

118TH CONGRESS
1ST SESSION

H. R. 3103

To promote and protect the human rights of Palestinians living under Israeli military occupation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2023

Ms. MCCOLLUM (for herself, Mr. BEYER, Ms. PRESSLEY, Ms. TLAIB, Mr. PAYNE, Mrs. WATSON COLEMAN, Ms. OMAR, Mr. GRIJALVA, Mr. BOWMAN, Mr. POCAN, Ms. BUSH, Ms. JAYAPAL, Mr. GARCÍA of Illinois, Ms. OCASIO-CORTEZ, Ms. LEE of California, Ms. LEE of Pennsylvania, and Mr. EVANS) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To promote and protect the human rights of Palestinians living under Israeli military occupation, 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 “Defending the Human
5 Rights of Palestinian Children and Families Living Under
6 Israeli Military Occupation Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) Approximately 3,100,000 Palestinians live
2 in the West Bank, of which around 42 percent are
3 children under the age of 18 who have lived their en-
4 tire lives under Israeli military control.

5 (2) In the Israeli-occupied West Bank, there
6 are two separate and unequal legal systems, with
7 Israeli military law imposed on Palestinians and
8 Israeli civilian law applied to Israeli settlers.

9 (3) Children are entitled to special protections
10 and due process rights under international human
11 rights law and international humanitarian law.

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

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

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

21 (C) in article 37(c), that “every child de-
22 prived of liberty shall be treated with humanity
23 and respect for the inherent dignity of the
24 human person, and in a manner which takes

1 into account the needs of persons of his or her
2 age”; and

3 (D) in article 37(d), that “[e]very child de-
4 prived of his or her liberty shall have the right
5 to prompt access to legal and other appropriate
6 assistance, as well as the right to challenge the
7 legality of the deprivation of his or her liberty
8 before a court or other competent, independent
9 and impartial authority, and to a prompt deci-
10 sion on any such action”.

11 (5) The Government of Israel and its military
12 detains around 500 to 700 Palestinian children be-
13 tween the ages of 12 and 17 each year and prosec-
14 cutes them before a military court system that
15 lacks basic and fundamental guarantees of due proc-
16 ess in violation of international standards.

17 (6) Israeli security forces detain children under
18 the age of 12 for interrogation for extended periods
19 of time even though the prosecution of children
20 under 12 is prohibited by Israeli military law.

21 (7) Save the Children released a report in 2020
22 based on a survey of more than 470 children de-
23 tained by Israeli forces in the West Bank that found
24 “[a] majority reported they had endured a dis-
25 tressing or violent arrest or detention, in most cases

1 at night; a coercive interrogation environment; phys-
2 ical and emotional abuse in detention; and a denial
3 of essential services including an adequate edu-
4 cation—all of which constitute a breach of their
5 rights enshrined in international.”.

6 (8) The Israeli human rights organization
7 HaMoked: Center for the Defence of the Individual
8 issued a report in October 2020 examining night ar-
9 rests of Palestinian children by Israeli forces in the
10 West Bank finding that Israeli authorities continue
11 “to send soldiers to arrest Palestinian teenage boys
12 at night as a measure of first resort for bringing
13 them in for interrogation. This injurious, traumatic
14 practice leaves the teenagers broken in body and
15 soul, while thwarting the possibility of a fair interro-
16 gation and almost guaranteeing a conviction.” In
17 January 2023, new data compiled by HaMoked
18 showed “show that in 2022, Israel continued and
19 even exacerbated its unlawful practice of night ar-
20 rests of children” concluding that “the majority of
21 these arrests are nothing short of arbitrary ar-
22 rests.”.

23 (9) The Israeli human rights organization
24 B’Tselem issued a report in 2018 describing the
25 treatment of Palestinian children under Israeli mili-

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

19 (10) The 2016 Annual Report on Human
20 Rights Practices of the State Department noted the
21 renewed use of “administrative detention” against
22 Palestinians, including children, a practice in which
23 a detainee may be imprisoned indefinitely, without
24 charge or trial, by the order of a military com-
25 mander or other government official.

1 (11) The nongovernmental organization De-
2 fense for Children International-Palestine (DCIP)
3 documented 60 Palestinian children detained and
4 placed in administrative detention, or detention
5 without charge or trial, since Israel renewed the
6 practice against minors in October 2015.

7 (12) DCIP collected affidavits from 766 West
8 Bank children who were detained by Israeli forces
9 from the West Bank between 2016 and 2022, and
10 concluded that—

11 (A) 75 percent of the children endured
12 physical violence following arrest;

13 (B) under Israeli military law, children do
14 not have the right to a lawyer during interroga-
15 tion;

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

18 (D) 66 percent of the children were not
19 properly informed of their rights by Israeli po-
20 lice;

21 (E) 86 percent of children were not in-
22 formed of the reason for arrest;

23 (F) 59 percent of children were arrested
24 from their homes during nighttime military in-
25 cursions;

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

4 (H) 178 children were held in pre-trial,
5 pre-charge isolation for interrogation purposes
6 for an average period of 16.5 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) Palestinian properties are subject to demo-
22 lition or confiscation as part of Israeli-imposed plan-
23 ning and zoning regimes in Area C and East Jeru-
24 salem and other parts of the West Bank, and sub-
25 ject to punitive demolition following an incident of

1 violence against Israeli military and police forces,
2 settlers, or other civilians.

3 (17) Palestinians are required to obtain Israeli-
4 issued building permits and the lack of permits is
5 typically cited as the reason for demolitions or
6 confiscations, even though, due to the restrictive and
7 discriminatory Israeli planning regime, Palestinians
8 are overwhelmingly denied permits and therefore
9 forced to build without the necessary permits.

10 (18) Between 2016 to 2020, 99.1 percent of the
11 2,550 building permit applications that were sub-
12 mitted by Palestinians in Area C were rejected, with
13 only 24 applications approved.

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

17 (20) Palestinian homes and structures located
18 in Area C and East Jerusalem and other parts of
19 the West Bank are under constant threat of demoli-
20 tion from the moment construction begins and are
21 often demolished with little notice.

22 (21) The United Nations Office for the Coordi-
23 nation for Humanitarian Affairs (OCHA) reported
24 between April 15, 2021, and March 30, 2023, Israeli
25 authorities demolished or seized 1,840 Palestinian

1 structures across the West Bank, including East Je-
2 rusalem, resulting in the displacement of 2,170 peo-
3 ple, including 1,104 Palestinian children.

4 (22) OCHA noted that one of the major trends
5 observed in 2020 was the increased use of military
6 orders and other legislation, preventing or limiting
7 the ability of Palestinians to legally challenge the
8 targeting of their homes and sources of livelihood in
9 Israeli courts.

10 (23) In 2018, Israeli forces issued Military
11 Order 1797 that expedites the demolition of new
12 structures that do not have a permit, authorizing the
13 demolition within 96 hours of delivering a demolition
14 order.

15 (24) OCHA reported in March 2023 that 58
16 schools in the West Bank, which are attended by
17 6,500 children, are subject to demolition orders
18 issued by Israeli authorities.

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

24 (26) Punitive demolitions function as an act of
25 collective punishment against the families of sus-

1 pects or perpetrators and create insecurity in the
2 surrounding communities. Though Israeli authorities
3 maintain that punitive demolitions are a means of
4 achieving security, Israel does not demolish the
5 homes of Israelis who have committed crimes
6 against Palestinians as part of its policy.

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

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

22 (29) Unilateral annexation of any part of the
23 occupied West Bank by the Government of Israel is
24 a flagrant violation of international law and a pro-

1 hibited act of aggression under Article 2(4) of the
2 United Nations Charter.

3 (30) Israel is the largest cumulative recipient of
4 United States foreign assistance since World War II,
5 receiving from the United States \$158,000,000,000
6 (current, or noninflation-adjusted, dollars) in bilat-
7 eral assistance and missile defense funding.

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

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

19 (33) The Consolidated Appropriations Act,
20 2023 (Public Law 117–328), provides Israel with
21 \$3,300,000,000 in Foreign Military Financing
22 (FMF), including \$775,300,000 million designated
23 specifically for procurements in Israel, commonly re-
24 ferred to as “offshore procurements”, and
25 \$500,000,000 in missile defense funding.

1 (34) The sale and export of United States-ori-
2 gin defense articles and defense services to foreign
3 countries are governed by an extensive set of laws,
4 regulations, policies, and procedures, including au-
5 thorizations and reporting requirements in both the
6 National Defense Authorization Acts and in the
7 State Department, Foreign Operations, and Related
8 Programs Appropriations Acts.

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

13 (36) The Arms Export Control Act of 1976 (22
14 U.S.C. 271, et seq.) generally prohibits foreign coun-
15 tries from using funds made available under the Act
16 for procurement outside the United States. However,
17 each year since 1991, varying amounts of FMF
18 grants have been designated for offshore procure-
19 ments in Israel.

20 (37) In 1991, the Government Accountability
21 Office, formerly the General Accounting Office,
22 issued a report to the Committee on Foreign Rela-
23 tions of the Senate examining United States military
24 funding to Israel, which specifically audited Israel's
25 expenditures for offshore procurements and assessed

1 whether the executive branch had complied with leg-
2 islative requirements.

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

4 It is the sense of Congress that—

5 (1) actions by the Government of Israel in the
6 occupied West Bank, including the detention and
7 prosecution of Palestinian children in the Israeli
8 military court system, the seizure, appropriation,
9 and destruction of Palestinian property and forcible
10 transfer of civilians, and further annexation of Pal-
11 estinian land in violation of international law and
12 internationally recognized standards of human
13 rights—

14 (A) are contrary to the values of the Amer-
15 ican people and the efforts of the United States
16 to support self-determination, human rights,
17 and dignity for both Palestinians and Israelis;
18 and

19 (B) undermine efforts by the United
20 States to achieve a just and lasting peace be-
21 tween Israel and the Palestinians;

22 (2) promoting human rights, human dignity,
23 and democratic rights for all Palestinians and
24 Israelis are foreign policy priorities of the United
25 States; and

1 (3) the United States rejects any undemocratic
2 system or act of aggression in which Israel unilaterally
3 exercises permanent rule over a Palestinian people
4 denied self-determination and human rights.

5 **SEC. 4. STATEMENT OF POLICY.**

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

8 (1) the military detention of Palestinian children
9 in violation of international law;

10 (2) the seizure, appropriation, and destruction
11 of Palestinian property or the forcible transfer of civilians
12 in the occupied West Bank in violation of
13 international law; or

14 (3) further annexation of Palestinian land and
15 property in violation of international law.

16 **SEC. 5. LIMITATION ON ASSISTANCE.**

17 (a) PROHIBITION.—Notwithstanding any other provision
18 of law, none of the funds authorized to be appropriated
19 or otherwise made available for assistance to the
20 Government of Israel may be obligated or expended for
21 any of the following:

22 (1) Supporting the military detention, interrogation,
23 abuse, or ill treatment of Palestinian children
24 in violation of international humanitarian law

1 or to support the use against Palestinian children of
2 any of the following practices:

3 (A) Torture or cruel, inhumane, or degrad-
4 ing treatment.

5 (B) Physical violence, including restraint
6 in stress positions.

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

9 (D) Incommunicado detention or solitary
10 confinement.

11 (E) Administrative detention, or imprison-
12 ment without charge or trial, as described in
13 section 2(10).

14 (F) Arbitrary detention.

15 (G) Denial of access to parents or legal
16 counsel during interrogations.

17 (H) Confessions obtained by force or coer-
18 cion.

19 (2) Supporting the seizure, appropriation, or
20 destruction of Palestinian property and forcible
21 transfer of civilians in the Israeli-controlled and oc-
22 cupied West Bank in violation of international hu-
23 manitarian law.

24 (3) Deploying, or supporting the deployment of,
25 personnel, training, services, lethal materials, equip-

1 ment, facilities, logistics, transportation, or any
2 other activity to territory in the occupied West Bank
3 to facilitate or support further unilateral annexation
4 by Israel of such territory in violation of inter-
5 national humanitarian law.

6 (b) CERTIFICATION.—Not later than September 30,
7 2023, and annually thereafter, the Secretary of State shall
8 submit to the Committee on Appropriations and the Com-
9 mittee on Foreign Affairs of the House of Representatives
10 and the Committee on Appropriations and the Committee
11 on Foreign Relations of the Senate one of the following
12 with respect to the preceding fiscal year—

13 (1) a certification that none of the funds obli-
14 gated or expended in the previous fiscal year for as-
15 sistance to the Government of Israel have been used
16 by such Government to support personnel, training,
17 lethal materials, equipment, facilities, logistics,
18 transportation, or any other activity that supports or
19 is associated with any of the activities prohibited
20 under subsection (a); or

21 (2) a certification that funds obligated or ex-
22 pended in the previous fiscal year have supported or
23 been associated with one or more activities prohib-
24 ited under subsection (a), along with a report de-
25 scribing in detail the amount of such funds used by

1 the Government of Israel in violation of such sub-
2 section and each activity supported by such funds.

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

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

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

11 (2) a description of the nature and extent of the
12 seizure, appropriation, or destruction of Palestinian
13 property in the Israeli-controlled and occupied West
14 Bank by Israeli authorities in violation of inter-
15 national humanitarian law; and

16 (3) a description of the nature and extent of
17 Israeli settlement activities, including an assessment
18 of the compliance of the Government of Israel with
19 United Nations Security Council Resolution 2334
20 (2016).

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

23 Not later than September 30, 2023, and annually
24 thereafter, the Comptroller General of the United States
25 shall prepare and submit to Congress a report that—

1 (1) identifies the specific programs and items
2 funds for offshore procurement in Israel have been
3 allocated to, including specific armed forces
4 branches, units, and contractors;

5 (2) assesses executive branch compliance with
6 legislative requirements governing offshore procure-
7 ments in Israel;

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

11 (4) analyzes the effects of offshore procure-
12 ments on Israel's military budget and domestic econ-
13 omy since 1991, including an assessment of the
14 manner and extent to which these funds have di-
15 rectly or indirectly supported illegal Israeli settle-
16 ment activity in the occupied West Bank.

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