AMENDMENT TO RULES COMM. PRINT 118–10
OFFERED BY MR. GALLAGHER OF WISCONSIN

At the end of title XVIII, add the following:

Subtitle D—Strengthening Tools to Counter the Use of Human Shields Act

SEC. 1861. SHORT TITLE.

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

SEC. 1862. STATEMENT OF POLICY.

It shall be the policy of the United States to fully implement and enforce sanctions against terrorist organizations and other malign actors that use innocent civilians as human shields.

SEC. 1863. MODIFICATION AND EXTENSION OF SANCTIONING THE USE OF CIVILIANS AS DEFENSELESS SHIELDS ACT.

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

(1) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (f), (g), (h), (i), and (j), respectively; and
(2) by inserting after subsection (d) the following:

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

“(1) determine if the person meets such criteria; and

“(2) submit a written justification to the chairman and ranking member detailing whether or not the President imposed or intends to impose sanctions described in subsection (b) or (c) with respect to such person.”.

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

(e) SEVERABILITY.—The Sanctioning the Use of Civilians as Defenseless Shields Act (Public Law 115–348; 50 U.S.C. 1701 note) is amended by adding at the end the following:
“SEC. 6. SEVERABILITY.

“If any provision of this Act, or the application of such provision to any person or circumstance, is found to be unconstitutional, the remainder of this Act, or the application of that provision to other persons or circumstances, shall not be affected.”.

(d) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(1) IN GENERAL.—A requirement to block and prohibit all transactions in all property and interests in property under section 5(a) of the Sanctioning the Use of Civilians as Defenseless Shields Act (Public Law 115–348; 50 U.S.C. 1701 note) by reason of the amendments made by this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(2) GOOD DEFINED.—In this subsection, the term “good” means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

SEC. 1864. MULTINATIONAL CENTERS OF EXCELLENCE.

(a) FINDINGS.—Congress finds the following:

(1) The use of civilians to shield military objectives from lawful attack or to deliberately cause civil-
ian casualties is a war crime commonly referred to as the use of human shields.

(2) United States law and the Department of Defense’s Law of War Manual explicitly prohibit United States service members from using human shields. By contrast, terrorists and other non-state actors, including al-Qaeda, Hamas, Hezbollah, the Islamic State, and the Taliban, have repeatedly used human shields.

(3) The Supreme Allied Commander Europe (SACEUR) in 2019 formally requested that NATO member states enhance their capacity and coordination in countering the use of human shields.

(4) The SACEUR further stated that “[t]his practice poses great challenges and limitations to the effective planning and execution of NATO operations and missions, as Allied forces and Partners are forced to choose between not taking action against legitimate military targets or seeing their actions, and the overall mission, delegitimized”. The SACEUR concluded that enhanced member state capacity, and improved cooperation, in countering the use of human shields “would decidedly become a major and substantial contribution to the better
planning and conduct of NATO operations and mis-
sions”.

(5) United States leadership in promoting joint
exercises, doctrine development, education, and
training related to countering the use of human
shields would help encourage NATO to more
robustly implement this important recommendation
by the SACEUR.

(b) STATEMENT OF POLICY.—It shall be the policy
of the United States to promote the integration of joint
exercises, doctrine development, education, and training
on countering the use of human shields into multinational
centers of excellence.

(e) REPORT ON COUNTERING THE USE OF HUMAN
SHIELDS.—Section 344 of title 10, United States Code,
is amended—

(1) by redesignating subsection (f) as sub-
section (g); and

(2) by inserting after subsection (e) the fol-
lowing:

“(f) REPORT ON COUNTERING THE USE OF HUMAN
SHIELDS.—The Secretary of Defense shall submit to the
congressional defense committees, the Committee on For-
egn Affairs of the House of Representatives, and the
Committee on Foreign Relations of the Senate on an an-
annual basis a report on participation of members of the armed forces and Department of Defense civilian personnel in any multinational center of excellence for the purposes described in paragraphs (1) and (2) of subsection (a) related to countering the use of human shields during the prior year.”.