ‘compensation’ and ‘condolence’ and provide further institutional clarity. *Ex gratia* amends should also be distinguished from reparations in the case of legal violations, both in policy guidance and in process.

4. Gravity of harm

A policy should also require theater-specific procedures that allow commanders to authorize customized responses that “come closer to matching the scale and gravity of the harm in question.”⁴ Both policymakers and officers at higher echelons should ensure proper oversight of the response to major civilian harm incidents to prevent unintended or undesirable consequences (e.g. public rejection of Kunduz payments).

³ See Mwatana for Human Rights and Open Society Foundations, “[Death by Drone: Civilian Harm Caused by U.S. Targeted Killings in Yemen](#),” *Open Society Foundations*, 2015.

See also: Open Society Foundations, “[New Report Details Civilian Harm from U.S. Drone Strikes in Yemen](#),” 13 April 2015.

⁴ See Joanna Naples-Mitchell, “[Condolence Payments for Civilian Casualties: Lessons for Applying the New NDAA](#),” *Just Security*, 28 August 2015.

See also Azmat Khan and Anand Gopal, “[The Uncounted](#),” *New York Times*, 16 November 2017.

5. Balance consistency with flexibility

A policy may include a provision that requires a valuation system based on baseline analysis and custom, but subsequently allows for different levels of discretion at different levels of command for exceptions. A high degree of variation in the amount of payments for type of harm within one theater can undermine the intended effects of a condolence program or unintentionally communicate indifference to human life (e.g. higher valuations for crops than human beings).⁵ Nevertheless, commanders should have the flexibility to make judgements based on the significance of the loss to the claimant and to make such payments discretely.

Acknowledgement of harm, apology, and other forms of contrition may be executed in private, publicly, or both, depending on local demands and scale of harm. Provision of such ‘non-monetary’ amends may precede or be coupled with ex-gratia payment, as informed by the preference of those harmed. Although acknowledgement of harm and ex-gratia payment do not obviate the need for each other, acknowledgement should serve as a minimum requirement and consistently implemented even in contexts where the provision of ex-gratia payments is not possible or appropriate. Acknowledgment of harm and apology should be culturally sensitive and effectively communicated with the harmed individuals in a language they understand and through means accessible by them.

It is essential to achieve consistency in approach, reinforced by institutional clarity and readiness to acknowledge harm and provide *ex gratia* payments while maintaining operational flexibility and contextualization based on the demands of affected civilians following harm. Standard SOPs should flow from the policy and include examples of good practice in order to ensure they are replicated and not lost across operational theatres and through rotation of personnel.

6. Ensure a fair, effective and accessible process for claimants

In most combat theaters or in places where the U.S. employs lethal force, civilian claimants face significant challenges in filing a claim, which may include the absence of a claims process or centralized receiving location; onerous evidentiary requirements, a lack of awareness of the program; and language, distance, and security barriers. A policy should ensure that a claims process is developed and adapted to local circumstances in any area where civilian harm may result from U.S. military operations, to include “accompany” missions and air strikes, including where there is limited U.S. military ground presence (e.g. Somalia, Yemen, Libya). This may require negotiating a process with third parties (such as UN entities or trusted local or international organizations operating in the areas), as well as involving the Chief of Mission/country team and the State Department with access in that country or where they have reach with local civilian groups, reducing the evidentiary burden on claimant, and proactively informing civilians of the claims process.

In some cases, even journalists, civil society, and human rights organizations may be able to facilitate follow-up with parties affected by U.S. operations when the U.S. military is unable.

An Amends policy requires transparency around the claims process itself and provides for realistic contingency options where the U.S. military may be unable to implement *ex gratia*/amends. The policy should address the feasibility of internet-based mechanisms in the claims process, considering connectivity issues and/or limited local capacity to access internet-based mechanisms. The policy should clearly lay out alternatives, such as how embassies and consulates can provide focal points for civilians to submit their claims.

⁵ See Joanna Naples-Mitchell, “[Condolence Payments for Civilian Casualties: Lessons for Applying the New NDAA](#),” *Just Security*.

Ensuring process fairness is also contingent upon an individual's ability to access amends, such as when payments are made. Some cultural contexts and norms may preclude women from receiving monetary payment, or children may have lost their parents and lack legal guardians who can receive funds and serve as custodians acting in the best interests of the child. More generally, *ex gratia*/amends processes must be alert to local cultural and linguistic barriers. Moreover, there are concerns over fraud or misuse of payments. Therefore, the policy must highlight the need to work with local intermediaries to ensure a fair allocation of resources.

While it is important to establish a link between the harmed civilian and the perpetrator of the harm that is providing amends, other non-state partners may also be consulted on the nature of amends (and how, for example, it relates to other already existing national assistance programs), and they may also potentially act as intermediaries to facilitate contact with victims as well as the provision of amends.

In all aspects of managing the interface with a victim and their family, their confidentiality must be assured. Victims may not wish to be seen to be accepting monetary or other payments from the United States, and the integrity of their personal data, as and if collected, stored and transmitted by the US, must be protected. A policy should thus ensure the privacy and security of claimants' names and personal data,⁶ but should also ensure that basic elements of process and procedure, along with the statistics of payments, are publicly available.

7. Align with national condolence or compensation programs

DoD should align its own condolence programs with national compensation programs where they exist. Whenever national compensation programs may also compensate for harm caused by U.S. actions (as in Iraq), the U.S. should nevertheless go ahead and compensate individuals unless the U.S. can prove that those individuals have already been compensated under their national programs. The U.S. may request claimants to sign a pledge that if they receive compensation for harm caused by U.S. actions under the U.S. program, they will not claim for compensation under national programs for the same harm (the Iraqi process requires such a pledge).

8. Encourage context-specific responses while maintaining institutional consistency

Although the U.S. military may see a diminishing need for *ex gratia* payments in some contexts, history and practice suggest that a system-wide amends policy could be useful in the future. Even in contexts where the U.S. military does have some ground presence, turnover of personnel poses challenges to the consistent operationalization of amends, highlighting the need for an institutional policy. For example, military personnel in contexts like Syria may have never served in theaters like Afghanistan where best practices have been established.

An Amends policy should also make clear that each new mission should have a plan for *ex gratia*/amends, adjusted to different contexts, needs and capacities on the ground. This plan needs to be adaptable enough, including where institutional structures are absent or lagging (Yemen, Somalia, Libya).

A forward-looking, globally applicable and consistent *ex-gratia*/amends policy should seek to cover the variability induced by the ever-changing character of warfare. It would therefore have to be able to adapt to contexts, and thus warfighting doctrine, beyond the realm of COIN (where *ex-gratia* systems have been applied so far), i.e. to also include scenarios where the U.S. is engaged in high intensity, peer-to-peer or near-peer confrontations in urban settings, or where it is projecting power via expeditionary warfare with a much decreased physical footprint in comparison with COIN campaigns, such as recently in Afghanistan and Iraq.

⁶ See International Committee of the Red Cross (ICRC), "[Professional Standards for Protection Work](#)," Third Edition, 20 March 2018.

In expeditionary contexts, the policy should address how to use intermediaries on the field and harness remote lines of communications. The policy should clarify options in providing *ex gratia*/amends in counter-terrorism operations with a limited number of casualties, and articulate ways of doing so in the more challenging contexts of sustained kinetic operations and larger scale civilian harm. The DoD should state its flexibility to consider all sources of information on civilian harm, whether it originates from local actors, partner or enemy forces.

Moreover, it is important to consider how an amends process would work in partnered and coalition environments. Taking effective ownership on civilian casualties through consistent and locally sensitive *ex gratia*/amends can help improve perceptions, or at least not further damage perceptions, of U.S. partner forces present in countries where civilian harm occurred.

9. Timely Response

A policy, and the procedures it governs, should ensure that amends in the form of payment, acknowledgement, community support, restoration of damaged public infrastructure, or other form of amends are provided in a timely way, with specific, time-bound parameters for resolving claims or affirmatively providing amends in the form of *ex gratia* or other.

10. Training and Preparation

A policy should ensure that personnel involved in the amends process are trained and familiar with theater-specific guidance, procedures, and the different kinds of claims and their funding sources (e.g. Foreign Claims Act vs. CERP). Training should also cover cultural sensitivity and respectful engagement with trauma survivors.

11. Empowering Commanders

To the extent possible, a centralized fund, as authorized by Congress, could reduce the perceived or real tradeoffs that commanders must make between providing *ex gratia* or other forms of amends from their own sources of Commander's Emergency Response Program (CERP) or Operations and Maintenance (O&M) funds.

Recommended Questions for Internal DoD Discussion

In developing its policy, but moreover, as it engages the public and Congress, DoD should ensure it can address the following questions:

- Does the Department, and do commanders, still see *ex gratia* as an important resource?
- What legislative change, if any, does DoD feel is necessary in order to implement a comprehensive amends/*ex gratia* policy?
- Is DoD's approach to *ex gratia* inclusive of displacement and of damage to civilian property and infrastructure, including the reverberating effects of these? How will these be assessed and approaches to amends be tailored in this regard?
- How should DoD align its own condolence programs with national compensation programs (e.g. in Iraq)?
- What options exist for reducing the burden on claimants in the filing and processing of claims, especially in locations where the U.S. military conducts air strikes in more remote locations or where the U.S. has a limited presence on the ground (e.g. Somalia, Yemen, Libya or Syria)? What good practice exists and what

lessons may inform future practice? What is the expected role of U.S. Embassies and other non-DoD capacities?

- How does DoD's approach to amends affect its relationship and rapport with affected civilians and society leaders? What are some lessons learned from previous experience where amends were not well-received?
- What obstacles does the U.S. have to developing an effective amends policy in coalition and partnered environments and how will these be addressed in the context of DoD policy?

U.S. Government *ex gratia* payment programs

- **Solatia Payments:** Solatia payments are described by the U.S. GAO as “Token or nominal payment for death, injury, or property damage caused by coalition or U.S. forces during combat. Payment is made in accordance with local custom as an expression of remorse or sympathy toward a victim or his/her family. Payment is not an admission of legal liability or fault.”⁷ Solatia payments have traditionally been paid out of unit operations and maintenance (O&M) funds. Solatia payments were made in Iraq from June 2003 to January 2005 and in Afghanistan from October 2005.
- **Condolence Payments:** GAO describes condolence payments as “Expression of sympathy for death, injury, or property damage caused by coalition or U.S. forces generally during combat. In addition, at commander discretion, payments may be made to civilians who are harmed by enemy action when working with U.S. forces. Payment is not an admission of legal liability or fault.”⁸ Condolence payments are paid from the Commander's Emergency Response Program (CERP), a system first created in Iraq in 2004 and extended in subsequent NDAA's to Afghanistan, Syria, Somalia, Yemen, and Libya. Though CERP was originally authorized only for “urgent humanitarian relief and reconstruction requirements,” in 2005 the Under Secretary of Defense extended the program to grant “condolence payments to individual civilians for death, injury, or property damage resulting from U.S., coalition, or supporting military operations.” This authority still exists, though prior to paying for combat related damage, the claims agent must still make a determination that the claim is not payable under the FCA. Meanwhile, Section 8127 of the 2014 Consolidated Appropriations Act, Section 8111 of the 2016 Consolidated Appropriations Act, and section 8107 of the 2017 Consolidated Appropriations Act have provided an additional framework for compensating civilians through appropriations. The provision gives commanders the authority to use appropriated funds to provide, at their discretion and consistent with the recommendations of a legal advisor, *ex gratia* payments for property damage, personal injury, or death incident to U.S. combat operations in a foreign country. No *ex gratia* payment has been made using the CERP in Iraq since 2011, although DoD notes that two *ex gratia* payments have been made subsequent to casualties caused by Operation Inherent Resolve since 2015.

Other U.S. Government programs

- **Foreign Claims Act Payments:** Under the Foreign Claims Act (FCA) (10 USC § 2734), meritorious claims for property losses, injury, or death caused by service members or the civilian component of U.S. forces may be settled “[t]o promote and maintain friendly relations.”⁹ Compensable claims under the FCA are limited to those that result from “noncombat activities,” negligent or wrongful acts, or omissions. The FCA specifically excludes claims for losses as a result of combat (commonly referred to as the “combat exclusion”). These

⁷ U.S. Government Accountability Office (GAO), “[Military Operations: The Department of Defense's Use of Solatia and Condolence Payments in Iraq and Afghanistan](#),” May 2007.

⁸ Ibid.

⁹ GAO, “[Military Operations: The Department of Defense's Use of Solatia and Condolence Payments in Iraq and Afghanistan](#).”

funds are specifically allocated for this purpose; for example, all claims processed by the U.S. Army go through the U.S. Army Claims Service.

- **U.S. State Department Iraqi War Victim’s Fund:** The Marla Ruzicka Iraqi War Victims Fund, administered by the State Department’s Bureau of Democracy, Human Rights and Labor, provides assistance to persons affected by conflict in Iraq, with an emphasis on widows, single female heads of households, and other vulnerable populations. The State Department obligates money on an ongoing basis to non-governmental organizations that assist civilian victims of the conflict, including those impacted by ISIS’s presence in Iraq. It is not operated as a direct victims’ compensation fund. The identity of specific implementing partners and their association with the U.S. government is kept in confidence by the Department of State out of security concerns. Since the Marla Fund was first established, it has received a \$5 million earmark every year from Congress. From 2016-2017, the fund received \$7.5 million annually, and in 2018 the State Department advertised \$14 million in funds available for grants under the Marla Fund. The Department of State includes specific reference to the Marla Fund requirement in all Notices of Funding Opportunities for Iraq to ensure that programs select target beneficiaries based on the criteria of the Marla earmark; namely, ensuring that beneficiaries are civilian victims of conflict in Iraq.
- **USAID Afghanistan Civilian Assistance Program:** In 2018, USAID launched the fourth iteration of its major conflict-related assistance program in Afghanistan through the “Conflict Mitigation Assistance for Civilians” or (COMAC), which facilitates victims’ assistance services, including delivery of basic food and sanitary items to victims’ families, and referrals for physical rehabilitation, psychosocial counseling, vocational training, and income generation assistance. COMAC includes civilian victims harmed during U.S. and Afghan operations, as well as victims from landmines, suicide attack, and IEDs from “insurgent or terrorist actions,” as well as cross-border shelling. COMAC replaces the Afghanistan Conflict Assistance Program (ACAP) III, which was implemented through the United Nations Voluntary Trust Fund for Assistance in Mine Action and provided \$30 million in assistance to civilians affected by the war between 2015 and 2018. ACAP III served to mitigate the impact of conflict, mines, and other explosive remnants of war on civilians, enabling them to cope and rebuild their lives in the aftermath of trauma. Assistance for both ACAP and now COMAC is coordinated closely with government institutions, such as the Ministry of Labor, Social Affairs, Martyrs and the Disabled; Ministry of Public Health, Ministry of Women, as well as nongovernmental organizations and local communities. ACAP III program succeeded the original ACAP program, which ran from 2007 to 2010 through a \$27 million cooperative agreement with the International Organization for Migration, and ACAP II, which ran from 2011 until 2015 through a \$64-million agreement with International Relief and Development, Inc. ACAP I and II only assisted victims harmed through U.S. and NATO operations, but ACAP III broadened to include civilians harmed during Afghan operations and by armed opposition groups.

Congressional appropriations and authorizations

Legislation:

1. 2018 Consolidated Appropriations Act Funds Ex Gratia

Sec. 8107. (a) Of the funds appropriated in this Act for the Department of Defense, amounts may be made available, under such regulations as the Secretary of Defense may prescribe, to local military commanders appointed by the Secretary, or by an officer or employee designated by the Secretary, to provide at their discretion ex gratia payments in amounts consistent with subsection (d) of this section for damage, personal injury, or death that is incident to combat operations of the Armed Forces in a foreign country.

(b) An ex gratia payment under this section may be provided only if--

- (1) the prospective foreign civilian recipient is determined by the local military commander to be friendly to the United States;
 - (2) a claim for damages would not be compensable under chapter 163 of title 10, United States Code (commonly known as the `Foreign Claims Act`); and
 - (3) the property damage, personal injury, or death was not caused by action by an enemy.
- (c) Nature of Payments- Any payments provided under a program under subsection (a) shall not be considered an admission or acknowledgement of any legal obligation to compensate for any damage, personal injury, or death.
- (d) Amount of Payments- If the Secretary of Defense determines a program under subsection (a) to be appropriate in a particular setting, the amounts of payments, if any, to be provided to civilians determined to have suffered harm incident to combat operations of the Armed Forces under the program should be determined pursuant to regulations prescribed by the Secretary and based on an assessment, which should include such factors as cultural appropriateness and prevailing economic conditions.
- (e) Legal Advice- Local military commanders shall receive legal advice before making ex gratia payments under this subsection. The legal advisor, under regulations of the Department of Defense, shall advise on whether an ex gratia payment is proper under this section and applicable Department of Defense regulations.
- (f) Written Record- A written record of any ex gratia payment offered or denied shall be kept by the local commander and on a timely basis submitted to the appropriate office in the Department of Defense as determined by the Secretary of Defense.
- (g) Report- The Secretary of Defense shall report to the congressional defense committees on an annual basis the efficacy of the ex gratia payment program including the number of types of cases considered, amounts offered, the response from ex gratia payment recipients, and any recommended modifications to the program.

2. 2017 and 2019 NDAA Authorize and Extend Ex Gratia through CERP

2017:

SEC 1211. ..

(b) AUTHORITY FOR CERTAIN PAYMENTS TO REDRESS INJURY

AND LOSS IN AFGHANISTAN, IRAQ, AND SYRIA.— (1) IN GENERAL.—During the period beginning on October 1, 2016, and ending on December 31, 2018, amounts available pursuant to section 1201 of the National Defense Authorization Act for Fiscal Year 2012, as amended by this section, shall also be available for ex gratia payments for damage, personal injury, or death that is incident to combat operations of the Armed Forces in Afghanistan, Iraq, or Syria....

2019:

SEC. 1224. EXTENSION AND MODIFICATION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM. (a) EXTENSION.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619), as most recently amended by section 1211 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2477), is further amended— (1) in subsection (a), by striking “December 31, 2018” and inserting “December 31, 2019”; (2) in subsection (b), by striking “fiscal year 2017 and fiscal year 2018” and inserting “fiscal years 2017 through 2019”; and (3) in subsection (f), by striking “December 31, 2018” and inserting “December 31, 2019”. (b) MODIFICATION.—Subsection (b) of section 1211 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2477) is amended— (1) in the heading, by striking “AND SYRIA” and inserting “SYRIA, SOMALIA, LIBYA, AND YEMEN”; and (2) in paragraph (1), by striking “or Syria” and inserting “Syria, Somalia, Libya, or Yemen”. SEC. 1225. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

References and further reading on Post-Harm Amends Policy and Programs

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