

“part”, “component”, “equipment”, and “government end users” have the meanings given those terms in section 734.9 or part 772 of the Export Administration Regulations, as the case may be.

Strengthening  
Tools to Counter  
the Use of  
Human Shields  
Act.

**DIVISION O—STRENGTHENING TOOLS  
TO COUNTER THE USE OF HUMAN  
SHIELDS ACT**

50 USC 1701  
note.

**SEC. 1. SHORT TITLE.**

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

50 USC 1701  
note.

**SEC. 2. 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. 3. 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) in subsection (b)—

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

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

“(3) Each foreign person that the President determines, on or after the date of the enactment of the Strengthening Tools to Counter the Use of Human Shields Act—

“(A) is a member of Palestine Islamic Jihad or is knowingly acting on behalf of Palestine Islamic Jihad; and

“(B) knowingly orders, controls, or otherwise directs the use of civilians protected as such by the law of war to shield military objectives from attack.”;

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

(3) 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) DEFINITIONS.—Section 4 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 paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following:

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

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President.

Determination.

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

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

(c) **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”.

(d) **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.”.

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

(a) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this division, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report that contains the following:

(1) A description of the lessons learned from the United States and its allies and partners in addressing the use of human shields by terrorist organizations such as Hamas, Hezbollah, Palestine Islamic Jihad, and any other organization as determined by the Secretary of Defense.

(2) A description of a specific plan and actions being taken by the Department of Defense to incorporate the lessons learned as identified in paragraph (1) into Department of Defense operating guidance, relevant capabilities, and tactics, techniques, and procedures to deter, counter, and address the challenge posed by the use of human shields and hold accountable terrorist organizations for the use of human shields.

(3) A description of specific measures being developed and implemented by the United States Government to mobilize and leverage allied nations, including member nations of the North Atlantic Treaty Organization (NATO), to deter, counter, and hold accountable terrorist organizations for the use of human shields.

(4) The current status of joint exercises, doctrine development, education, and training on countering the use of human shields in multinational centers of excellence.

(5) The current status of participation of members of the Armed Forces and Department of Defense civilian personnel in any multinational center of excellence for the purposes of countering the use of human shields.

(6) The feasibility and advisability of beginning or continuing participation of members of the Armed Forces and

Department of Defense civilian personnel to promote the integration of joint exercises, doctrine development, education, and training on countering the use of human shields into multinational centers of excellence.

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

President.  
50 USC 1710.

**SEC. 5. CONFRONTING ASYMMETRIC AND MALICIOUS CYBER ACTIVITIES.**

Effective date.  
Sanctions.  
Determination.

(a) IN GENERAL.—On and after the date that is 180 days after the date of the enactment of this division, the President may impose the sanctions described in subsection (b) with respect to any foreign person that the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State determine, on or after such date of enactment—

(1) is responsible for or complicit in, or has engaged knowingly in, significant cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that are reasonably likely to result in, or have materially contributed to, a significant threat to the national security, foreign policy, or economic health or financial stability of the United States;

(2) materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any activity described in this subsection or any person whose property and interests in property are blocked pursuant to this section;

(3) is owned or controlled by, or has acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this section; or

(4) has attempted to engage in any of the activities described in paragraph (1), (2), or (3).

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) INADMISSIBILITY TO UNITED STATES.—In the case of an alien—

(A) ineligibility to receive a visa to enter the United States or to be admitted to the United States; or

(B) if the individual has been issued a visa or other documentation, revocation, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), of the visa or other documentation.

(2) BLOCKING OF PROPERTY.—The blocking, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), of all transactions in all property and interests in property of a foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(c) REQUESTS BY APPROPRIATE CONGRESSIONAL COMMITTEES.—

Deadline.

(1) IN GENERAL.—Not later than 120 days after receiving a request that meets the requirements of paragraph (2) with respect to whether a foreign person has engaged in an activity described in subsection (a), the Secretary of the Treasury, in

consultation with the Attorney General and the Secretary of State shall—

(A) determine if that person has engaged in such an activity; and Determination.

(B) submit a classified or unclassified report to the chairperson and ranking member of the committee or committees that submitted the request with respect to that determination that includes— Classified information. Reports.

(i) a statement of whether or not the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State imposed or intends to impose sanctions with respect to the person;

(ii) if the President imposed or intends to impose sanctions, a description of those sanctions; and

(iii) if the President does not intend to impose sanctions, a description of actions that meet the threshold for the President to impose sanctions.

(2) REQUIREMENTS.—A request under paragraph (1) with respect to whether a foreign person has engaged in an activity described in subsection (a) shall be submitted to the President in writing jointly by the chairperson and ranking member of one of the appropriate congressional committees.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

#### SEC. 6. SANCTIONS WITH RESPECT TO THREATS TO CURRENT OR FORMER UNITED STATES OFFICIALS.

(a) IN GENERAL.—On and after the date that is 180 days after the date of the enactment of this division, the President shall impose the sanctions described in subsection (b) with respect to any foreign person the President determines has, on or after such date of enactment, ordered, directed, or taken material steps to carry out any use of violence or has attempted or threatened to use violence against any current or former official of the Government of the United States.

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) INADMISSIBILITY TO UNITED STATES.—In the case of a foreign person who is an individual—

(A) ineligibility to receive a visa to enter the United States or to be admitted to the United States; or

(B) if the individual has been issued a visa or other documentation, revocation, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), of the visa or other documentation.

(2) BLOCKING OF PROPERTY.—The blocking, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), of all transactions in all property and interests in property of a foreign person if such property and interests in property are in the United States, come within

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the United States, or are or come within the possession or control of a United States person.

(c) ENFORCEMENT OF BLOCKING OF PROPERTY.—A person that violates, attempts to violate, conspires to violate, or causes a violation of a sanction described in subsection (b)(2) that is imposed by the President or any regulation, license, or order issued to carry out such a sanction shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) WAIVER.—The President may waive the application of sanctions under this section for renewable periods not to exceed 180 days if the President—

- Determination.
- Deadline.
- (1) determines that such a waiver is in the vital national security interests of the United States; and
- (2) not less than 15 days before the granting of the waiver, submits to the appropriate congressional committees a notice of and justification for the waiver.

(e) TERMINATION AND SUNSET.—

(1) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under this section with respect to a person if the President determines and reports to the appropriate congressional committees not later than 15 days before the termination of the sanctions that—

- Determination.
- Reports.
- (A) credible information exists that the person did not engage in the activity for which sanctions were imposed;
- (B) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity for which sanctions were imposed, and has credibly committed to not engage in an activity described in subsection (a) in the future; or
- (C) the termination of the sanctions is in the vital national security interests of the United States.

(2) SUNSET.—The requirement to impose sanctions under this section shall terminate on the date that is 4 years after the date of the enactment of this division.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

- (1) the Committee on Foreign Affairs and the Committee on the Judiciary; and
- (2) the Committee on Foreign Relations and the Committee on the Judiciary.

Illicit Captagon  
Trafficking  
Suppression Act  
of 2023.

50 USC 1701  
note.

50 USC 1701  
note.

**DIVISION P—ILLICIT CAPTAGON  
TRAFFICKING SUPPRESSION ACT**

**SEC. 1. SHORT TITLE.**

This division may be cited as the “Illicit Captagon Trafficking Suppression Act of 2023”.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Industrial scale production of the amphetamine-type stimulant also known as captagon, and the illicit production