

118TH CONGRESS  
2D SESSION

# H. R. 5917

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IN THE SENATE OF THE UNITED STATES

APRIL 17, 2024

Received; read twice and referred to the Committee on Foreign Relations

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Strengthening Tools  
3 to Counter the Use of Human Shields Act”.

4 **SEC. 2. STATEMENT OF POLICY.**

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

9 **SEC. 3. MODIFICATION AND EXTENSION OF SANCTIONING**  
10 **THE USE OF CIVILIANS AS DEFENSELESS**  
11 **SHIELDS ACT.**

12       (a) IN GENERAL.—Section 3 of the Sanctioning the  
13 Use of Civilians as Defenseless Shields Act (Public Law  
14 115–348; 50 U.S.C. 1701 note) is amended—

15           (1) in subsection (b)—

16               (A) by redesignating paragraph (3) as  
17 paragraph (4); and

18               (B) by inserting after paragraph (2) the  
19 following:

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

24               “(A) is a member of Palestine Islamic  
25 Jihad or is knowingly acting on behalf of Pal-  
26 estine Islamic Jihad; and

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

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

8 (3) by inserting after subsection (d) the fol-  
9 lowing:

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

16 “(1) determine if the person meets such cri-  
17 teria; and

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

23 (b) DEFINITIONS.—Section 4 of the Sanctioning the  
24 Use of Civilians as Defenseless Shields Act (Public Law  
25 115–348; 50 U.S.C. 1701 note) is amended—

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

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

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

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

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

21       (c) SUNSET.—Section 5 of the Sanctioning the Use  
22      of Civilians as Defenseless Shields Act (Public Law 115–  
23      348; 50 U.S.C. 1701 note) is amended by striking “De-  
24      cember 31, 2023” and inserting “December 31, 2030”.

1 (d) SEVERABILITY.—The Sanctioning the Use of Ci-  
2 vilians as Defenseless Shields Act (Public Law 115–348;  
3 50 U.S.C. 1701 note) is amended by adding at the end  
4 the following:

5 **“SEC. 6. SEVERABILITY.**

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

11 **SEC. 4. REPORT ON COUNTERING THE USE OF HUMAN**  
12 **SHIELDS.**

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

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

1           (2) A description of a specific plan and actions  
2           being taken by the Department of Defense to incor-  
3           porate the lessons learned as identified in paragraph  
4           (1) into Department of Defense operating guidance,  
5           relevant capabilities, and tactics, techniques, and  
6           procedures to deter, counter, and address the chal-  
7           lenge posed by the use of human shields and hold  
8           accountable terrorist organizations for the use of  
9           human shields.

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

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

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

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

Attest: KEVIN F. MCCUMBER,  
Clerk.