

110TH CONGRESS
1ST SESSION

H. R. 1670

To amend title 10, United States Code, to require that advance notice of the results of any Department of Defense review of the circumstances surrounding the death of a member of the armed forces by friendly fire be given to the primary next of kin of the member before public release of the review.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2007

Ms. ZOE LOFGREN of California introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to require that advance notice of the results of any Department of Defense review of the circumstances surrounding the death of a member of the armed forces by friendly fire be given to the primary next of kin of the member before public release of the review.

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

1 **SECTION 1. ADVANCE NOTICE TO PRIMARY NEXT OF KIN**
2 **OF RESULTS OF DEPARTMENT OF DEFENSE**
3 **REVIEW OF FRIENDLY FIRE DEATHS.**

4 (a) **ADVANCE NOTICE** .—Subchapter I of chapter 75
5 of title 10, United States Code, is amended by adding at
6 the end the following new section:

7 **“§ 1472. Members killed in action by friendly fire: ad-**
8 **vance notice to primary next of kin of re-**
9 **sults of Department review**

10 “(a) **ADVANCE NOTICE REQUIRED.**—In the case of
11 a review conducted by the Department of Defense regard-
12 ing the circumstances surrounding the death of a member
13 of the armed forces who is killed in action by weapon fire
14 while directly engaged in armed conflict, other than as the
15 result of an act of an enemy of the United States, the
16 Secretary of Defense shall ensure that, at a minimum, a
17 summary of the results of the review are provided to the
18 primary next of kin of the member at least 24 hours before
19 the results of the review (or a summary thereof) are re-
20 leased to the public. The primary next of kin may waive
21 the notice requirement under this subsection to expedite
22 the public release of the results of the review.

23 “(b) **PRIMARY NEXT OF KIN DEFINED.**—In this sec-
24 tion, the term ‘primary next of kin’ means the individual
25 authorized to direct disposition of the remains of a mem-
26 ber under section 1482(c) of this title.”.

- 1 (b) CLERICAL AMENDMENT.—The table of sections
- 2 at the beginning of such subchapter is amended by adding
- 3 at the end the following new item:

“1472. Members killed in action by friendly fire: advance notice to primary next
of kin of results of Department review.”.

