

[DISCUSSION DRAFT]

117TH CONGRESS
1ST SESSION

H. R. _____

To promote and protect the human rights of Palestinians living under Israeli military occupation and to ensure that United States taxpayer funds are not used by the Government of Israel to support the military detention of Palestinian children, the unlawful seizure, appropriation, and destruction of Palestinian property and forcible transfer of civilians in the West Bank, or further annexation of Palestinian land in violation of international law.

IN THE HOUSE OF REPRESENTATIVES

Ms. McCOLLUM introduced the following bill; which was referred to the
Committee on _____

A BILL

To promote and protect the human rights of Palestinians living under Israeli military occupation and to ensure that United States taxpayer funds are not used by the Government of Israel to support the military detention of Palestinian children, the unlawful seizure, appropriation, and destruction of Palestinian property and forcible transfer of civilians in the West Bank, or further annexation of Palestinian land in violation of international law.

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 “U.S. Commitment to
5 the Universal Human Rights of Palestinians Living Under
6 Israeli Military Occupation Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) Approximately 3,000,000 Palestinians live
10 in the West Bank, of which around 45 percent are
11 children under the age of 18 who have lived their en-
12 tire lives under Israeli military control.

13 (2) In the Israeli-occupied West Bank, there
14 are two separate and unequal legal systems, with
15 Israeli military law imposed on Palestinians and
16 Israeli civilian law applied to Israeli settlers.

17 (3) Children are entitled to special protections
18 and due process rights under international human
19 rights law and international humanitarian law.

20 (4) Israel has ratified the Convention on the
21 Rights of the Child, which states—

22 (A) in article 37(a), that “no child shall be
23 subject to torture or other cruel, inhuman or
24 degrading treatment or punishment”;

1 (B) in article 37(b), that the arrest, deten-
2 tion or imprisonment of a child “shall be used
3 only as a measure of last resort and for the
4 shortest appropriate period of time”;

5 (C) in article 37(c), that “every child de-
6 prived of liberty shall be treated with humanity
7 and respect for the inherent dignity of the
8 human person, and in a manner which takes
9 into account the needs of persons of his or her
10 age”; and

11 (D) in article 37(d), that “[e]very child de-
12 prived of his or her liberty shall have the right
13 to prompt access to legal and other appropriate
14 assistance, as well as the right to challenge the
15 legality of the deprivation of his or her liberty
16 before a court or other competent, independent
17 and impartial authority, and to a prompt deci-
18 sion on any such action”.

19 (5) The Government of Israel and its military
20 detains around 500 to 700 Palestinian children be-
21 tween the ages of 12 and 17 each year and pros-
22 ecutes them before a military court system that
23 lacks basic and fundamental guarantees of due proc-
24 ess in violation of international standards.

1 (6) Israeli security forces detain children under
2 the age of 12 for interrogation for extended periods
3 of time even though the prosecution of children
4 under 12 is prohibited by Israeli military law.

5 (7) Human Rights Watch, in its World Report
6 2020, reported that “Israel denied Palestinian chil-
7 dren arrested and detained in the West Bank legal
8 protections granted to Israeli children, including set-
9 tlers, such as protections against nighttime arrests
10 and interrogations without a guardian present.
11 Israeli forces frequently used unnecessary force
12 against children during arrest and physically abused
13 them in custody.”.

14 (8) The Israeli human rights organization
15 HaMoked: Center for the Defence of the Individual
16 issued a report in October 2020 examining night ar-
17 rests of Palestinian children by Israeli forces in the
18 West Bank finding that Israeli authorities continue
19 “to send soldiers to arrest Palestinian teenage boys
20 at night as a measure of first resort for bringing
21 them in for interrogation. This injurious, traumatic
22 practice leaves the teenagers broken in body and
23 soul, while thwarting the possibility of a fair interro-
24 gation and almost guaranteeing a conviction.”.

1 (9) The Israeli human rights organization
2 B'Tselem issued a report in 2018 describing the
3 treatment of Palestinian children under Israeli mili-
4 tary occupation: “Every year, hundreds of Pales-
5 tinian minors undergo the same scenario. Israeli se-
6 curity forces pick them up on the street or at home
7 in the middle of the night, then handcuff and blind-
8 fold them and transport them to interrogation, often
9 subjecting them to violence en route. Exhausted and
10 scared—some having spent a long time in transit,
11 some having been roused from sleep, some having
12 had nothing to eat or drink for hours—the minors
13 are then interrogated. They are completely alone in
14 there, cut off from the world, without any adult they
15 know and trust by their side, and without having
16 been given a chance to consult with a lawyer before
17 the interrogation. The interrogation itself often in-
18 volves threats, yelling, verbal abuse and sometimes
19 physical violence. Its sole purpose is to get the mi-
20 nors to confess or provide information about oth-
21 ers.”.

22 (10) The State Department’s 2016 Annual Re-
23 port on Human Rights Practices noted the renewed
24 use of “administrative detention” against Palestin-
25 ians, including children, a practice in which a de-

1 tainee may be imprisoned indefinitely, without
2 charge or trial, by the order of a military com-
3 mander or other government official.

4 (11) The nongovernmental organization De-
5 fense for Children International-Palestine (DCIP)
6 documented 37 Palestinian children detained and
7 placed in administrative detention, or detention
8 without charge or trial, since Israel renewed the
9 practice against minors in October 2015.

10 (12) DCIP collected affidavits from 610 West
11 Bank children who were detained by Israeli forces
12 from the West Bank between 2016 and 2020, and
13 concluded that—

14 (A) 73 percent of the children endured
15 physical violence following arrest;

16 (B) under Israeli military law, children do
17 not have the right to a lawyer during interroga-
18 tion;

19 (C) 97 percent of the children did not have
20 a parent present during their interrogation;

21 (D) 67 percent of the children were not
22 properly informed of their rights by Israeli po-
23 lice;

1 (E) interrogators used stress positions,
2 threats of violence, and isolation to coerce con-
3 fessions from detained children; and

4 (F) 135 children were held in pre-trial,
5 pre-charge isolation for interrogation purposes
6 for an average period of 15 days.

7 (13) Amendments to Israeli military law con-
8 cerning the detention of Palestinian children have
9 had little or no impact on the treatment of children
10 during the first 24 to 48 hours after an arrest, when
11 the majority of their ill-treatment occurs.

12 (14) Israel's drive to perpetuate its control over
13 the occupied West Bank results in other serious vio-
14 lations of international law, including the unlawful
15 demolition of Palestinian homes and the forcible
16 transfer of Palestinian civilians.

17 (15) The destruction of property in an occupied
18 territory is prohibited under international humani-
19 tarian law, unless absolutely necessary for military
20 operations.

21 (16) The Israeli Committee Against Home
22 Demolitions reports that Israel has demolished more
23 than 48,000 Palestinian structures since 1967, of
24 which 24,000 are estimated to be homes.

1 (17) Palestinian properties are subject to demo-
2 lition or confiscation as part of Israeli-imposed plan-
3 ning and zoning regimes in Area C and East Jeru-
4 salem and other parts of the West Bank, and sub-
5 ject to punitive demolition following an incident of
6 violence against Israeli military and police forces,
7 settlers, or other civilians.

8 (18) Palestinians are required to obtain Israeli-
9 issued building permits and the lack of permits is
10 typically cited as the reason for demolitions or
11 confiscations, even though, due to the restrictive and
12 discriminatory Israeli planning regime, Palestinians
13 are overwhelmingly denied permits and therefore
14 forced to build without the necessary permits.

15 (19) From 2016 to 2018, 98.6 percent of the
16 1,485 building permit applications that were sub-
17 mitted by Palestinians in Area C were rejected, with
18 only 21 applications approved.

19 (20) Palestinians are allowed to build in less
20 than one percent of Area C and in only about 15
21 percent of East Jerusalem.

22 (21) Palestinian homes and structures located
23 in Area C and East Jerusalem and other parts of
24 the West Bank are under constant threat of demoli-

1 tion from the moment construction begins and are
2 often demolished with little notice.

3 (22) The United Nations Office for the Coordi-
4 nation for Humanitarian Affairs (OCHA) reported
5 in January 2021 that during 2020, Israeli authori-
6 ties demolished or seized 851 structures across the
7 West Bank, including East Jerusalem, displacing
8 1001 Palestinians as a result, including over 524
9 children. This is the highest number of home
10 demolitions since 2016.

11 (23) OCHA noted that one of the major trends
12 observed in 2020 was the increased use of military
13 orders and other legislation, preventing or limiting
14 the ability of Palestinians to legally challenge the
15 targeting of their homes and sources of livelihood in
16 Israeli courts.

17 (24) OCHA reported in February 2021 that 53
18 schools in the West Bank, which are attended by
19 5,200 children, are subject to demolition orders
20 issued by Israeli authorities.

21 (25) Demolitions clearly and deliberately under-
22 mine the prospects for a just and lasting peace be-
23 tween Israel and the Palestinians and create oppres-
24 sive conditions that leave Palestinians with no other
25 choice than to leave their homes and lands.

1 (26) Punitive demolitions function as an act of
2 collective punishment against the families of sus-
3 pects or perpetrators and create insecurity in the
4 surrounding communities. Though Israeli authorities
5 maintain that punitive demolitions are a means of
6 achieving security, Israel does not demolish the
7 homes of Israelis who have committed crimes
8 against Palestinians as part of its policy.

9 (27) The restrictive and discriminatory Israeli
10 planning regime undermines rights and guarantees
11 in international human rights law and international
12 humanitarian law and facilitates unlawful acts and
13 policies, including destruction of property and fore-
14 ible transfer of civilians, expropriation of land and
15 natural resources, illegal settlement expansion, and
16 further annexation of Palestinian land.

17 (28) Jewish-only settlements established by the
18 Government of Israel in the occupied West Bank, in-
19 cluding East Jerusalem, have no legal validity and
20 constitute a flagrant violation under international
21 law and a major obstacle to the achievement of a
22 just and lasting peace between Israel and the Pal-
23 estinians.

24 (29) Unilateral annexation of any part of the
25 occupied West Bank by the Government of Israel is

1 a flagrant violation of international law and a pro-
2 hibited act of aggression under Article 2(4) of the
3 United Nations Charter.

4 (30) Israel is the largest cumulative recipient of
5 United States foreign assistance since World War II,
6 receiving from the United States \$146,000,000,000
7 (current, or noninflation-adjusted, dollars) in bilat-
8 eral assistance and military funding;

9 (31) In 2016, the United States and Israeli
10 governments signed a new 10-year Memorandum of
11 Understanding (MOU) on military assistance, cov-
12 ering fiscal year 2019 to fiscal year 2028.

13 (32) Under the terms of the MOU, the United
14 States pledges to provide \$38,000,000,000 in mili-
15 tary assistance (\$33,000,000,000 in Foreign Mili-
16 tary Financing grants plus \$5,000,000,000 in mis-
17 sile defense appropriations) to Israel, replacing a
18 previous \$30,000,000,000, 10-year agreement that
19 ran through fiscal year 2018.

20 (33) The Consolidated Appropriations Act,
21 2021 (Public Law 116–260), provides the following
22 for Israel:

23 (A) \$3,300,000,000 in Foreign Military
24 Financing (FMF), including \$795,300,000 mil-
25 lion designated specifically for procurements in

1 Israel, commonly referred to as “offshore pro-
2 curements”.

3 (B) \$5,000,000 in Migration and Refugee
4 Assistance (MRA) for refugee resettlement.

5 (C) Reauthorization of War Reserve Stock
6 Allies-Israel (WRSA-I) through 2023.

7 (D) \$500,000,000 in missile defense, of
8 which \$73,000,000 is for Iron Dome,
9 \$177,000,000 for David’s Sling, \$77,000,000
10 for Arrow 3, and \$173,000,000 for Arrow 2.

11 (34) The sale and export of United States-ori-
12 gin defense articles and defense services to foreign
13 countries are governed by an extensive set of laws,
14 regulations, policies, and procedures, including au-
15 thORIZATIONS and reporting requirements in both the
16 National Defense Authorization Acts and in the
17 State Department, Foreign Operations, and Related
18 Programs Appropriations Acts.

19 (35) Congress has authorized sales to the Gov-
20 ernment of Israel under the Foreign Assistance Act
21 of 1961 (22 U.S.C. 2151, et seq.) and the Arms Ex-
22 port Control Act of 1976 (22 U.S.C. 2751, et seq.).

23 (36) The Arms Export Control Act of 1976 (22
24 U.S.C. 271, et seq.) generally prohibits foreign coun-
25 tries from using funds made available under the Act

1 for procurement outside the United States. However,
2 each year since 1991, varying amounts of FMF
3 grants have been designated for offshore procure-
4 ments in Israel.

5 (37) In 1991, the Government Accountability
6 Office, formerly the General Accounting Office,
7 issued a report to the Committee on Foreign Rela-
8 tions of the Senate examining United States military
9 funding to Israel, which specifically audited Israel's
10 expenditures for offshore procurements and assessed
11 whether the executive branch had complied with leg-
12 islative requirements.

13 **SEC. 3. SENSE OF CONGRESS.**

14 It is the sense of Congress that—

15 (1) actions by the Government of Israel in the
16 occupied West Bank, including the detention and
17 prosecution of Palestinian children in the Israeli
18 military court system, the seizure, appropriation,
19 and destruction of Palestinian property and forcible
20 transfer of civilians, and further annexation of Pal-
21 estinian land in violation of international law and
22 internationally recognized standards of human
23 rights—

24 (A) are contrary to the values of the Amer-
25 ican people and the efforts of the United States

1 to support self-determination, human rights,
2 and dignity for both Palestinians and Israelis;
3 and

4 (B) undermine efforts by the United
5 States to achieve a just and lasting peace be-
6 tween Israel and the Palestinians;

7 (2) promoting human rights, human dignity,
8 and democratic rights for all Palestinians and
9 Israelis are foreign policy priorities of the United
10 States; and

11 (3) the United States rejects any undemocratic
12 system or act of aggression in which Israel unilater-
13 ally exercises permanent rule over a Palestinian peo-
14 ple denied self-determination and human rights.

15 **SEC. 4. STATEMENT OF POLICY.**

16 It is the policy of the United States not to support
17 actions by the Government of Israel involving—

18 (1) the military detention of Palestinian chil-
19 dren in violation of international law;

20 (2) the seizure, appropriation, and destruction
21 of Palestinian property or the forcible transfer of ci-
22 vilians in the occupied West Bank in violation of
23 international law; or

24 (3) further annexation of Palestinian land and
25 property in violation of international law.

1 **SEC. 5. LIMITATION ON ASSISTANCE.**

2 (a) PROHIBITION.—Notwithstanding any other provi-
3 sion of law, none of the funds authorized to be appro-
4 priated or otherwise made available for assistance to the
5 Government of Israel may be obligated or expended for
6 any of the following:

7 (1) Supporting the military detention, interro-
8 gation, abuse, or ill-treatment of Palestinian children
9 in violation of international humanitarian law or to
10 support the use against Palestinian children of any
11 of the following practices:

12 (A) Torture or cruel, inhumane, or degrad-
13 ing treatment.

14 (B) Physical violence, including restraint
15 in stress positions.

16 (C) Hooding, sensory deprivation, death
17 threats, or other forms of psychological abuse.

18 (D) Incommunicado detention or solitary
19 confinement.

20 (E) Administrative detention, or imprison-
21 ment without charge or trial, as described in
22 section 2(10).

23 (F) Arbitrary detention.

24 (G) Denial of access to parents or legal
25 counsel during interrogations.

1 (H) Confessions obtained by force or coer-
2 cion.

3 (2) Supporting the seizure, appropriation, or
4 destruction of Palestinian property and forcible
5 transfer of civilians in the Israeli-controlled and oc-
6 cupied West Bank in violation of international hu-
7 manitarian law.

8 (3) Deploying, or supporting the deployment of,
9 personnel, training, services, lethal materials, equip-
10 ment, facilities, logistics, transportation, or any
11 other activity to territory in the occupied West Bank
12 to facilitate or support further unilateral annexation
13 by Israel of such territory in violation of inter-
14 national humanitarian law.

15 (b) CERTIFICATION.—Not later than September 30,
16 2021, and annually thereafter, the Secretary of State shall
17 submit to the Committee on Appropriations and the Com-
18 mittee on Foreign Affairs of the House of Representatives
19 and the Committee on Appropriations and the Committee
20 on Foreign Relations of the Senate one of the following
21 with respect to the preceding fiscal year—

22 (1) a certification that none of the funds obli-
23 gated or expended in the previous fiscal year for as-
24 sistance to the Government of Israel have been used
25 by such Government to support personnel, training,

1 lethal materials, equipment, facilities, logistics,
2 transportation, or any other activity that supports or
3 is associated with any of the activities prohibited
4 under subsection (a); or

5 (2) a certification that funds obligated or ex-
6 pended in the previous fiscal year have supported or
7 been associated with one or more activities prohib-
8 ited under subsection (a), along with a report de-
9 scribing in detail the amount of such funds used by
10 the Government of Israel in violation of such sub-
11 section and each activity supported by such funds.

12 **SEC. 6. OVERSIGHT AND ADDITIONAL REPORTING.**

13 The Secretary of State shall include, in each report
14 required under section 116 of the Foreign Assistance Act
15 of 1961 (22 U.S.C. 2151n)—

16 (1) a description of the nature and extent of de-
17 tention, interrogation, abuse, or ill-treatment of Pal-
18 estinian children by Israeli military forces or police
19 in violation of international humanitarian law;

20 (2) a description of the nature and extent of the
21 seizure, appropriation, or destruction of Palestinian
22 property in the Israeli-controlled and occupied West
23 Bank by Israeli authorities in violation of inter-
24 national humanitarian law; and

1 (3) a description of the nature and extent of
2 Israeli settlement activities, including an assessment
3 of the compliance of the Government of Israel with
4 United Nations Security Council Resolution 2334
5 (2016).

6 **SEC. 7. GAO REPORT ON ISRAEL'S EXPENDITURES FOR**
7 **OFFSHORE PROCUREMENT.**

8 Not later than September 30, 2021, and annually
9 thereafter, the Comptroller General shall prepare and sub-
10 mit to Congress a report that—

11 (1) identifies the specific programs and items
12 funds for offshore procurement in Israel have been
13 allocated to, including specific armed forces
14 branches, units, and contractors;

15 (2) assesses executive branch compliance with
16 legislative requirements governing offshore procure-
17 ments in Israel;

18 (3) identifies, in detail, all end-use monitoring
19 the Government of Israel is subject to with respect
20 to United States-origin defense articles; and

21 (4) analyzes the effects of offshore procure-
22 ments on Israel's military budget and domestic econ-
23 omy since 1991, including an assessment of the
24 manner and extent to which these funds have di-

- 1 rectly or indirectly supported illegal Israeli settle-
- 2 ment activity in the occupied West Bank.