

118TH CONGRESS  
1ST SESSION

# H. R. 5917

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

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 10, 2023

Mr. GALLAGHER (for himself and Mr. SHERMAN) introduced the following bill

OCTOBER 25, 2023

Referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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”.

1 **SEC. 2. STATEMENT OF POLICY.**

2 It shall be the policy of the United States to fully  
3 implement and enforce sanctions against terrorist organi-  
4 zations and other malign actors that use innocent civilians  
5 as human shields.

6 **SEC. 3. MODIFICATION AND EXTENSION OF SANCTIONING**  
7 **THE USE OF CIVILIANS AS DEFENSELESS**  
8 **SHIELDS ACT.**

9 (a) IN GENERAL.—Section 3 of the Sanctioning the  
10 Use of Civilians as Defenseless Shields Act (Public Law  
11 115–348; 50 U.S.C. 1701 note) is amended—

12 (1) in subsection (b)—

13 (A) by redesignating paragraph (3) as  
14 paragraph (4); and

15 (B) by inserting after paragraph (2) the  
16 following:

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

21 “(A) is a member of Palestine Islamic  
22 Jihad or is knowingly acting on behalf of Pal-  
23 estine Islamic Jihad; and

24 “(B) knowingly orders, controls, or other-  
25 wise directs the use of civilians protected as

1           such by the law of war to shield military objec-  
2           tives from attack.”;

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

6           (3) by inserting after subsection (d) the fol-  
7           lowing:

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

14                 “(1) determine if the person meets such cri-  
15                 teria; and

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

21          (b) DEFINITIONS.—Section 4 of the Sanctioning the  
22          Use of Civilians as Defenseless Shields Act (Public Law  
23          115–348; 50 U.S.C. 1701 note) is amended—

24                 (1) by redesignating paragraph (7) as para-  
25                 graph (8); and

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

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

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

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

19           (c) SUNSET.—Section 5 of the Sanctioning the Use  
20           of Civilians as Defenseless Shields Act (Public Law 115–  
21           348; 50 U.S.C. 1701 note) is amended by striking “De-  
22           cember 31, 2023” and inserting “December 31, 2030”.

23           (d) SEVERABILITY.—The Sanctioning the Use of Ci-  
24           vilians as Defenseless Shields Act (Public Law 115–348;

1 50 U.S.C. 1701 note) is amended by adding at the end  
2 the following:

3 **“SEC. 6. SEVERABILITY.**

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

9 **SEC. 4. REPORT ON COUNTERING THE USE OF HUMAN**  
10 **SHIELDS.**

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

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

23 (2) A description of a specific plan and actions  
24 being taken by the Department of Defense to incor-  
25 porate the lessons learned as identified in paragraph

1 (1) into Department of Defense operating guidance,  
2 relevant capabilities, and tactics, techniques, and  
3 procedures to deter, counter, and address the chal-  
4 lenge posed by the use of human shields and hold  
5 accountable terrorist organizations for the use of  
6 human shields.

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

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

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

23 (6) The feasibility and advisability of beginning  
24 or continuing participation of members of the Armed  
25 Forces and Department of Defense civilian per-

1       sonnel to promote the integration of joint exercises,  
2       doctrine development, education, and training on  
3       countering the use of human shields into multi-  
4       national centers of excellence.

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

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