Department of Defense

Report on Ex Gratia Payments in the Event of Property Damage, Personal Injury, or Death That Was Incident to U.S. Military Operations in Foreign Countries During 2019

Submitted pursuant to Senate Report 116-103, pages 267-68, accompanying the Department of Defense Appropriations Bill, 2020

Report on Ex Gratia Payments in the Event of Property Damage, Personal Injury, or Death That Was Incident to U.S. Military Operations in Foreign Countries During 2019

I. INTRODUCTION

In response to Senate Report 116-103, pages 267-68, accompanying the Department of Defense Appropriations Bill, 2020, this report provides information about *ex gratia* payments in the event of property damage, personal injury, or death that was incident to U.S. military operations in foreign countries during 2019.

Military commanders may provide *ex gratia* payments in appropriate circumstances in the event of property damage, personal injury, or death that is incident to U.S. military operations. Such nominal monetary payments help express condolence, sympathy, or goodwill, and are used to support mission objectives. Such payments are (1) not required by law, (2) not an admission of wrongdoing, and (3) not for the purpose of compensating the victim or the victim's family for their loss.

We would note that the circumstances for offering ex gratia payments to help express condolence, sympathy, or goodwill in the event of property damage, personal injury, or death incidentally caused by U.S. forces are markedly different than the circumstances under which hero payments are made. Generally, hero payments are made to the surviving spouse or next of kin of host-nation defense or police personnel who were purposely killed by enemy forces while those personnel were supporting or defending U.S. or Coalition forces.

II. EX GRATIA PAYMENTS DURING 2019

During 2019, 611 ex gratia payments were offered and made in the event of property damage, personal injury, or death that was assessed to have been incident to U.S. military operations in foreign countries.

The total amount of such payments was \$1,544,116. The amount, general reason, and country associated with each payment are listed in the attachment.

As a general matter, the authority and source of funds for *ex gratia* payments in Afghanistan for battle damage and to express condolences was the Commanders' Emergency Response Program (CERP), Section 1201 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2012 (Public Law 112-81), as amended. The authority and source of funds for *ex gratia* Hero payments in Afghanistan in 2019 was the Commander's Emergency Response Program (CERP), Section 1201 of the NDAA for FY 2012 (Public Law 112-81), as amended.

The source of funds for *ex gratia* payments in Iraq for condolences was Operation & Maintenance, Army.

With regard to U.S. military operations in Iraq during 2019, six requests for *ex gratia* payments were made to the U.S. Government related to reports of property damage, personal injury, or death incident to U.S. military operations. With regard to U.S. military operations in other foreign countries, including in Afghanistan, during 2019, we are not aware of any requests for *ex*

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gratia payments submitted to the U.S. Government related to reports of property damage, personal injury, or death incident to U.S. military operations. Because commanders are using ex gratia payments in appropriate circumstances to support mission objectives, such payments are not necessarily predicated upon a request by a potential recipient.

In addition to responding to the request for information in Senate Report 116-103, pages 267-68, accompanying the Department of Defense Appropriations Bill, 2020, through this report, DoD will be providing information to Congress about *ex gratia* payments in the following reports:

- quarterly reports in accordance with Section 1213 of the NDAA for FY 2020 (Public Law 116-92); and
- annual reports in accordance with Section 1057 of the NDAA for FY 2018 (Public Law 115-91), as amended.

III. OFFICE RESPONSIBLE FOR MAINTAINING INFORMATION ABOUT EX GRATIA PAYMENTS

The Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict is responsible for maintaining information on *ex gratia* payments.

Country	Payment Type	Payment
4.6.1		Amount
Afghanistan	Battle Damage	\$2,500
Afghanistan	Battle Damage	\$5,000
Afghanistan	Battle Damage	\$474
Afghanistan	Battle Damage	\$675
Afghanistan	Battle Damage	\$339
Afghanistan	Battle Damage	\$25,000

Country	Payment Type	Payment Amount
Afghanistan	Battle Damage	\$25,000
Afghanistan	Battle Damage	\$68
Afghanistan	Battle Damage	\$68
Afghanistan	Battle Damage	\$34
Afghanistan	Battle Damage	\$34
Afghanistan	Battle Damage	\$5,000
Afghanistan	Battle Damage	\$28
Afghanistan	Battle Damage	\$4,134
Afghanistan	Battle Damage	\$4,134
Afghanistan	Battle Damage	\$5,512
Afghanistan	Battle Damage	\$5,512
Afghanistan	Battle Damage	\$5,512
Afghanistan	Battle Damage	\$5,000
Afghanistan	Battle Damage	\$5,000
Afghanistan	Battle Damage	\$5,000
Afghanistan	Battle Damage	\$1,999
Afghanistan	Battle Damage	\$2,000
Afghanistan	Battle Damage	\$4,118
Afghanistan	Battle Damage	\$5,491
Afghanistan	Battle Damage	\$5,491
Afghanistan	Battle Damage	\$5,902
Afghanistan	Battle Damage	\$158
Afghanistan	Battle Damage	\$274
Afghanistan	Battle Damage	\$206
Afghanistan	Battle Damage	\$137
Afghanistan	Battle Damage	\$137
Afghanistan	Battle Damage	\$412
Afghanistan	Battle Damage	\$274
Afghanistan	Battle Damage	\$480
Afghanistan	Battle Damage	\$343
Afghanistan	Battle Damage	\$206
Afghanistan	Battle Damage	\$137
Afghanistan	Battle Damage	\$480

Country	Payment Type	Payment
1.6.1	D vil D	Amount
Afghanistan	Battle Damage	\$343
Afghanistan	Battle Damage	\$480
Afghanistan	Battle Damage	\$617
Afghanistan	Battle Damage	\$480
Afghanistan	Battle Damage	\$754
Afghanistan	Battle Damage	\$343
Afghanistan	Battle Damage	\$274
Afghanistan	Battle Damage	\$1,646
Afghanistan	Battle Damage	\$617
Afghanistan	Battle Damage	\$617
Afghanistan	Battle Damage	\$480
Afghanistan	Battle Damage	\$137
Afghanistan	Battle Damage	\$134
Afghanistan	Battle Damage	\$67
Afghanistan	Battle Damage	\$134
Afghanistan	Battle Damage	\$134
Afghanistan	Battle Damage	\$609
Afghanistan	Battle Damage	\$344
Afghanistan	Battle Damage	\$4,637
Afghanistan	Battle Damage	\$1,457
Afghanistan	Battle Damage	\$2,650
Afghanistan	Battle Damage	\$7,287
Afghanistan	Battle Damage	\$2,054
Afghanistan	Battle Damage	\$4,378

Country	Payment Type	Payment Amount
Afghanistan	Battle Damage	\$4,379
Afghanistan	Battle Damage	\$4,684
Afghanistan	Battle Damage	\$4,686
Afghanistan	Battle Damage	\$4,684
Afghanistan	Battle Damage	\$304
Afghanistan	Battle Damage	\$419
Afghanistan	Battle Damage	\$298
Afghanistan	Battle Damage	\$271
Afghanistan	Battle Damage	\$2,490
Afghanistan	Battle Damage	\$1,522
Afghanistan	Battle Damage	\$3,171
Afghanistan	Battle Damage	\$4,058
Afghanistan	Battle Damage	\$4,819
Afghanistan	Battle Damage	\$1,395
Afghanistan	Battle Damage	\$4,946
Afghanistan	Battle Damage	\$1,268
Afghanistan	Battle Damage	\$4,122
Afghanistan	Battle Damage	\$2,536
Afghanistan	Battle Damage	\$1,709
Afghanistan	Battle Damage	\$464
Afghanistan	Battle Damage	\$2,662
Afghanistan	Battle Damage	\$503
Afghanistan	Battle Damage	\$2,000
Afghanistan	Battle Damage	\$2,000
Afghanistan	Battle Damage	\$2,000
Afghanistan	Battle Damage	\$4,980
Afghanistan	Battle Damage	\$4,993
Afghanistan	Battle Damage	\$4,013
Afghanistan	Battle Damage	\$4,993
Afghanistan	Battle Damage	\$4,967

Country	Payment Type	Payment Amount
Afghanistan	Battle Damage	\$4,026
Afghanistan	Battle Damage	\$4,967
Afghanistan	Battle Damage	\$4,636
Afghanistan	Battle Damage	\$2,795
Afghanistan	Battle Damage	\$5,000
Afghanistan	Battle Damage	\$1,015
Afghanistan	Battle Damage	\$4,439
Afghanistan	Battle Damage	\$394
Afghanistan	Battle Damage	\$2,104
Afghanistan	Battle Damage	\$394
Afghanistan	Battle Damage	\$20
Afghanistan	Battle Damage	\$646
Afghanistan	Battle Damage	\$646
Afghanistan	Battle Damage	\$685
Afghanistan	Battle Damage	\$517
Afghanistan	Battle Damage	\$517
Afghanistan	Battle Damage	\$517
Afghanistan	Battle Damage	\$583
Afghanistan	Battle Damage	\$519
Afghanistan	Battle Damage	\$454
Afghanistan	Battle Damage	\$389
Afghanistan	Battle Damage	\$454
Afghanistan	Battle Damage	\$389
Afghanistan	Battle Damage	\$324
Afghanistan	Battle Damage	\$583
Afghanistan	Battle Damage	\$194
Afghanistan	Battle Damage	\$324
Afghanistan	Battle Damage	\$194
Afghanistan	Battle Damage	\$324
Afghanistan	Battle Damage	\$259
Afghanistan	Battle Damage	\$194
Afghanistan	Battle Damage	\$3,044
Afghanistan	Battle Damage	\$4,502

Country	Payment Type	Payment Amount
Afghanistan	Battle Damage	\$4,692
Afghanistan	Battle Damage	\$4,185
Afghanistan	Battle Damage	\$2,500
Afghanistan	Battle Damage	\$1,268
Afghanistan	Battle Damage	\$3,171
Afghanistan	Battle Damage	\$1,522
Afghanistan	Battle Damage	\$116
Afghanistan	Battle Damage	\$4,500
Afghanistan	Battle Damage	\$7
Afghanistan	Battle Damage	\$544
Afghanistan	Battle Damage	\$64
Afghanistan	Battle Damage	\$77
Afghanistan	Battle Damage	\$4,503
Afghanistan	Battle Damage	\$4,503
Afghanistan	Battle Damage	\$1,287
Afghanistan	Battle Damage	\$4,503
Afghanistan	Battle Damage	\$26
Afghanistan	Battle Damage	\$3,010
Afghanistan	Battle Damage	\$4,992
Afghanistan	Battle Damage	\$4,992
Afghanistan	Battle Damage	\$4,992
Afghanistan	Battle Damage	\$2,000
Afghanistan	Battle Damage	\$1,200
Afghanistan	Battle Damage	\$1,000
Afghanistan	Battle Damage	\$2,800
Afghanistan	Battle Damage	\$3,999
Afghanistan	Battle Damage	\$919
Afghanistan	Battle Damage	\$656
Afghanistan	Battle Damage	\$525
Afghanistan	Battle Damage	\$394
Afghanistan	Battle Damage	\$656
Afghanistan	Battle Damage	\$656
Afghanistan	Battle Damage	\$656
Afghanistan	Battle Damage	\$1,050
Afghanistan	Battle Damage	\$656
Afghanistan	Battle Damage	\$394

Country	Payment Type	Payment
Country	1 ayment 1 ypc	Amount
Afghanistan	Battle Damage	\$919
Afghanistan	Battle Damage	\$131
Afghanistan	Battle Damage	\$394
Afghanistan	Battle Damage	\$656
Afghanistan	Battle Damage	\$525
Afghanistan	Battle Damage	\$394
Afghanistan	Battle Damage	\$419
Afghanistan	Battle Damage	\$1,999
Afghanistan	Battle Damage	\$2,998
Afghanistan	Battle Damage	\$5,000
Afghanistan	Battle Damage	\$550
Afghanistan	Battle Damage	\$118
Afghanistan	Battle Damage	\$5,000
Afghanistan	Battle Damage	\$1,102
Afghanistan	Battle Damage	\$853
Afghanistan	Battle Damage	\$3,215
Afghanistan	Battle Damage	\$3,084
Afghanistan	Battle Damage	\$3,675
Afghanistan	Battle Damage	\$2,887
Afghanistan	Battle Damage	\$3,675
Afghanistan	Battle Damage	\$3,386
Afghanistan	Battle Damage	\$3,163
Afghanistan	Battle Damage	\$2,756
Afghanistan	Battle Damage	\$3,018
Afghanistan	Battle Damage	\$1,750

Country	Payment Type	Payment Amount
Afghanistan	Battle Damage	\$1,500
Afghanistan	Battle Damage	\$2,750
Afghanistan	Battle Damage	\$3,000
Afghanistan	Battle Damage	\$26
Afghanistan	Battle Damage	\$1,991
Afghanistan	Battle Damage	\$1,313
Afghanistan	Battle Damage	\$2,363
Afghanistan	Battle Damage	\$1,970
Afghanistan	Battle Damage	\$2,363
Afghanistan	Battle Damage	\$1,039
Afghanistan	Battle Damage	\$394
Afghanistan	Battle Damage	\$394
Afghanistan	Battle Damage	\$656
Afghanistan	Battle Damage	\$394
Afghanistan	Battle Damage	\$5,000
Afghanistan	Battle Damage	\$1,960
Afghanistan	Battle Damage	\$1,960
Afghanistan	Battle Damage	\$3,267
Afghanistan	Battle Damage	\$2,614
Afghanistan	Battle Damage	\$4,835
Afghanistan	Battle Damage	\$2,940
Afghanistan	Battle Damage	\$105
Afghanistan	Battle Damage	\$105
Afghanistan	Battle Damage	\$132
Afghanistan	Battle Damage	\$132
Afghanistan	Battle Damage	\$355
Afghanistan	Battle Damage	\$132
Afghanistan	Battle Damage	\$658
Afghanistan	Battle Damage	\$658
Afghanistan	Battle Damage	\$875

Country	Payment Type	Payment
Country	Tayment Type	Amount
Afghanistan	Battle Damage	\$1,043
Afghanistan	Battle Damage	\$1,043
Afghanistan	Battle Damage	\$1,304
Afghanistan	Battle Damage	\$1,043
Afghanistan	Battle Damage	\$1,043
Afghanistan	Battle Damage	\$1,304
Afghanistan	Battle Damage	\$1,043
Afghanistan	Battle Damage	\$1,304
Afghanistan	Battle Damage	\$132
Afghanistan	Battle Damage	\$99
Afghanistan	Battle Damage	\$99
Afghanistan	Battle Damage	\$39
Afghanistan	Battle Damage	\$66
Afghanistan	Battle Damage	\$26
Afghanistan	Battle Damage	\$66
Afghanistan	Battle Damage	\$39
Afghanistan	Battle Damage	\$2,091
Afghanistan	Battle Damage	\$2,221
Afghanistan	Battle Damage	\$3,000
Afghanistan	Battle Damage	\$1,000
Afghanistan	Battle Damage	\$653

Country	Payment Type	Payment
Country	r ayment Type	Amount
Afghanistan	Battle Damage	\$653
Afghanistan	Battle Damage	\$261
Afghanistan	Battle Damage	\$653
Afghanistan	Battle Damage	\$1,960
Afghanistan	Battle Damage	\$653
Afghanistan	Battle Damage	\$653
Afghanistan	Battle Damage	\$1,045
Afghanistan	Battle Damage	\$653
Afghanistan	Battle Damage	\$1,960
Afghanistan	Condolence Payments	\$169
Afghanistan	Condolence Payments	\$5,000
Afghanistan	Condolence Payments	\$2,500
Afghanistan	Condolence Payments	\$2,500
Afghanistan	Condolence Payments	\$7,974
Afghanistan	Condolence Payments	\$3,987
Afghanistan	Condolence Payments	\$5,000
Afghanistan	Condolence Payments	\$3,000
Afghanistan	Condolence Payments	\$5,000
Afghanistan	Condolence Payments	\$5,000
Afghanistan	Condolence Payments	\$1,000
Afghanistan	Condolence Payments	\$1,000
Afghanistan	Condolence Payments	\$35,000
Afghanistan	Condolence Payments	\$13,500
Afghanistan	Condolence Payments	\$5,962
Afghanistan	Condolence Payments	\$9,000
Afghanistan	Condolence Payments	\$18,000
Afghanistan	Condolence Payments	\$6,000
Afghanistan	Condolence Payments	\$2,500

Country	Payment Type	Payment
		Amount
Afghanistan	Condolence Payments	\$3,000
Afghanistan	Condolence Payments	\$3,000
Afghanistan	Condolence Payments	\$3,000
Afghanistan	Condolence Payments	\$4,000
Afghanistan	Condolence Payments	\$3,000
Afghanistan	Condolence Payments	\$1,502
Afghanistan	Condolence Payments	\$6,001
Afghanistan	Condolence Payments	\$15,000
Afghanistan	Condolence Payments	\$5,000
Afghanistan	Condolence Payments	\$131
Afghanistan	Condolence Payments	\$24,000
Afghanistan	Condolence Payments	\$158
Afghanistan	Condolence Payments	\$2,624
Afghanistan	Condolence Payments	\$4,500
Afghanistan	Condolence Payments	\$3,000
Afghanistan	Condolence Payments	\$5,000
Afghanistan	Condolence Payments	\$3,000
Afghanistan	Condolence Payments	\$10,000
Afghanistan	Condolence Payments	\$5,000
Afghanistan	Condolence Payments	\$500
Afghanistan	Condolence Payments	\$500
Afghanistan	Condolence Payments	\$500

Country	Payment Type	Payment
Journal		Amount
Afghanistan	Condolence Payments	\$500
Afghanistan	Condolence Payments	\$3,006
Afghanistan	Condolence Payments	\$3,006
Afghanistan	Condolence Payments	\$3,000
Afghanistan	Condolence Payments	\$3,000
Iraq	Condolence Payments	\$10,000
Iraq	Condolence Payments	\$3,000
Iraq	Condolence Payments	\$3,000
Iraq	Condolence Payments	\$5,000
Iraq	Condolence Payments	\$1,500
Iraq	Condolence Payments	\$1,500
Afghanistan	Hero Payments	\$2,500
Afghanistan	Hero Payments	\$2,500
Afghanistan	Hero Payments	\$2,500
Afghanistan	Hero Payments	\$5,000
Afghanistan	Hero Payments	\$2,500

Country	Payment Type	Payment
Country	T ayment Type	Amount
Afghanistan	Hero Payments	\$2,500

Country	Payment Type	Payment
Country	T ayment Type	Amount
Afghanistan	Hero Payments	\$2,500

Country	Payment Type	Payment
Country	T ayment Type	Amount
Afghanistan	Hero Payments	\$2,500

Country	Payment Type	Payment
Country	T ayment Type	Amount
Afghanistan	Hero Payments	\$2,500
Afghanistan	Hero Payments	\$7,500
Afghanistan	Hero Payments	\$7,500
Afghanistan	Hero Payments	\$3,000

Country	Payment Type	Payment Amount
Afghanistan	Hero Payments	\$3,000
Afghanistan	Hero Payments	\$4,997