

## **TWO STATE SOLUTION ACT FAILS TO ADVANCE JUSTICE & A RIGHTS-BASED FOREIGN POLICY**

**September 2021**

For decades, the U.S. has financially, diplomatically, and politically supported Israel's human rights violations against the Palestinian people, sending at least \$3.8 billion in funding to arm Israel's military occupation of the Palestinian homeland each year. Last year in a [Letter to Congress](#), Palestinians wrote that Congress must “center those most harmed by violence and oppression—the Palestinian people—and follow their vision for a free, just, and peaceful future for all.”

What Palestinians are asking for is simple: **stop U.S. complicity in Israeli human rights abuses and divest from harm and violence.**

Our values of **equality, freedom, and justice** guide us to rights-based approaches when addressing pressing domestic social justice struggles, and so to should they guide a just foreign policy. As such, **any policy measure must hold Israel accountable for the harm its U.S.-funded military inflicts on Palestinians and meaningfully oppose the separate-and-unequal reality—commonly referred to by Palestinians and human rights advocates as [Israeli apartheid](#).** The Two State Solution Act does not pass these two basic requirements.

**Instead of focusing on human rights and addressing Israeli apartheid, the Two State Solution Act (TSSA) perpetuates the unconditional funding that's at the root of the problem,** by reiterating full implementation of the Memorandum of Understanding between the U.S. and Israel, and continued annual transfer of \$3.8 billion in military funding to Israel.

**Policy mechanisms in the TSSA are not true accountability mechanisms:**

- ❖ **Opposing settlements in words but not actions:** While the TSSA states U.S. opposition to Israeli annexation of Palestinian land, settlement construction, demolitions of Palestinian homes, and forced displacement actions and notes that no U.S. funding should be used towards these ends through amendments to the Foreign Assistance Act (FAA) and the Arms Export Control

Act (AECA), **it includes no oversight or enforcement mechanisms that allow for tracking how U.S. funding is used or that hold Israel accountable for taking the condemned actions.**

- Both the AECA and FAA already have provisions that prohibit U.S. military funding from being used to support gross violations of human rights, and yet those existing elements of U.S. law are not applied to Israel. **This bill does not solve the fundamental issue of Israeli impunity, failing to address Israel's ongoing human rights violations, and effectively repeats past U.S. condemnation of these actions without moving towards accountability.**

❖ **Silence on most human rights violations under Israeli apartheid:** The bill opposes Israeli annexation of Palestinian land, settlement construction, demolitions of Palestinian homes, and forced displacement of Palestinians, but is silent on other Israeli violations of Palestinians human rights. **The bill leaves unaddressed Israeli complicity in:**

- Settler violence
- Arbitrary and extrajudicial executions
- Torture of prisoners
- Restrictions on the rights of movement and speech
- Arbitrary arrest and detention,
- Denial of basic services including water, electricity, and medical care for Palestinians, and more are not addressed within the bill.

❖ **Failing to condemn the most powerful actor & redirecting criticism to the PA:** While the bill fails to address Israel's violations of Palestinian civil and political rights, the bill explicitly condemns the Palestinian Authority (PA)'s violations of those same rights. Palestinian analysts explain [the PA is a subcontractor of Israel's occupation](#), and in this case, a convenient scapegoat to place sanctions and reporting requirements on while neglecting the politically dominant force behind it, the Israeli government.

❖ **Failing to address Israel's blockade on & bombing of the Gaza Strip:** To address Gaza through a two-state framework fails to address issues facing Palestinians there. The Gaza Strip has the highest population density and number of refugees in the world, with 13,000 people per square mile. While the bill's one-pagers and FAQs emphasize Israel's May assault on Gaza as part of the motivating force behind this bill, **the bill's actual text fails to acknowledge Israel's repeated whole scale bombing of Gaza, including critical infrastructure, and the ways in which the blockade makes**

**rebuilding near impossible. What Palestinian state can be built there in these conditions created by Israel?**

- ❖ **Substituting an economic band-aid for recognition of Palestinian rights:** The bill focuses on grant funding to Palestinian civil society, substituting economic development for recognition of the Palestinian people's political rights through support of bills like [The Partnership Fund for Peace Act of 2019](#), a bill that even proponents acknowledged aligned with Trump's harmful Middle East diplomacy.
- ❖ **Repeating harmful status quo policies:** The Two State Solution Act focuses on overturning some Trump era actions by creating a path for the PLO mission to re-open in DC, reinstating settlement goods labeling, and reiterating that settlements are illegal under international law. This simply [returns U.S. policy to its status quo of stating opposition to the Israeli occupation while actively enabling it](#).

**In contrast, H.R. 2590, The Palestinian Children and Families Act, contains real accountability mechanisms for U.S. military funding, directly addressing the U.S. taxpayer dollars that flow to Israel's human rights violations against the Palestinian people:**

- ❖ **The Palestinian Children and Families Act includes accountability mechanisms on U.S. military funding to Israel:** The bill includes end use restrictions to stop the flow of U.S. taxpayer dollars towards many of Israel's human rights violations, specifically military detention of Palestinian children, home demolitions, forced displacement and further annexation. The bill includes detailed accountability mechanisms in the form of reporting requirements on the use of U.S. funding for:
  - **The detention and abuse of Palestinian children by Israeli military forces**
  - **Seizure and destruction of Palestinian property in the West Bank**
  - **Expansions of settlements**
- ❖ **The Palestinian Children and Families Act also backs accountability mechanisms with robust oversight and transparency requirements:** the bill would create greater oversight on the offshore procurement funds received by Israel, which have always been the least transparent part of U.S. military funding to Israel.