



(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To amend the Sanctioning the Use of Civilians as Defenseless Shields Act to modify and extend that Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GALLAGHER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Sanctioning the Use of Civilians as Defenseless Shields Act to modify and extend that Act, 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 “Strengthening Tools
5 to Counter the Use of Human Shields Act”.

6 **SEC. 2. STATEMENT OF POLICY.**

7 It shall be the policy of the United States to fully
8 implement and enforce sanctions against terrorist organi-

1 zations and other malign actors that use innocent civilians
2 as human shields.

3 **SEC. 3. MODIFICATION AND EXTENSION OF SANCTIONING**
4 **THE USE OF CIVILIANS AS DEFENSELESS**
5 **SHIELDS ACT.**

6 (a) IN GENERAL.—Section 3 of the Sanctioning the
7 Use of Civilians as Defenseless Shields Act (Public Law
8 115–348; 50 U.S.C. 1701 note) is amended—

9 (1) in subsection (b)—

10 (A) by redesignating paragraph (3) as
11 paragraph (4); and

12 (B) by inserting after paragraph (2) the
13 following:

14 “(3) Each foreign person that the President de-
15 termines, on or after the date of the enactment of
16 the Strengthening Tools to Counter the Use of
17 Human Shields Act—

18 “(A) is a member of Palestine Islamic
19 Jihad or is knowingly acting on behalf of Pal-
20 estine Islamic Jihad; and

21 “(B) knowingly orders, controls, or other-
22 wise directs the use of civilians protected as
23 such by the law of war to shield military objec-
24 tives from attack.”;

1 (2) by redesignating subsections (e), (f), (g),
2 (h), and (i) as subsections (f), (g), (h), (i), and (j),
3 respectively; and

4 (3) by inserting after subsection (d) the fol-
5 lowing:

6 “(e) CONGRESSIONAL REQUESTS.—Not later than
7 120 days after receiving a request from the chairman and
8 ranking member of one of the appropriate congressional
9 committees with respect to whether a foreign person meets
10 the criteria of a person described in subsection (b) or (c),
11 the President shall—

12 “(1) determine if the person meets such cri-
13 teria; and

14 “(2) submit a written justification to the chair-
15 man and ranking member detailing whether or not
16 the President imposed or intends to impose sanc-
17 tions described in subsection (b) or (c) with respect
18 to such person.”.

19 (b) DEFINITIONS.—Section 4 of the Sanctioning the
20 Use of Civilians as Defenseless Shields Act (Public Law
21 115–348; 50 U.S.C. 1701 note) is amended—

22 (1) by redesignating paragraph (7) as para-
23 graph (8); and

24 (2) by inserting after paragraph (6) the fol-
25 lowing:

1 “(7) PALESTINE ISLAMIC JIHAD.—The term
2 ‘Palestine Islamic Jihad’ means—

3 “(A) the entity known as Palestine Islamic
4 Jihad and designated by the Secretary of State
5 as a foreign terrorist organization pursuant to
6 section 219 of the Immigration and Nationality
7 Act (8 U.S.C. 1189); or

8 “(B) any person identified as an agent or
9 instrumentality of Palestine Islamic Jihad on
10 the list of specially designated nationals and
11 blocked persons maintained by the Office of
12 Foreign Asset Control of the Department of the
13 Treasury, the property or interests in property
14 of which are blocked pursuant to the Inter-
15 national Emergency Economic Powers Act (50
16 U.S.C. 1701 et seq.).”.

17 (c) SUNSET.—Section 5 of the Sanctioning the Use
18 of Civilians as Defenseless Shields Act (Public Law 115–
19 348; 50 U.S.C. 1701 note) is amended by striking “De-
20 cember 31, 2023” and inserting “December 31, 2030”.

21 (d) SEVERABILITY.—The Sanctioning the Use of Ci-
22 vilians as Defenseless Shields Act (Public Law 115–348;
23 50 U.S.C. 1701 note) is amended by adding at the end
24 the following:

1 **“SEC. 6. SEVERABILITY.**

2 “If any provision of this Act, or the application of
3 such provision to any person or circumstance, is found to
4 be unconstitutional, the remainder of this Act, or the ap-
5 plication of that provision to other persons or cir-
6 cumstances, shall not be affected.”.

7 **SEC. 4. REPORT ON COUNTERING THE USE OF HUMAN**
8 **SHIELDS.**

9 (a) IN GENERAL.—Not later than 120 days after the
10 date of the enactment of this Act, the Secretary of Defense
11 shall submit to the congressional defense committees, the
12 Committee on Foreign Affairs of the House of Representa-
13 tives, and the Committee on Foreign Relations of the Sen-
14 ate a report that contains the following:

15 (1) A description of the lessons learned from
16 the United States and its allies and partners in ad-
17 dressing the use of human shields by terrorist orga-
18 nizations such as Hamas, Hezbollah, Palestine Is-
19 lamic Jihad, and any other organization as deter-
20 mined by the Secretary of Defense.

21 (2) A description of a specific plan and actions
22 being taken by the Department of Defense to incor-
23 porate the lessons learned as identified in paragraph
24 (1) into Department of Defense operating guidance,
25 relevant capabilities, and tactics, techniques, and
26 procedures to deter, counter, and address the chal-

1 lence posed by the use of human shields and hold
2 accountable terrorist organizations for the use of
3 human shields.

4 (3) A description of specific measures being de-
5 veloped and implemented by the United States Gov-
6 ernment to mobilize and leverage allied nations, in-
7 cluding member nations of the North Atlantic Trea-
8 ty Organization (NATO), to deter, counter, and hold
9 accountable terrorist organizations for the use of
10 human shields.

11 (4) The current status of joint exercises, doc-
12 trine development, education, and training on coun-
13 tering the use of human shields in multinational cen-
14 ters of excellence.

15 (5) The current status of participation of mem-
16 bers of the Armed Forces and Department of De-
17 fense civilian personnel in any multinational center
18 of excellence for the purposes of countering the use
19 of human shields.

20 (6) The feasibility and advisability of beginning
21 or continuing participation of members of the Armed
22 Forces and Department of Defense civilian per-
23 sonnel to promote the integration of joint exercises,
24 doctrine development, education, and training on

1 countering the use of human shields into multi-
2 national centers of excellence.

3 (b) DEFINITION.—In this section, the term “multi-
4 national center of excellence” has the meaning given that
5 term in section 344 of title 10, United States Code.