

# H.R. 2590

## *The Defending the Human Rights of Palestinian Children and Families Living Under Israeli Military Occupation Act*

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### **SUMMARY**

- H.R. 2590 the “[Defending the Human Rights of Palestinian Children and Families Living Under Israeli Military Occupation Act](#)” was introduced by Rep. Betty McCollum (D-MN-04) on April 15, 2021. It seeks to ensure that no U.S. taxpayer funds are used by the Israeli government for 1) the military detention of Palestinian children; 2) the demolition of Palestinian homes and property; and 3) to further annex Palestinian land in violation of international law.
- The bill states that it is the sense of Congress that these actions undermine efforts to achieve a just and lasting peace for Palestinians and Israelis; that promoting human rights, dignity, and democracy for all Palestinians and Israelis is a foreign policy priority for the U.S., and that the U.S. rejects undemocratic systems and acts of aggression in which Israeli unilaterally exercises permanent rule over Palestinians denied self-determination and human rights. (Sec. 3)
- H.R. 2590 is endorsed by [over 170 civil society organizations](#).

### **SEC. 5**

#### **LIMITATION ON ASSISTANCE**

- The prohibition provided in H.R. 2590 does not cut or reduce the overall amount of security assistance to the Israeli government. Rather, the bill provides much needed end-use restrictions on funds to ensure U.S. security assistance is not used to violate human rights or international humanitarian law.
- **Sec. 5(a) Prohibition:** Specifically, the bill provides that none of the funds authorized to be appropriated or otherwise made available for assistance to the Israeli government may be obligated or expended to any of the following activities in violation of international law:
  - **Sec. 5(a)(1) The military detention, interrogations, abuse, or ill-treatment of Palestinian children in violation of international humanitarian law.**
    - The Israeli military detains around 500 - 700 Palestinian children every year - an estimated 13,000 since 2000. These children are prosecuted in military courts that deny fundamental due process rights and violate international standards for independence and impartiality.
    - Israeli forces arrest children from their homes in the middle of the night, at demonstrations, or near military infrastructures such as checkpoints.
    - Approximately three out of four of these children experience physical violence after arrest which typically consists of being slapped, punched or kicked.

- Children typically arrive at the interrogation bound, blindfolded, frightened, and sleep deprived. The majority of children are interrogated without the presence of a parent or guardian and without a lawyer. Ill-treatment and torture of the children during interrogation can include physical violence including restraint in stress positions; hooding and sensory deprivation; death threats and psychological abuse; solitary confinement; imprisonment without charge or trial. Children often confess after being subjected verbal abuse, threats, physical and psychological violence that in some cases amounts to torture.
- Israel operates two separate legal systems in the same territory. Military law has applied to Palestinians in the West Bank since 1967, when Israel occupied the territory. Jewish settlers, however, who reside in the West Bank in violation of international law, are subject to the Israeli civilian legal framework.
- The systemic, widespread, and institutional ill-treatment of Palestinian children in Israel's military detention system is well-documented by the U.S. State Department; Human Rights Watch; UNICEF; the Palestinian human rights organization, Defense for Children International - Palestine; and Israeli human rights organizations HaMoked: Center for the Defence of the Individual and B'Tselem.
- The ill-treatment of children in Israeli military detention has continued during the COVID-19 pandemic. One recent example includes the arrest of [Amal Nakhleh](#), a 17-year-old with a rare autoimmune disease, from his home around 3:30 a.m. on January 21, 2021. Israeli authorities have issued four administrative detention orders, detaining Amal over a year without charge. Another is Israeli forces' violent arrest of [Mohammad Muneer Mohammad Moqbel](#), 16, on November 29, 2020. Israeli soldiers broke Moqbel's jaw by striking him in the face with a rifle after he was already in Israeli custody.
- **Sec. 5(a)(2) the seizure, appropriation, or destruction of Palestinian property and forcible transfer of civilians in the occupied West Bank in violation of international humanitarian law.**
  - Israel routinely destroys Palestinian homes and structures in the West Bank and East Jerusalem, leaving thousands of Palestinians homeless. It is a violation of international humanitarian law for the occupying power to destroy property in an occupied territory, unless absolutely necessary for military operations. It is very clear that the Israeli government's demolition of Palestinian homes and structures is in order to further appropriate land and expand illegal Israeli settlements.
  - Palestinians living in East Jerusalem and Area C of the West Bank are required to obtain Israeli-issued building permits, which are very rarely granted. Palestinians are then forced to build without permits, and this lack of permits is typically cited as the reason for demolitions or confiscations.
  - Israel's demolition of Palestinian homes and eviction of Palestinian families has become even more severe and dire during the COVID-19 pandemic. During 2021 alone - as the pandemic continued to rage - Israel demolished or seized 902 Palestinian homes or property, the highest annual number recorded since 2016,

according to the UN Office for the Coordination of Humanitarian Affairs (OCHA). These demolitions displaced over 1,200 people, including 650 children.

- Just one current example of Israeli authorities' ongoing systematic and intentional displacement of Palestinians is in the East Jerusalem neighborhood of [Sheikh Jarrah](#). Following a recent Israeli court's ruling in favor of lawsuits undertaken by settler organizations to expel Palestinians from their homes, eighty-seven Palestinian families are facing forced displacement. Their homes will be given to Jewish Israeli settlers. Children make up a large percentage of those threatened with homelessness. Before dawn on January 19, 2022, Israeli police destroyed two homes belonging to the Salahya family in Sheikh Jarrah, leaving 15 people homeless.
- **Sec. 5(a)(3) any further unilateral annexation by the Israeli government in violation of international humanitarian law**
  - Unilateral annexation of any part of the occupied West Bank by Israel is a flagrant violation of international law. Yet, every day, Israel illegally annexes more and more Palestinian land, appropriating Palestinian water and other resources. Annexation has devastating impacts on the Palestinian economy and separates Palestinians from their loved ones. The Jewish-only settlements that the Israeli government is establishing in the occupied West Bank, including East Jerusalem, are illegal and a clear violation of international law.
  - Polls show that American voters not only oppose settlements, but they also support holding Israel accountable for building them. For example, 2019 and 2020 Brookings polls showed that 66% of Democrats back sanctions or stronger measures against Israeli settlements and 81% of Democrats say it's "acceptable" or the "duty" of members of Congress to question the U.S.-Israeli relationship.
  - The Israeli government's aggressive settlement expansion and ongoing annexation of the West Bank are significant and major obstacles to just and lasting peace for Palestinians and Israelis.
- **Sec. 5(b) Certification:** H.R. 2590 establishes annual certification and reporting obligations on the Secretary of State to show that no U.S. funds have been used in the previous year by the Israeli government to support these prohibited activities and also requires oversight reporting describing the nature and extent of the Israeli government's actions on these activities.

## **SEC. 6**

### **OVERSIGHT AND ADDITIONAL REPORTING**

- The Foreign Assistance Act of 1961 22 U.S.C. 2151n requires the Secretary of State to submit an annual human rights report to Congress detailing the status of internationally recognized human rights in all countries that receive U.S. assistance.
- H.R. 2590 would expand the existing reporting requirement under 22 U.S.C. 2151n to include detailed information on human rights violations committed by Israeli authorities concerning the treatment of Palestinian children detained by Israeli forces; the seizure, appropriation and destruction of Palestinian property; and Israeli settlement activity.

## **SEC. 7**

### **GAO REPORT ON ISRAEL'S EXPENDITURES FOR OFFSHORE PROCUREMENT**

- In an effort to increase transparency, H.R. 2590 would require the General Accountability Office to submit an annual report to Congress detailing Israel's expenditures for “offshore procurement”
- The Arms Export Control Act of 1976 (22 U.S.C. 2791, et seq.) generally prohibits foreign countries from using funds made available under the Act for procurement outside the United States. However, each year since 1991, varying amounts of Foreign Military Financing (FMF) grants have been designated for offshore procurements in Israel.
- The Consolidated Appropriations Act, 2021 (Public Law 116–260), allocates \$3,300,000,000 in Foreign Military Financing (FMF) to the Government of Israel. This includes \$795,300,000 million designated specifically for procurements in Israel, commonly referred to as “offshore procurements”.
- Israel is the largest cumulative recipient of United States foreign assistance since World War II, receiving from the United States \$146,000,000,000 (current, or non inflation-adjusted, dollars) in bilateral assistance and military funding.
- In 1991, the Government Accountability Office, formerly the General Accounting Office, issued a report to the Committee on Foreign Relations of the Senate examining United States military funding to Israel, which specifically audited Israel’s expenditures for offshore procurements and assessed whether the executive branch had complied with legislative requirements.