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(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To impose requirements with respect to monitoring the operational use of sales, exports, and transfers of defense articles and services, and for other purposes.

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**IN THE HOUSE OF REPRESENTATIVES**

Ms. JACOBS introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To impose requirements with respect to monitoring the operational use of sales, exports, and transfers of defense articles and services, 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 “Silver Shield Oper-  
5       ational End Use Monitoring Act of 2025” or the “Silver  
6       Shield Act of 2025”.

1 **SEC. 2. ESTABLISHMENT OF SILVER SHIELD OPERATIONAL**  
2 **END-USE MONITORING PROGRAM.**

3 (a) ESTABLISHMENT OF OPERATIONAL END-USE  
4 MONITORING PROGRAM.—

5 (1) IN GENERAL.—In order to improve account-  
6 ability with respect to defense articles and defense  
7 services sold, leased, transferred, or exported under  
8 the Arms Export Control Act (22 U.S.C. 2751 et  
9 seq.) or the Foreign Assistance Act of 1961 (22  
10 U.S.C. 2151 et seq.), not later than 1 year after the  
11 date of the enactment of this Act, the President  
12 shall establish a program, to be known as the “Sil-  
13 ver Shield” program, to provide for operational end-  
14 use monitoring of such articles and services.

15 (2) REQUIREMENTS OF PROGRAM.—The Silver  
16 Shield program shall—

17 (A) be designed to monitor whether there  
18 is credible information that a recipient used de-  
19 fense articles or defense services from the  
20 United States to inflict civilian harm, violate  
21 international humanitarian law, or violate inter-  
22 national human rights law;

23 (B) determine through operational end-use  
24 monitoring whether defense articles or defense  
25 services from the United States were used to  
26 commit—

- 1 (i) genocide;  
2 (ii) crimes against humanity;  
3 (iii) grave breaches of the Geneva  
4 Conventions of 1949; or  
5 (iv) other serious violations of inter-  
6 national humanitarian or human rights  
7 law;  
8 (C) require a determination of ineligibility,  
9 pursuant to section 3 of the Arms Export Con-  
10 trol Act, should a determination described in  
11 subparagraph (B) be affirmative, including a  
12 timeline of 180 days to complete such deter-  
13 minations on such allegations of violation;  
14 (D) incorporate data, best practices, and  
15 lessons learned from the implementation of—  
16 (i) the Civilian Harm Incident Re-  
17 sponse Guidance;  
18 (ii) programs to carry out the require-  
19 ments of section 362 of title 10, United  
20 States Code and section 620M of the For-  
21 eign Assistance Act of 1961 (22 U.S.C.  
22 2378d) (collectively referred to as the  
23 “Leahy Laws”);  
24 (iii) National Security Memorandum  
25 20;

1 (iv) the Golden Sentry End-Use Moni-  
2 toring Program; and

3 (v) the Blue Lantern program; and

4 (E) incorporates sources of information for  
5 monitoring including—

6 (i) reports submitted by United States  
7 government personnel, including United  
8 States embassy, Defense Security Coopera-  
9 tion Agency, or combatant command per-  
10 sonnel;

11 (ii) eyewitness interviews;

12 (iii) publicly available photographic  
13 and video evidence;

14 (iv) satellite imagery;

15 (v) credible reports by non-govern-  
16 mental organizations and media;

17 (vi) intelligence information;

18 (vii) information submitted through a  
19 publicly available online portal to be inte-  
20 grated with the Human Rights Reporting  
21 Gateway;

22 (viii) relevant forensic investigations;

23 (ix) site visits by United States gov-  
24 ernment personnel; and

1 (x) any other credible sources of infor-  
2 mation regarding the use of United States  
3 origin defense articles or defense services  
4 in inflicting civilian harm or to commit a  
5 violation of international humanitarian law  
6 or international human rights law.

7 (3) COORDINATION.—The Silver Shield pro-  
8 gram shall be established in the Department of  
9 State and shall be implemented through coordination  
10 between the following:

11 (A) The Bureau of Democracy, Human  
12 Rights, and Labor, which shall in coordination  
13 with the Bureau of Political-Military Affairs of  
14 the Department of State be responsible for di-  
15 recting and managing the implementation of  
16 the program.

17 (B) The Office of the Secretary, the De-  
18 fense Security Cooperation Agency, and the Ci-  
19 vilian Protection Center of Excellence of the  
20 Department of Defense.

21 (C) Any other Federal department or  
22 agency the President determines relevant to the  
23 establishment or implementation of the Silver  
24 Shield program.

1           (4) CONSULTATION.—The Silver Shield pro-  
2       gram shall take such steps as may be necessary to  
3       consult as appropriate with relevant experts affili-  
4       ated with federally funded research and development  
5       corporations, non-governmental organizations, and  
6       academic institutions.

7       (b) EXTERNAL ADVISORY BOARD.—The President  
8       shall establish an external advisory board comprising rec-  
9       ognized academic and non-governmental experts in inves-  
10      tigations regarding the monitoring of the usage of defense  
11      articles or services in civilian harm or violations of inter-  
12      national law. The heads of the agencies listed in sub-  
13      section (a)(3) shall periodically consult with the external  
14      advisory board with respect to—

15           (1) research methodology;  
16           (2) information sources;  
17           (3) investigative best practices; and  
18           (4) any other such information within the ex-  
19      pertise of the advisory board and relevant to imple-  
20      mentation of this Act.

21   **SEC. 3. AMENDMENTS TO THE ARMS EXPORT CONTROL**  
22           **ACT.**

23       (a) ARMS EXPORT CONTROL ACT.—Section 3 of the  
24      Arms Export Control Act (22 U.S.C. 2753) is amended  
25      by adding at the end of the section the following—

1       “(h) AGREEMENT RELATING TO USE OF DEFENSE  
2 ARTICLES AND SERVICES.—In addition to any other re-  
3 quirements under this Act, the President shall take such  
4 steps as may be necessary to ensure that—

5           “(1) prior to authorizing or licensing the sale,  
6 export, or transfer of any defense article or defense  
7 service to a foreign country or international organi-  
8 zation, the Secretary of State shall enter into a writ-  
9 ten agreement with the appropriate counterparts  
10 providing that the government of such country or  
11 that such international organization will not use any  
12 defense article or defense service of United States  
13 origin—

14           “(A) to commit or facilitate a violation of  
15 international humanitarian law or international  
16 human rights law; or

17           “(B) in an action that would render the  
18 government or organization ineligible to receive  
19 United States assistance or arms transfers as a  
20 matter of United States law; and

21           “(2) if defense articles are sold, exported, or  
22 transferred to a foreign country pursuant to an  
23 agreement otherwise in accordance with the require-  
24 ments of this Act in which the intended end-user has  
25 not been identified at the unit level for purposes of

1 the vetting required by section 362 of title 10,  
2 United States Code or section 620M of the Foreign  
3 Assistance Act of 1961 (22 U.S.C. 2378d), the writ-  
4 ten agreement required by paragraph (1) for such  
5 sale, export, or transfer shall instead include a list  
6 of units ineligible to receive such articles, consistent  
7 with applicable provisions of United States law.”.

8 (b) ELIGIBILITY FOR DEFENSE ARTICLES OR SERV-  
9 ICES.—

10 (1) ARMS EXPORT CONTROL ACT.—Section 3(a)  
11 of the Arms Export Control Act (22 U.S.C.  
12 2753(a)) is amended—

13 (A) in paragraph (1), by striking “and  
14 promote world peace” and inserting “, will pro-  
15 mote world peace and the safety of civilians,”;

16 (B) in paragraph (3), by striking “; and”  
17 and inserting a semicolon;

18 (C) by redesignating paragraph (4) as  
19 paragraph (5); and

20 (D) by inserting after paragraph (3) the  
21 following new paragraph:

22 “(4) the country or international organization  
23 shall have agreed not to use such article or service  
24 to commit or facilitate a serious violation of inter-



1 national humanitarian law or international human  
2 rights law; and”.

3 (2) FOREIGN ASSISTANCE ACT OF 1961.—Sec-  
4 tion 505 of the Foreign Assistance Act of 1961 (22  
5 U.S.C. 2314) is amended—

6 (A) in subsection (a)—

7 (i) by striking “(a) CONDITIONS OF  
8 ELIGIBILITY” and all that follows through  
9 the matter preceding paragraph (1) and  
10 inserting the following:

11 “(a) CONDITIONS OF ELIGIBILITY.—In addition to  
12 such other provisions as the President may require, no de-  
13 fense articles or related training or other defense service  
14 shall be furnished to any country or international organi-  
15 zation on a grant basis unless it shall have agreed that—  
16 ”;

17 (ii) in paragraph (3), by striking “;  
18 and” and inserting a semicolon;

19 (iii) by redesignating paragraph (4) as  
20 paragraph (5); and

21 (iv) by inserting after paragraph (3)  
22 the following new paragraph:

23 “(4) it will not use such articles or services to  
24 commit or facilitate a serious violation of inter-

1 national humanitarian law or international human  
2 rights law; and”; and

3 (B) in subsection (e), by striking “sub-  
4 section (a)(1) or (a)(4)” each place it appears  
5 and inserting “subsection (a)(1) or (a)(5)”.

6 (c) AUTHORIZED PURPOSE FOR MILITARY SALES.—  
7 Section 4 of the Arms Export Control Act (22 U.S.C.  
8 2754) is amended—

9 (1) by inserting “legitimate” before “internal  
10 security”; and

11 (2) by inserting “, to the extent that such de-  
12 fense articles and defense services will not be used  
13 in the commission of a serious violation of inter-  
14 national humanitarian law or international human  
15 rights law. The violation of international humani-  
16 tarian law or international human rights law may  
17 not be construed to be an authorized purpose for  
18 military sales or leases by the United States.” after  
19 “such friendly countries”.

20 (d) EFFECTIVE DATE.—The amendments made by  
21 this section shall take effect 1 year after the date of the  
22 enactment of this Act.

23 (e) UPDATES TO EXISTING POLICY.—

24 (1) SECRETARY OF STATE.—The Secretary of  
25 State shall—

1 (A) subsume the Civilian Harm Incident  
2 Response Guidance into the requirements of  
3 this Act to carry out the Department's oper-  
4 ational end-use monitoring responsibilities; and

5 (B) review other relevant policy and doc-  
6 trine and, as necessary, amend any such policy  
7 or doctrine to ensure consistency with such  
8 amendments and to carry out such responsibil-  
9 ities.

10 (2) SECRETARY OF DEFENSE.—The Secretary  
11 of Defense shall—

12 (A) reissue Department of Defense In-  
13 struction 4140.66 to ensure consistency with  
14 the amendments made by this Act to carry out  
15 the Department's operational end-use moni-  
16 toring responsibilities; and

17 (B) review other relevant policy and doc-  
18 trine and, as necessary, amend any such policy  
19 or doctrine to ensure consistency with such  
20 amendments and to carry out such responsibil-  
21 ities.

22 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) AUTHORIZATION.—There is authorized to be ap-  
24 propriated such sums as may be necessary to implement  
25 the Silver Shield program described in section 2.

1 (b) APPLICATION OF FOREIGN MILITARY SALES AD-  
2 MINISTRATIVE SURCHARGE.—The Silver Shield program  
3 shall be considered an administrative service of the admin-  
4 istration of sales made pursuant to section 21(e)(1) of the  
5 Arms Export Control Act (22 U.S.C. 2761).

6 (c) APPLICATION OF FOREIGN MILITARY FINANCING  
7 ADMINISTRATIVE FUNDS.—The Silver Shield program  
8 shall be considered an administrative and operational cost  
9 of the Department of State related to military assistance  
10 and sales pursuant to funds authorized to carry out title  
11 IV of the annual Acts making appropriations for the State  
12 Department, Foreign Operations, and Related programs  
13 (relating to the heading Foreign Military Financing pro-  
14 gram).

15 **SEC. 5. REPORTS.**

16 (a) REPORT ON REQUIRED RESOURCES.—Not later  
17 than 180 days after the enactment of this Act, the Sec-  
18 retary of State shall submit to the appropriate congres-  
19 sional committees a report on the necessary resources,  
20 staffing, and authorities to implement the Silver Shield  
21 program and requirements described in section 2(a).

22 (b) ANNUAL IMPLEMENTATION REPORT.—Not later  
23 than 1 year after the establishment of the program re-  
24 quired by section 2, and annually thereafter as a part of  
25 the annual congressional presentation documents sub-

mitted under section 634 of the Foreign Assistance Act of 1961 (22 U.S.C. 2394), the President shall submit to the appropriate congressional committees a report describing the actions taken to implement this Act and the amendments made by this Act, including the following:

(1) A detailed accounting of the costs and number of personnel associated with the Silver Shield program.

(2) Resource constraints associated with the implementation of the program, including staffing, funding, and authorities.

(3) The numbers and range of operational end-use monitoring of United States arms transfers.

(4) The number of identified incidents for which investigations have not yet been initiated.

(5) The number and status of ongoing investigations, including the stage they are in, how long such incidents have remained in such stage, and if any have remained in such stage for more than 1 year.

**SEC. 6. DEFINITIONS.**

In this Act:

(a) APPROPRIATE CONGRESSIONAL COMMITTEES.—  
The term “appropriate congressional committees” means—

1           (1) the Committee on Foreign Affairs, the  
2           Committee on Armed Services, and the Committee  
3           on Appropriations of the House of Representatives;  
4           and

5           (2) the Committee on Foreign Relations, the  
6           Committee on Armed Services, and the Committee  
7           on Appropriations of the Senate.

8           (b) CIVILIAN HARM.—The term “civilian harm”  
9           means civilian casualties, damage to or destruction of civil-  
10          ian objects, and significant adverse effects on the civilian  
11          population and the personnel, organizations, resources, in-  
12          frastructure, essential services, and systems on which civil-  
13          ian life depends resulting from military operations.

14          (c) DEFENSE ARTICLE; DEFENSE SERVICE.—The  
15          terms “defense article” and “defense service” have the  
16          meanings given those terms in section 47 of the Arms Ex-  
17          port Control Act (22 U.S.C. 2794).

18          (d) OPERATIONAL END-USE MONITORING.—The  
19          term “operational end-use monitoring” means gathering  
20          and assessing information regarding the use of a defense  
21          article or defense service, including in civilian harm, viola-  
22          tions of international humanitarian law, or international  
23          human rights law.