

United States Department of State

Washington, D.C. 20520

June 14, 2023

Case No. FL-2022-00043

Morgan Yardis Protect the Public's Trust 712 H Street NE, Suite 1682 Washington, DC 20002

Dear Mr. Yardis:

As we noted in our letter dated May 3, 2023, we are processing your request for material under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. The Department of State ("Department") has identified an additional 10 responsive records subject to the FOIA. We have determined all 10 records may be released in part.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made redactions, the applicable FOIA exemptions are marked on each record. Where applicable, the Department has considered the foreseeable harm standard when reviewing these records and applying FOIA exemptions. All non-exempt material that is reasonably segregable from the exempt material has been released and is enclosed.

We will keep you informed as your case progresses. If you have any questions, your attorney may contact Doug Dreier, Assistant U.S. Attorney, at Douglas.Dreier@usdoj.gov and 202-725-4614. Please refer to the case number, FL-2022-00043, and the civil action number, 22-cv-00105, in all correspondence about this case.

Sincerely,

Diamonece Hickson

Chief, Litigation and Appeals Branch

Office of Information Programs and Services

Enclosures: As stated.

Freedom of Information Act (5 U.S.C. § 552) and Privacy Act (5 U.S.C. § 552a)

FOIA Exemptions

- (b)(1) Information specifically authorized by an executive order to be kept classified in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:
 - 1.4(a) Military plans, systems, or operations
 - 1.4(b) Foreign government information
 - 1.4(c) Intelligence activities, sources or methods, or cryptology
 - 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
 - 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
 - 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
 - 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
 - 1.4(h) Weapons of mass destruction
- (b)(2) Related solely to the internal personnel rules and practices of an agency
- (b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:

ARMSEXP Arms Export Control Act, 50a USC 2411(c)
CIA PERS/ORG Central Intelligence Agency Act of 1949, 50 USC 403(g)
EXPORT CONTROL Export Administration Act of 1979, 50 USC App. Sec. 2411(c)
FS ACT Foreign Service Act of 1980, 22 USC 4004
INA Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f)
IRAN Iran Claims Settlement Act, Public Law 99-99, Sec. 505

- (b)(4) Trade secrets and confidential commercial or financial information
- (b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product
- (b)(6) Personal privacy information
- (b)(7) Law enforcement information whose disclosure would:
 - (A) interfere with enforcement proceedings
 - (B) deprive a person of a fair trial
 - (C) constitute an unwarranted invasion of personal privacy
 - (D) disclose confidential sources
 - (E) disclose investigation techniques
 - (F) endanger life or physical safety of an individual
- (b)(8) Prepared by or for a government agency regulating or supervising financial institutions
- (b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

NR Material not responsive to a FOIA request excised with the agreement of the requester

Privacy Act Exemptions

- (d)(5) Information compiled in reasonable anticipation of a civil action or proceeding
- (j)(1) Information maintained by the CIA
- (j)(2) Enforcement of criminal law, including efforts to prevent, control, or reduce crime or apprehend criminals, except records of arrest
- (k)(1) Classified pursuant to E.O. 13526 in the interest of national defense or foreign policy
- (k)(2) Investigatory material compiled for law enforcement purposes
- (k)(3) Regarding protective services to the President of the United States or other individual pursuant to Title 18, U.S.C., Section 3056
- (k)(4) Required by statute to be maintained and used solely as statistical records
- (k)(5) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence
- (k)(6) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service, the disclosure of which would compromise the testing or examination process
- (k)(7) Evaluation material used to determine potential for promotion in the armed services

FL-2022-00043 A-00000601579 "UNCLASSIFIED" 6/7/2023 Page 1 (b)(6) From: Dstate.gov> D-MR_Clearances < D-MR_Clearances@state.gov>; D/NEA Duty Officer 3 < DDutyOfficer3@state.gov>;

(b)(6) To: @state.gov>; (b)(6) @state.gov>; (b)(6) Dstate.gov> Subject: Urgent for S! 202104_Note to S_Compliance with TFA **Date:** Wed, 7 Apr 2021 17:56:40 +0000 (b)(5)SENSITIVE BUT UNCLASSIFIED (b)(6)Sender: @state.gov>

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D-MR_Clearances <D-MR_Clearances@state.gov>;
D/NEA Duty Officer 3 <DDutyOfficer3@state.gov>;

(b)(6)

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Recipient:

FL-2022-00043 A-00000601579

United States Department of State "UNCLASSIFIED" 677/2023 Page 2

Washington, D.C. 20520

SENSITIVE BUT UNCLASSIFIED

April 7, 2021

☐ Read by

NOTE FOR THE SECRETARY

FROM: NEA – Joey R. Hood, Acting

H – Naz Durakoglu, Acting

SUBJECT: (SBU) Compliance of U.S. Assistance for the Palestinians with the

Taylor Force Act (TFA)

(U) The April 7 announcement of U.S. assistance for the Palestinians includes \$75 million in Economic Support Funds (ESF) and \$10 million in Development Assistance (DA) notified to Congress by the U.S. Agency for International Development (USAID) on March 26th for programs in the West Bank and Gaza, as well as \$150 million in Migration and Refugee Assistance (MRA) for the UN Relief and Works Agency (UNRWA). The ESF and DA funds are currently subject to "holds" by SFRC and HFAC Minority, although we anticipate them being released shortly. We are also resuming security assistance programs for the Palestinian Authority (PA) funded from the International Narcotics Control and Law Enforcement (INCLE) account. This funding is in addition to the \$15 million in humanitarian assistance to address the COVID-19 pandemic and food insecurity announced in March.

(SBU) All U.S. assistance programs are funded consistent with U.S. law. Prior to the congressional notification, the Department and USAID conducted a full analysis to confirm that the planned economic and development assistance does not "directly benefit" the PA or falls within an exception in the TFA. Ranking Member Risch and Ranking Member McCaul have been clear that they will need assurances that the Administration intends to comply with TFA and have asked for more details going forward. Consistent with a report by the Department of State that was transmitted to Congress on May 3, 2018, we take the following criteria into account in assessing whether assistance "directly benefits" the PA in this context:

- The intended primary beneficiary or end user of the assistance.
- Whether the Palestinian Authority is the direct recipient of the assistance.

- Whether the assistance involves the payment of Palestinian Authority creditors.
- The extent of ownership or control the Palestinian Authority exerts over an entity or individual that is the primary beneficiary or end user of the assistance.
- Whether the assistance or services provided directly replace assistance or services provided by the Palestinian Authority.

(SBU) The planned assistance for Palestinians is as follows:

- (SBU) Economic and Development Assistance: \$75 million in FY 2020 ESF, which Congress directed in the explanatory statement accompanying FY 2020 appropriations act for programs in the West Bank and Gaza, will, among other activities, support small and medium enterprises recovering from the effects of COVID-19; provide opportunities for income generation, including in the tourism industry; support needy households to access basic human needs, such as food and clean water; and support Palestinian civil society. USAID has assessed that most of this ESF assistance does not directly benefit the PA. A portion of this funding will support the East Jerusalem Hospital Network (EJHN), which directly benefits the PA, but there is an exception in the TFA for this assistance, demonstrating strong bipartisan support in Congress for the program. ESF assistance for the EJHN is also subject to a further restriction in the annual appropriations act, and USAID plans to rely on an available "notwithstanding" authority to overcome that restriction. \$10 million in FY 2020 DA, which is not subject to the TFA restriction, will be used to implement peacebuilding activities between Israelis and Palestinians.
- (SBU) Security Assistance: \$40 million in prior-year INCLE funding to support strengthening Palestinian Authority security forces capable of, and willing to, partner with Israel to prevent and address regional instability. INCLE funds are not subject to the TFA restriction.
- (U) Humanitarian Assistance to UNRWA: \$150 million in FY 2021 Migration and Refugee Assistance to UNRWA to provide humanitarian assistance to its beneficiaries in Jordan, Lebanon, Syria, and the West Bank and Gaza Strip. This funding includes critical COVID-19 assistance, including healthcare, medicine, PPE, and medical supplies, as well as cash and food assistance to families severely impacted by COVID-19. MRA funds are not subject to the TFA restriction.

Approved: NEA – [Name] [Enter initials of approving principal] H - Naz Durakoglu, Acting and home/cell: (b)(6) NEA/IPA - (b)(6)Drafted: Cleared: NEA/FO: HAmr D: D-MR: P: (b)(6) S/P: (b)(6) C: (b)(6) H: (b)(6) OK L/AN: (b)(6) OK L/LFA: (b)(6) OK OKL/LFA: F: (b)(6) OK OK INT (p)(e)

> PRM: **USAID:**

@state.gov>

From: (b)(6)

To:	Hodges, Christopher W	/ ^{(b)(6)} @state.gov	/>;	
Subject:	Re: USG funding for U			
-	Thu, 17 Dec 2020 18:2			
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From: Hodges, Chris Sent: Thursday, Dec To:[(b)(6)	stopher W < (b)(6) ember 17, 2020 1:26 PN @state.gov>; (l)	0)(6)	at helps.	
Subject: RE: USG fur	nding for UNFCC/UNCCE)/UNCTAD		
Hi (b)(6)				
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Regards, Chris				
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To: Hodges, Christop	pher W ((0)(6) @st nding for UNFCC/UNCCE	ate.gov>; (b)(6)	@state.gov>	
Subject. RE. 030 ful	iding for owree/oweer	JONETAD		
Hi Chris,				
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Best, (b)(6)				
b)(6) Special Assistant				
Office of the Legal A	dviser			
U.S. Department of (b)(6)				
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From: Hodges, Christopher W (b)(6) @state.gov>
Sent: Tuesday, December 15, 2020 4:15 PM
To: (b)(6)
Cc: (b)(6) state.gov>
Subject: Re: USG funding for UNFCC/UNCCD/UNCTAD
I told him I would review and send to you to do the same and then schedule a call, so perhaps
something for end of this week. Appreciate your considered review as soon as you can pull it
together so we can move forward on the scheduling.
Christopher W. Hodges
Deputy Assistant Secretary of State for Israel-Palestinian Affairs and Press and Public Diplomacy
Bureau of Near Eastern Affairs (b)(6)
From: (b)(6) @state.gov>
Sent: Tuesday, December 15, 2020 4:12 PM
To: Hodges, Christopher W ⟨(b)(6) @state.gov⟩
Cc:(b)(6) @state.gov>
Subject: Re: USG funding for UNFCC/UNCCD/UNCTAD
Thanks Chris - we can take a look and share with relevant folks in L. Does this mean that we
should not expect to have a call this week?
(h)/6)
From: Hodges, Christopher W < (b)(6) @state.gov >
Sent: Tuesday, December 15, 2020 4:09 PM
To: (b)(6) @state.gov>
Subject: Fw: USG funding for UNFCC/UNCCD/UNCTAD
Some new docs that the Amb has asked we review before we schedule a call. Look forward to
chatting more tomorrow morning.
Christopher W. Hodges
Deputy Assistant Secretary of State for Israel-Palestinian Affairs and Press and Public Diplomacy
Bureau of Near Eastern Affairs
(b)(6)
Ta yay
From: Friedman, David M < (b)(6) @state.gov>
Sent: Tuesday, December 15, 2020 3:57 PM
To: Hodges, Christopher W < (b)(6) @state.gov>
Subject: Fwd: USG funding for UNFCC/UNCCD/UNCTAD

FL-2022-00043 A-00000601577 "UNCLASSIFIED" 6/7/2023 Page 7

Chris,
(b)(5); (b)(5)
(b)(5); (b)(5)
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From: (b)(6)
Thank you, Ambassador.
(b)(6) we would really appreciate your support for our important effort outlined below.
(b)(5); (b)(5)
(b)(5); (b)(5) The Palestinian
Authority (PA) became members of the UNFCCC in 2016, the UNCCD in 2017, and the UNCTAD in 2018. But contrary to the law, the U.S. has continued to provide funding to them over the years.
The applicable law is Section 410 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236):
The United States shall not make any voluntary or assessed contribution
 (1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood, or (2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood, during any period in which such membership is effective.
(b)(5); (b)(5)

I am attaching four documents that supports our effort:

(b)(5); (b)(5) We would appreciate your support on this and happy to further speak by phone to discuss the policy specifics/answer any questions. Best. David (b)(5); (b)(5) From: (b)(6) @state.gov> Sent: Monday, December 14, 2020 10:21 PM To: Friedman, David M (b)(6) @state.gov>; (b)(6) @state.gov> Subject: RE: USG funding for UNFCC/UNCCD/UNCTAD Than that affects Israel. (b)(6) let me know how to help you. SENSITIVE BUT UNCLASSIFIED From: Friedman, David M ((b)(6) @state.gov> Sent: Monday, December 14, 2020 3:19 PM @state.gov>; (b)(6) To:(b)(6) @state.gov> Subject: Re: USG funding for UNFCC/UNCCD/UNCTAD (b)(5); (b)(5) (b)(5); (b)(5)

FL-2022-00043

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"UNCLASSIFIED"

6/7/2023 Page 8

This is just an effort to enforce existing law that hasn't been taken seriously to date.

Get Outlook for iOS

From: (b)(6)
To: Friedman, David M
Subject: RE: USG funding for UNFCC/UNCCD/UNCTAD
Hi Ambassador! Do these organizations adversely affect Israel? If so, I am totally on it. Thanks.
SENSITIVE BUT UNCLASSIFIED
From: Friedman, David M (b)(6) @state.gov>
Sent: Monday, December 14, 2020 11:38 AM
To: Hodges, Christopher W < (b)(6)
Cc: (b)(6) @state.gov>;(b)(6) @state.gov>
Subject: Re: USG funding for UNFCC/UNCCD/UNCTAD
(b)(5); (b)(5)
(b)(5); (b)(5)
Thanks,
David
Get <u>Outlook for iOS</u>
From: Hodges, Christopher W (b)(6) @state.gov>
Sent: Thursday, December 10, 2020 9:38:22 PM
To: Friedman, David M (b)(6) @state.gov>
Cc: (b)(6) @state.gov >
Subject: USG funding for UNFCC/UNCCD/UNCTAD
Ambassador,
Hope all is well - big news today on the Israel-Morocco normalization.
I wanted to get back to you on behalf of A/S Schenker regarding the question of eliminating
funding for UNFCC, UNCCD and UNCTAD. (b)(5); (b)(5)
(b)(5); (b)(5)

I'd be happy to chat with you or someone from Post together with IO and L colleagues to discuss further a possible path forward. Please let me know your preferences and all the best from Washington -

Regards, Chris	
Christopher W. Hodges Deputy Assistant Secretary of Sta Bureau of Near Eastern Affairs (b)(6)	te for Israel-Palestinian Affairs and Press and Public Diplomacy
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@state.gov>

Sender:

FL-2022-00043 A-00000601577 "UNCLASSIFIED" 6/7/2023 Page 11

Recipient: Hodges, Christopher W (b)(6) Destate.gov>;

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From:		@state.gov>	
To:	(b)(6) @sta	ate.gov>	
Subject:	Re: USG funding for UNFCC/U	NCCD/UNCTAD	
Date:	Tue, 15 Dec 2020 21:19:18 +	0000	
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To: Hodges Cc:(b)(6) Subject: Re Thanks Ch	day, December 15, 2020 4:12 PI , Christopher W (b)(6) @ @state.gov> :: USG funding for UNFCC/UNCC	state.gov> CD/UNCTAD share with releva	ant folks in L. Does this mean that we
From: Hode	ges, Christopher W (b)(6)	@state.gov>	

From: Hodges, Christopher W (b)(6)

Sent: Tuesday, December 15, 2020 4:09 PM

To:(b)(6) @state.gov>
Subject: Fw: USG funding for UNFCC/UNCCD/UNCTAD
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Bureau of Near Eastern Affairs (b)(6)
From: Friedman, David M (b)(6) 2 state.gov>
Sent: Tuesday, December 15, 2020 3:57 PM To: Hodges, Christopher W (b)(6) @state.gov>
To: Hodges, Christopher W ^{(D)(6)} <u>@state.gov</u> > Subject: Fwd: USG funding for UNFCC/UNCCD/UNCTAD
Chris,
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The United States shall not make any voluntary or assessed contribution --

(1) to any affiliated organization of the United Nations which grants full membership as a state to

any arganization or group that does not have the internationally recognized attributes of statehood, or

Nations to any organization or group that does not have the internationally recognized attributes of statehood, during any period in which such membership is effective.
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(0)(0), (0)(0)
We would appreciate your support on this and happy to further speak by phone to discuss the policy
specifics/answer any questions.
Best,
David
(b)(5); (b)(5)
From: Pryor, Pamela D < (b)(6) @state.gov>
Sent: Monday, December 14, 2020 10:21 PM
To: Friedman, David M (b)(6) @state.gov>; (b)(6) @state.gov> Subject: RE: USG funding for UNFCC/UNCCD/UNCTAD
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Than that affects Israel. (b)(6) let me know how to help you.

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From: Friedman, David M (b)(6) @state.gov>
Sent: Monday, December 14, 2020 3:19 PM
To: Pryor, Pamela D (b)(6) ②state.gov>; (b)(6) ②state.gov>
Subject: Re: USG funding for UNFCC/UNCCD/UNCTAD
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(b)(5); (b)(5)
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This is just an effort to enforce existing law that hasn't been taken seriously to date.
Get <u>Outlook for iOS</u>
From: Pryor, Pamela D (b)(6) @state.gov>
Sent: Monday, December 14, 2020 10:00 PM
To: Friedman, David M
Subject: RE: USG funding for UNFCC/UNCCD/UNCTAD
Hi Ambassador! (b)(5); (b)(5) Thanks.
Til Allibassadol : Perenter
SENSITIVE BUT UNCLASSIFIED
From: Friedman, David M (b)(6) @state.gov>
Sent: Monday, December 14, 2020 11:38 AM
To: Hodges, Christopher W (b)(6) @state.gov>
Cc: (b)(6)
Subject: Re: USG funding for UNFCC/UNCCD/UNCTAD
Chris, let's discuss this ASAP. (b)(5); (b)(5)
(b)(5); (b)(5)
(b)(5); (b)(5)
Thanks,
David
Get Outlook for iOS

From: Hodges, Christopher W (b)(6) @state.gov > Sent: Thursday, December 10, 2020 9:38:22 PM To: Friedman, David M (b)(6) @state.gov > Cc: (b)(6) @state.gov >; Pryor, Pamela D (c)(6) @state.gov > Subject: USG funding for UNFCC/UNCCD/UNCTAD
Ambassador,
Hope all is well - big news today on the Israel-Morocco normalization.
(b)(5); (b)(5)
I'd be happy to chat with you or someone from Post together with IO and L colleagues to discuss further a possible path forward. Please let me know your preferences and all the best from Washington -
Regards, Chris
Christopher W. Hodges Deputy Assistant Secretary of State for Israel-Palestinian Affairs and Press and Public Diplamacy Bureau of Near Eastern Affairs (D)(6)
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Sender:	(b)(6)	@state.gov>	
Recipient:	Pierce, Emily R <(b)(6)	@state.gov>	

From:	(b)(6) Distate.gov>
To:	(b)(6) Distate.gov>
	(b)(6) @state.gov> ;
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CC:	(b)(6)
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	(b)(6) @state.gov>;
	OBO-Special Assistants-DL <obo-specialassistants-dl@state.gov>;</obo-specialassistants-dl@state.gov>
	(b)(6) Distate.gov>;
	NEA-IPA-DL <nea-ipa-dl@state.gov></nea-ipa-dl@state.gov>
Subject:	Re: REMINDER: Clearance Requested NLT OOB - TM31 Middle East Peace
Date:	Mon, 15 Feb 2021 22:38:17 +0000
Will dothanks!	
From: (b)(6)	D-4-4
	Pstate.gov>
Sent: Monday, Febr	ary 15, 2021 5:37 PM
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@state.gov> wrote:

Colleagues, one more from me--please clear by OOB tomorrow. Thanks! MIDDLE EAST PEACE PROCESS

Strategy on Middle East Peace

- The U.S. approach is to work towards a more peaceful, secure, and prosperous future
 for the people of the Middle East. As part of this, the Biden-Harris administration will
 seek to advance the possibility of achieving a negotiated two-state solution in which Israel
 lives in peace and security alongside a viable Palestinian state.
- This approach remains the best way to ensure Israel's future as a democratic and Jewish state while enabling the Palestinian people to live with dignity and security in a viable state of their own.

Support for Two-State Solution

- To advance the goal of achieving a negotiated two-state solution, the United States will work closely with Israel, renew our diplomatic ties with the Palestinians, and consult with partners in the region and beyond who have a common interest in supporting efforts to advance lasting peace.
- We will focus our efforts on an affirmative and practical approach that encourages
 constructive, positive steps that help keep the possibility of a negotiated two-state
 solution alive.

Funding for Palestinian Assistance

- President Biden has pledged to resume economic and humanitarian assistance to the Palestinian people, not as a favor but because it is in U.S. interests. This funding serves important purposes, including providing critical relief to those in great need, fostering economic development, and supporting Israeli-Palestinian security coordination.
- Our economic and humanitarian assistance programs improved the lives of millions of Palestinians through support to health, infrastructure and economic development.
- Our security assistance supports Israeli-Palestinian security cooperation and enhances the stability of the West Bank. We look forward to resuming these important programs consistent with requirements under relevant U.S. law, including as it relates to the Palestinian Authority's system of compensation for individuals imprisoned for acts of terrorism.
- In administering aid, the Administration will fully comply with U.S. law, including the Taylor Force Act.

Status of Settlements

• We believe it is critical for Israel and the Palestinian Authority to refrain from unilateral steps that exacerbate tensions and undercut efforts to advance a negotiated two-state solution, such as annexation of territory, settlement activity, demolitions, incitement to violence, and providing compensation for individuals imprisoned for acts of terrorism.

Israel's car	osition is that our embassy will remain in Jerusalem, which we pital.	recogniz
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	ing the U.S. position on the Golan Heights, (b)(5)	
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UNESCO

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Sudan Terrorism Settlement

[Note: Please see Sudan section:

• At the UN, we will continue to uphold President Biden's strong commitment to Israel and its security. This includes opposing efforts to unfairly single out or delegitimize Israel

(b)(5); (b)(5)

through one-sided resolutions, reports, and other actions across the United Nations, including the Security Council, the General Assembly, the Human Rights Council, and other bodies.

"UNCLASSIFIED"

• We will continue to defend Israel against unfair, one-sided actions across the UNsystem. Rather than unfairly singling out Israel, UN member states should play a constructive role in advancing a negotiated peace between Israelis and Palestinians.

UNRWA

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- The critical humanitarian assistance UNRWA provides has only become more important during the global pandemic. Restoring funding to UNRWA is not just the right thing to do; it is also in the interests of peace.
- The United States will reinvigorate U.S. humanitarian leadership and work to galvanize the international community to meet its humanitarian obligations, including to the Palestinian people.

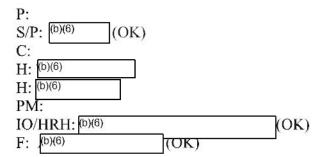
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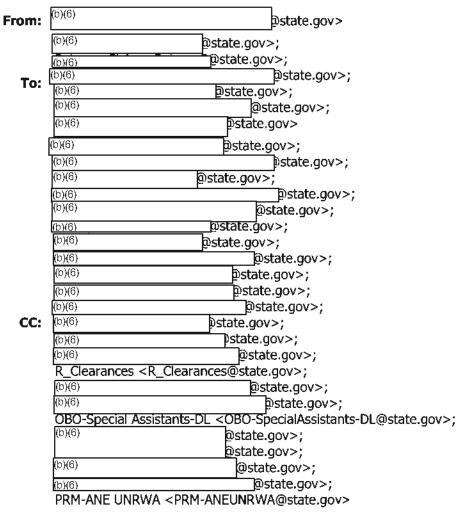
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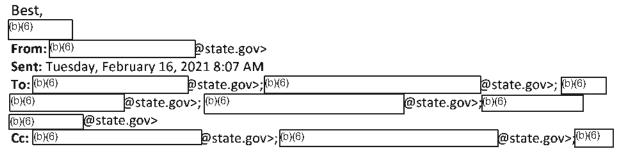


Subject: Re: CLEARANCE REQUESTED NLT OOB Tuesday, February 16- Confirmation

Topline Tasker - TM31 Middle East Peace Process

Date: Tue, 16 Feb 2021 13:44:22 +0000

Aaron--thanks for looping me in, I've suggested some edits here. In particular, we generally avoid referring to "the Palestinian people" because the self-determination issues in this context are complicated. Referring to "the Palestinian people" would signal that Palestinians are in our view a people entitled to exercise the right to self-determination under international law, while referring instead to "Palestinians" avoids implicitly taking a position on the issue. Separately, I've adjusted the reference to "the people of the Middle East" for accuracy.



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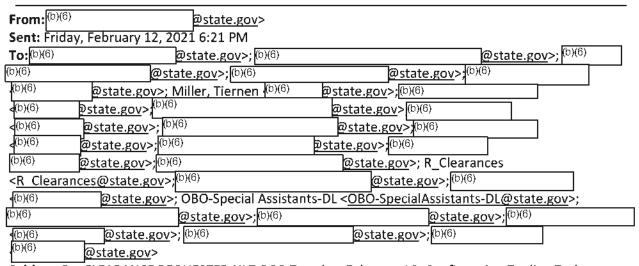
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Foreign Affairs Officer, IO/HRH Bureau of International Organizations Office of (b)(6) while teleworking) (b)(6)	Human Rights & Humanitarian Affairs tate.gov ^{(b)(6)}
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Thanks, one edit & comment for L/AN.

TM31 Middle East Peace Process



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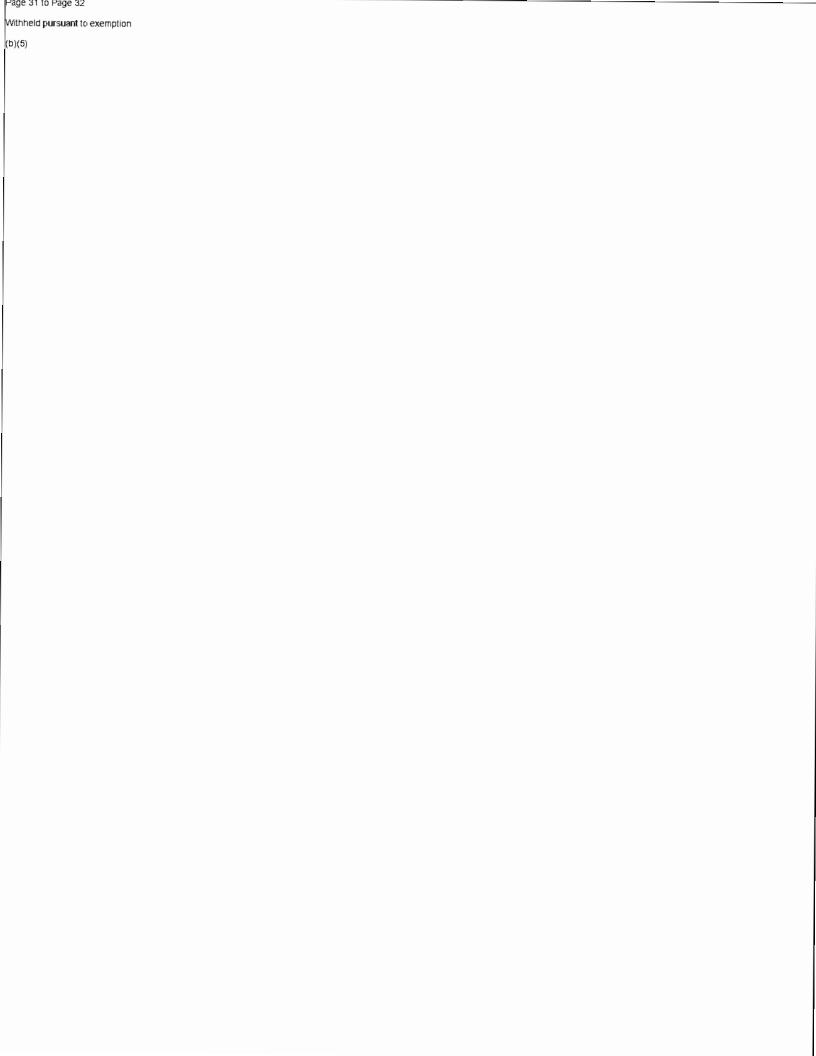
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MIDDLE EAST PEACE PROCESS

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Approved:

Drafted: [Bureau/Office] [Name], ext. 7-1234 and home/cell: ###-####

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Cc: NEA-IPA-ECON < NEA-IPA-ECON@state.gov > Subject: CLEARANCE BY COB: ALDAC on Restart of Assistance to Palestinians	
Importance: High	
Hi all, we will send out the attached (and link below) ALDAC on Wednesday following the announcem	ent.
It's all previously cleared/reviewed language. Welcome your clearance by COB, thanks!	
<u>ALDAC_Restart of Assistance to Palestinians.docx</u>	
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DECL: (Date in MM/DD/YEAR format)

(If SBU, please include the caption SENSITIVE and add classification markings to subject line and beginning of numbered paragraphs below)

ACTION ADDRESSES: [Select precedence as ROUTINE, PRIORITY, or IMMEDIATE] ALDAC, list any posts on minimize that should receive the cable

INFO ADDRESSES: (Do not include AMEMBASSY, USMISSION, AMCONSUL for post names. Delete if not used.)

CAPTIONS: (Add captions such as SENSITIVE if needed)

PASS TO: (Passing instructions are used to specify any special message delivery or passing instructions. Delete if no passing instructions.)

E.O. 13526: Reason(s) 1.4 (justification sections)

TAGS: XX, other appropriate tags

SUBJECT: Restart of Assistance for the Palestinian People

REF (A): [Remove ref lines if not needed] (B):

CLASSIFIED BY: (bureau) (title) (name)

- 1. (SBU) SUMMARY: On April 7, the U.S. government announced that, working with Congress, we will restart U.S. economic, development, humanitarian, and security assistance for the Palestinian people. This support includes \$150 inillion in Migration and Refugee Assistance for the UN Relief and Works Agency (UNRWA) and -\$75 million in Economic Support Funds and \$10 million in Development Assistance through the U.S. Agency for International Development (USAID) for cross border peacebuilding programs. This assistance includes critical support to the East Jerusalem Hospital Network, responsible for providing essential health care access to tens of thousands of Palestinians for necessary and sometimes life-saving medical treatment, including patients diagnosed with COVID-19, and most often for cancer, cardiology, and neonatal intensive care. This funding is in addition to the \$15 million in humanitarian assistance in response to related to COVID and food insecurity-related and emergency food assistance announced in March.
- 2. (SBU) Role of U.S. Foreign Assistance to Support Policy Efforts: The United States is committed to advancing prosperity, security, and freedom for both Palestinians and Israelis, which is important in its own right, but also as a means to advance towards a negotiated two-state solution. The two-state approach remains the best way to ensure Israel's future as a democratic and Jewish state, while enabling the Palestinian people to live with freedom, security, and prosperity in a viable state of their own. Since the signing of the Oslo Accords in 1993, the United States has been the largest benefactor of bilateral assistance to Palestinians in the West Bank and Gaza, providing more than \$6.3 billion. U.S. assistance programs improve the lives of millions of Palestinians by providing immediate relief and advancing development across sectors such as health, infrastructure, economic growth, and

Commented [1]: I'm not familiar with these being the top three categories of referrals, so would end here. Plus, that seems like a lot of language spent talking about EJHN.

- 2 -

civil society. U.S. foreign assistance for the Palestinian people serves important U.S. interests, including providing critical relief to those in great need, fostering economic development, and supporting Israeli-Palestinian understanding, security coordination and stability in a volatile region. This assistance will benefit millions of vulnerable Palestinians and help promote a stable environment that benefits both Palestinians and Israelis. This is not a favor to any party. It is an action that aligns with the values and interests of the United States as well as those of our allies and partners.

- 3. (SBU) On April 7, the Department announced—pending congressional approval—the restart of economic, development, humanitarian, and security, and additional humanitarian assistance for the Palestinian people, as follows:
 - (SBU) Economic and Development Assistance: \$75 million in FY 2020 funds to fund a variety of projects to make safe drinking water more accessible, help Palestinian small businesses get back to work after the COVID-19 crisis, target the hard-hit tourism industry, provide vocational and life skills training for young Palestinians, address the basic needs of vulnerable populations, particularly in Gaza, and support Palestinian civil society's ability to affect change. Additionally, a portion of funding will support the East Jerusalem Hospital Network as it continues to provide necessary and life-saving treatments to Palestinians.support small and medium enterprises' (SMEs) recovery from the effects of the COVID-19 pandemic; and support needy households' to access to meet basic human needs, such as food and clean water, and provide opportunities for income generation. Of this, \$10 million will go to the East Jerusalem Hospital Network, responsible for providing essential health care access to tens of thousands of Palestinians for necessary and sometimes life-saving medical treatment, including patients diagnosed with COVID-19, and most often for cancer, cardiology, and neonatal intensive care. In addition Furthermore, \$10 million in Development Assistance will be to implement eross border peacebuilding activities between Palestinians and Israelis. USAID is the principal U.S. government agency that administers the United States' economic assistance program iu the West Bank and Gaza.
 - (SBU) Non-UNRWA Humanitarian Assistance: On March 256, the United States announced \$15 million in humanitarian assistance—funded with the International Disaster Assistance account—to address the COVID-19 pandemic and food insecurity in the West Bank and Gaza. This includes emergency food assistance for approximately 125,000 vulnerable people, as well as emergency health and water, sanitation, and hygiene assistance for nearly 87,000 people across the West Bank and Gaza.
 - (U) Humanitarian Assistance to UNRWA: \$150 million to UNRWA includes critical COVID-19 assistance to Palestinian refugees in the West Bank, Gaza, Syria, Lebanon, and Jordan, including healthcare, medicine, PPE, and medical supplies, as well as cash and food assistance to families severely impacted by COVID-19. UNRWA provides a lifeline of basic services and emergency relief to millions of Palestinian refugees in Jordan, Lebanon, Syria, the West Bank and particularly Gaza, where UNRWA educates over half a million boys and girls, providing hope and stability in an otherwise volatile situation. The United States is deeply committed to ensuring that our partnership with UNRWA promotes neutrality, accountability, efficiency, and transparency.

<u>CLASSIFICATION</u>

- 3 -

- (SBU) Security Assistance: \$40 million in prior-year funding to support strengthening Palestinian Authority security forces capable of, and willing to, partner with Israel to combat terrorism. U.S. funding will also support the advancement of the rule of law in the West Bank and Gaza Strip for the benefit of all through the development of professional and accountable security and criminal justice institutions which are an essential prerequisite for a viable Palestinian state.
- (SBU)-U.S. agencies are now permitted to consider the inclusion of Palestinians in programming efforts. Given extensive legal prohibitions and requirements to provide assistance for the Palestinians, please be in contact with <u>NEA-IPA-ECON@state.gov</u> prior to development.
- (U) Engaging Foreign Government Officials: Posts may draw from the following points
 with host nation officials on an as needed basis. Press guidance on U.S. support for the
 Palestinian people is available through <u>NEA-PRESS@state.gov</u>.

(U) GENERAL TALKING POINTS

- The United States is restarting aid for the Palestinian people through humanitarian assistance
 to UNRWA, economic and development assistance programs and humanitarian assistance
 through the U.S. Agency for International Development (USAID) as well as and security
 assistance. It is an action that aligns with U.S. values and interests as well as those of our
 allies and partners.
- There is a long history of bipartisan consensus around the value of providing U.S. assistance
 in the West Bank and Gaza; and to the Palestinian refugees in the region. By restarting this
 assistance, the United States is realigning America's actions and assistance with long_
 standing American values.
- By providing critical humanitarian relief, fostering economic development, and supporting Israeli-Palestinian security coordination, we will help millions of vulnerable Palestinians and promote a stable environment that benefits both Palestinians and Israelis.
- U.S. assistance will be provided consistent with U.S. law, including the Taylor Force Act.
- The United States encourages other donors to support programs and activities, to include humanitarian assistance, that work toward a common goal of stability and progress.

(U) ECONOMIC AND DEVELOPMENT ASSISTANCE SPECIFIC POINTS

- Economic assistance programs, primarily implemented through the United States Agency for International Development, improve the lives of millions of ordinary people by providing immediate relief and advancing development across sectors such as health, infrastructure, economic growth, and civil society.
- This \$75 million will focus on economic recovery help small and medium enterprises
 (SMEs) to recover from the effects of the COVID-19 pandemic, meeting some of the most

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urgent basic needs in the West Bank and Gaza, and re-engaging Palestinian civil society-and support needy households' to access to meet basic human needs, such as food and clean water, and provide opportunities for income generation. Of this \$75 million, \$10 million will go to the East Jerusalem Hospital Network, which provides critical, life-saving medical support to tens of thousands Palestinians and Israelis alike.

(IF ASKED, the Nita M. Lowey Middle East Partnership for Peace Act (MEPPA)): USAID, the Development Finance Corporation (DFC), and the State Department are currently developing plans for implementing, and advancing the goals of, the MEPPA. The announcement today does not include MEPPA funding which will be discussed further made available after additional planning is complete.

(U) SECURITY ASSISTANCE SPECIFIC POINTS:

- The U.S. enduring commitment to Israel's security is a cornerstone of U.S. policy in the Middle East and globally. Likewise, the United States is committed to the safety and security of the Palestinian people.
- U.S. security assistance has played a key role in strengthening Palestinian Authority security forces capable of, and willing to, partner with Israel to combat terrorism.
- A key part of our security assistance will be working to advance the rule of law in the West Bank and Gaza Strip for the benefit of all through the development of professional and accountable security and criminal justice institutions that are able to maintain security and stability in the West Bank, uphold the rule of law, and contribute directly to regional security and protect the population. Capable and legitimate security and criminal justice institutions are an essential prerequisite for a viable Palestinian state. The Palestinian people deserve to live in a society that respects their rights.
- Since 2019 the U.S. Security Coordinator (USSC) and his team have remained in place supporting international donor coordination and PA security coordination with Israel.

(U) UNRWA SPECIFIC POINTS:

- President Biden has pledged to restart U.S. economic and humanitarian aid to the Palestinian people. UNRWA's mandate, which is set by the UN General Assembly, is to provide essential services directly to Palestine refugees in the five regions it covers. Consistent with that mandate, UNRWA provides education, health care, housing, and other life-saving services to the most vulnerable. Secretary Blinken has made clear the Biden Administration intends to remain a humanitarian leader across the globe. It is our job as the international community to work towards diplomatic solutions and a final status Israeli-Palestinian agreement that will provide for durable solutions for Palestine refugees so that they can find permanent places of residence and live lives that fully flourish.
- The suspension of this essential aid to the Palestinian people did not produce political
 progress and only harmed innocent Palestinians. It also undermined the credibility of the

Commented [3]: is this a reference to 653a process? because the funding was appropriated already for fy21

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- 5 -

United States as a humanitarian leader and an honest broker in addressing insecurity and instability.

- UNRWA is a vital lifeline to approximately 5.7 million Palestinian refugees across the
 region. UNRWA provides schooling to over 530,000 refugee children, healthcare that
 includes more than 8.4 million annual patient visits, and social safety net support for nearly
 271,000 refugees.
- The United States supports the work of UNRWA, which we believe provides critical services
 that cannot be replicated by other agencies. To that end, we want to ensure that the agency
 has the resources to carry out its critical mandate.
- At the same time, we recognize concerns about UNRWA's operations. As we have made
 clear in other recent cases in which we have re-engaged in the multilateral space, the United
 States needs to be at the table to ensure that the reforms that are important --- and that
 support our values are addressed. This is also true for our engagement with UNRWA.
- The United States is committed to working with UNRWA to improve the agency's
 effectiveness and efficiencies. Along these lines, we plan to work with the agency to develop
 clear, time-bound deliverables for improvements in the areas of management, transparency,
 and accountability.

(U) END TALKING POINTS

9. (U) **POINT OF CONTACT:** Post should contact NEA's Office of Israel and Palestinian Affairs Economic Unit (<u>NEA-IPA-ECON@state.gov</u>) with any questions or concerns.

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The drafter should include a separate page (following the format of the example below) with approval, drafter, and clearance information. The drafter also must include his/her full name, telephone extension, and contact information.

Please refer to the ALDAC cable guidance, but in general all regional bureau EX offices, D, P, and S/P should clear an ALDAC cable.

Approved:	Assistant Secretary	(A/S initials) [Means they cleared]
Drafted:	NEA/IPA – (b)(6)	
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	PM/WRA: (b)(6) NEA/AC: (b)(6)	
	NEA/RMA: (b)(6)	
	DRL/NEA:	

FL-2022-00043 A-00000601569 "UNCLASSIFIED" 6/7/2023 Page 44

@state.gov>

@state.gov>

From:

To:

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(b)(6)

CC:	(b)(6)	@state.gov>; state.gov>	
Subject:	Fw: PSJVTA Notice re Constitutionality		
Date:	Thu, 4 Feb 2021 14:48:55 +00	000	
(1) (a)			
	2-7	ight, sharing a notice from the parties in Sokolow	
	3/27/	ng Security and Justice for Victims of Terrorism	
	3	girisdictional triggers in the Anti-Terrorism	
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drawn into question (b)(5); (b)(5)	on.		
Best,			
(b)(6)			
From: (b)(6)	@state.gov>		
	ebruary 3, 2021 9:43 PM		
To: (b)(6)	@usdoj.		
Cc: (b)(6)		Pusdoj.gov>;(b)(6)	
	.gov>;(b)(6) Notice re Constitutionality	Pstate.gov>	
Subject: Ne. PSJVTA	Notice re Constitutionality		
Klieman brief.		gues who follow these issues and worked on the	
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	03377		
Sent from Worksp.	ace ONE Boxer		
On Fehruary 3, 20	21 at 7:04:49 PM EST, (b)(6)		
	@usdoj.gov> wrote:		
(b)(6)			

We received the attached notice that parties in Sokolow v. PLO have challenged the constitutionality of the Promoting Security and Justice for Victims of Terrorism Act (PSJVTA). The PSJVTA amends the Anti-Terrorism Act of 1992 to set forth specific actions that will constitute consent to personal jurisdiction in ATA civil cases. First, the Act provides that should the PA or PLO pay convicted terrorists or their families after committing terrorist acts against Americans, they will have consented to personal jurisdiction in U.S. courts under the ATA. Second, the Act clarifies that any activity within the United States—with or without a waiverwill subject the PA or PLO to jurisdiction over ATA civil claims, with very narrow exceptions related to the United Nations, meeting with U.S. officials, or activities involving lawsuits.

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I have attached the notice, the statute, and a brief that DOJ submitted in support of a predecessor statute (Anti-terrorism Clarification Act of 2018).

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Deputy Director, Civil Division, Federal Programs Branch, U.S. Department of Justice	
1100 L Street, N.W., Room 11500, Washington, D.C. 20001	
(phone)	
@usdoj.gov	

<2020.11.12 Sokolow Rule 5.1 Notice.pdf>

<2019.03.13 Klieman US Brief.pdf>

<PSJVTA (WL).pdf>

Sender:	(b)(6)	@state.gov>	
Recipient:	(b)(6) (b)(6)	@state.gov>; @state.gov>; state.gov>	

FL-2022-00043 A-00000601572 "UNCLASSIFIED" 6/7/2023 Page 46

From:	(b)(6) @state.gov>	
To:	NEA-Staff-Assistants-DL <nea-staff-assistants-dl@state.gov></nea-staff-assistants-dl@state.gov>	
CC:	(b)(6) @state.gov>; (b)(6) @state.gov>; (b)(6) @state.gov>	
Subject:	FW: onePAPER Package Submission: Compliance with Taylor Force Act	
Date:	Wed, 7 Apr 2021 23:21:50 +0000	

Hi all—it's me again! Just submitted this note in onePaper. It is responsive to an ask from the Secretary to the H A/S at a meeting this morning, hence the urgency. I believe we're ok if this is send this up tomorrow at a relatively early hour. There is much buzz surrounding today's announcement. Thanks much!

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From: NEA-Staff-Assistants-DL@state.gov < NEA-Staff-Assistants-DL@state.gov >

Sent: Wednesday, April 7, 2021 7:19 PM
To (b)(6) @state.gov>

Subject: onePAPER Package Submission: Compliance with Taylor Force Act

Thank you! We've received your package **Compliance with Taylor Force Act**, and will process it shortly. If you have any questions, please contact the Staff Assistants at <u>NEA-Staff-Assistants-DL@state.gov</u>.

You can track the status of your package in <u>NEA onePaper System</u> under the "In Front Office Clearance" section.

Thank you,

The NEA Staff Assistants

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United States Department of State "UNCLASSIFIED" 677/2023 Page 47

Washington, D.C. 20520

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April 7, 2021

☐ Read	by
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NOTE FOR THE SECRETARY

FROM: NEA – Joey R. Hood, Acting

H – Naz Durakoglu, Acting F – Tracy Carson, Acting

SUBJECT: (SBU) Compliance with the Taylor Force Act (TFA)

(U) The April 7 announcement of U.S. assistance for the Palestinian people includes a total of more than \$235 million in new assistance, including \$75 million in Economic Support Funds (ESF) and \$10 million in Development Assistance (DA) notified to Congress by the U.S. Agency for International Development (USAID) on March 26th for programs in the West Bank and Gaza, as well as \$150 million in Migration and Refugee Assistance (MRA) for the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). The ESF and DA funds are currently subject to "holds" by SFRC and HFAC Minority, although we anticipate them being released shortly. Although specific funding was not part of the announcement, we also announced resumption of \$40 million of security assistance programs for the Palestinian Authority (PA) funded from the International Narcotics Control and Law Enforcement (INCLE) account. This funding is in addition to the \$15 million in humanitarian assistance to address the COVID-19 pandemic and food insecurity announced in March.

(SBU) All U.S. assistance programs are funded consistent with U.S. law. The TFA restricts ESF made available for the West Bank and Gaza Strip that directly benefits the PA (with certain exceptions) unless the Secretary of State makes a certification to Congress regarding steps to end the practice of providing payments to individuals, and families of individuals, who committed acts of terrorism. Prior to congressional notification, the Department and USAID conducted a full analysis to confirm that planned economic and development assistance does not "directly benefit" the PA or falls within an exception in the TFA. Ranking Member Risch and Ranking Member McCaul have been clear that they will need assurances that the Administration intends to comply with TFA and have asked for more details going forward. Consistent with a report by the Department of State transmitted to

Congress on May 3, 2018, we take the following criteria into account in assessing whether assistance "directly benefits" the PA in this context: The intended primary beneficiary or end user of the assistance; whether the Palestinian Authority is the direct recipient of the assistance; whether the assistance involves the payment of Palestinian Authority creditors; the extent of ownership or control the Palestinian Authority exerts over an entity or individual that is the primary beneficiary or end user of the assistance; and whether the assistance or services provided directly replace assistance or services provided by the Palestinian Authority.

(SBU) The planned assistance for Palestinians is as follows:

- (SBU) Economic and Development Assistance: \$75 million in FY 2020 ESF, which Congress directed in the explanatory statement accompanying FY 2020 appropriations act for programs in the West Bank and Gaza Strip, will, among other activities, support small and medium enterprises recovering from the effects of COVID-19; provide opportunities for income generation, including in the tourism industry; support needy households to access basic human needs, such as food and clean water; and support Palestinian civil society. These programs are managed by USAID and they have assessed that most of this ESF assistance does not directly benefit the PA. A portion of this funding will support the East Jerusalem Hospital Network (EJHN), which directly benefits the PA, but there is an exception in the TFA for this assistance, demonstrating strong bipartisan support in Congress for the program. ESF assistance for the EJHN is also subject to a further restriction in the annual appropriations act, and USAID plans to rely on an available "notwithstanding" authority to overcome that restriction. \$10 million in FY 2020 DA, which is not subject to the TFA restriction, will be used to implement peacebuilding activities between Israelis and Palestinians.
- (SBU) Security Assistance: \$40 million in FY 2016 INCLE funding to support strengthening Palestinian Authority security forces capable of, and willing to, partner with Israel to prevent and address regional instability. INCLE funds are not subject to the TFA restriction.
- (SBU) Humanitarian Assistance to UNRWA: \$150 million in FY 2021 Migration and Refugee Assistance to UNRWA to provide humanitarian assistance to its beneficiaries in Jordan, Lebanon, Syria, and the West Bank and Gaza Strip. This funding includes critical COVID-19 assistance, including healthcare, medicine, PPE, and medical supplies, as well as cash and food assistance to families severely impacted by COVID-19. MRA funds are not subject to the TFA restriction.

Approved: NEA – [Name] [Enter initials of approving principal]

H – Naz Durakoglu, Acting [ND]

F – Tracy Carson [TMC]

Drafted: NEA/IPA – (b)(6) ext. (b)(6) and home/cell: (b)(6)

Cleared:

NEA/FO: (b)(6)	
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D-MR: (b)(6)	OK
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S/P: (b)(6)	Info by request
C: (b)(6)	Info by request
H: (b)(6)	OK
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L/LFA: (b)(6)	OK
F: (b)(6)	OK
INL: (b)(6)	OK
PRM: (b)(6)	OK
USAID: (b)(6)	OK

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ACTION ADDRESSES: USUN NEW YORK

INFO ADDRESSES: UN SECURITY COUNCIL COLLECTIVE, Embassy

Jerusalem, Embassy Beirut, Embassy Amman, Embassy Cairo

CAPTION: SENSITIVE

TAGS: UNSC, PREL, PUND, KPAL, IL

SUBJECT: Talking Points for the April 22 UN Security Council Open Debate on the Middle East (Israeli-Palestinian Issues)

1. (U) This is an action request. The Department instructs USUN to draw from the talking points in paragraph two for the April 22, 2021, UN Security Council video teleconference Open Debate on the Middle East, which will focus on Israeli-Palestinian issues.

2. (U) Begin points:

- Thank you Special Coordinator Wennesland for your briefing.
- Since his inauguration and before, President Biden has been clear about the
 United States' commitment to a mutually agreed two-state solution, one in
 which Israel lives in peace and security alongside a viable Palestinian state.
 The President also pledged to reengage with the Palestinians and to restore
 U.S. assistance programs that support economic development and
 humanitarian aid for the Palestinian people.
- On March 25 the United States announced \$15 million in humanitarian assistance. Then on April 7, the United States announced the restart of economic, development, and additional humanitarian assistance for the Palestinian people, totaling an additional \$235 million. This includes \$75 million in economic and development assistance and \$10 million for peacebuilding programs in the West Bank and Gaza, through the U.S. Agency for International Development (USAID), and \$150 million in humanitarian assistance for the UN Relief and Works Agency for Palestine Refugees (UNRWA).
- Our economic assistance includes support for small and medium-size enterprises' recovery from the effects of COVID-19, support for needy

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households to access basic human needs, such as food and clean water, and assistance for Palestinian civil society.

- The United States is also resuming support for UNRWA services to ensure humanitarian aid – including critical COVID-19 assistance – reaches Palestinians in Lebanon, Jordan, Syria and the West Bank and Gaza Strip. UNRWA is a lifeline for millions of Palestinians; we are committed to serving as a strong partner to the Agency so that it may provide the most effective and efficient assistance possible.
- We must recognize, however, that the resumption of U.S. contributions is not a silver bullet to the Agency's funding crisis. As this Council knows, global humanitarian needs far exceed available resources. The United States remains the largest single humanitarian donor globally, and we are proud of this. However, burden sharing is not an option, it is a necessity. We call on other partners to step up their funding to the Agency.
- The United States also will re-engage with the Agency, its donors, host countries, and other Member States to address the long-standing challenges that UNRWA has faced over the years. The resumption of U.S. financial support for UNRWA is a first step, not the last, in our engagement with the Agency. As I have said previously, the United States is determined to improve the effectiveness and efficiency of all UN bodies.
- To be very clear, we are committed to working with UNRWA to uphold the agency's neutrality, promote human rights and tolerance, and improve the Agency's effectiveness and financial sustainability. We will work bilaterally with the Agency and multilaterally with partners to improve its transparency, accountability, internal governance and oversight, and sustainability. It is critical that the UN Security Council and other international donors also work with the partners to amplify the efforts toward meaningful reforms and financial sustainability.
- The United States' comprehensive re-engagement with the Palestinians on these fronts – economic, humanitarian, and development – is one part of our strategy to advance prosperity, security, and freedom for both Israelis and Palestinians. This assistance provides critical relief to those in need, fosters economic development, supports Israeli-Palestinian understanding and security coordination, and promotes regional stability. It is also consistent

with U.S. interests and values, as well as those of our regional partners – to include Israel.

- The United States hopes that these positive steps will produce tangible progress towards a negotiated two-state solution, which we believe is the best way to resolve this crisis. We also remind the Palestinian Authority and Israel to refrain from unilateral steps that exacerbate tensions and undercut efforts to advance a negotiated two-state solution, such as annexation of territory, settlement activity, demolitions, incitement to violence, and providing compensation for individuals imprisoned for acts of terrorism.
- With regard to the upcoming Palestinian elections, elections are a matter for the Palestinian people to determine. We note that the United States and other key partners have long been clear about the importance of participants in the democratic process accepting previous agreements, renouncing violence and terrorism, and recognizing Israel's right to exist.
- I would like to note in conclusion, that every month, this Council convenes a meeting on the Middle East. This should be an opportunity to review ongoing or potential threats that extend to the region and beyond. Yet, every month, we focus exclusively on Israeli-Palestinian issues in meetings that have yet to bring the parties closer together. We should be asking these monthly Middle East meetings to address other threats to regional stability. We should discuss the full range of topics not covered in other sessions: Iranian human rights abuses, Iran's destabilizing activities across the region, and the destabilizing activities of groups like Hizballah. The narrow focus on one set of issues only distracts from existing threats to security and limits our effectiveness as a security body.
- Thank you.

Approved:	IO/FO – SBO (b)(6)][]
Drafted:	IO/UNP – (b)(6)	
Cleared:	IO/FO: (b)(6) IO/UNP: (b)(6) IO/UNP: (b)(6) NEA/FO: (b)(6) IO/EDA: (b)(6) IO/HRH: (b)(6) IO/PKO: (b)(6) USUN/W: (b)(6) L/UNA: (b)(6) L/AN: (b)(6) NEA/IPA: (b)(6) NEA/IPA: (b)(6) NEA/IPA: (b)(6) NEA/AC: (b)(6) PRM/ANE: (b)(6) USUN: (b)(6) NSC: (b)(6) NSC: (b)(6)	() () () () (ok) (ok) (ok) (ok) (ok) (ok

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CC:	EB-A-TFS-TFC-ThreatFinanceDesignations < EB-A-TFS-TFC-
	ThreatFinanceDesignations@state.gov>
Subject:	12pm Friday Clearance: License Application for West Bank and Gaza
Date:	Thu, 25 Feb 2021 22:26:35 +0000

Colleagues,

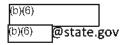
Below is a license application to OFAC seeking authorization to conduct official USG activities in the West Bank and Gaza that might otherwise be prohibited by CT sanctions regulations. Please review and provide edits/clearance by 12pm Friday (2/26). NEA requested this urgently, so we plan to submit to OFAC on Monday morning.

State FPG - License Request for USG Activity in West Bank Gaza - 2.2021.docx

EB and NEA spoke with OFAC today to underscore the need for broad authorization to enable flexible programming as conditions on the ground change and the political environment evolves. For that reason we're not including the typical comprehensive list of activities we want authorized but rather are focusing on the foreign policy objectives and providing illustrative examples of our programming. Program offices should feel free to correct or elaborate on the examples included in this list, but please keep the bullets relatively short and high level.

Let me know if you have any questions.

Thanks,	
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U.S. Departn	nent of State
Bureau of Ed	onomic and Business Affairs (EB)



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	ThreatFinanceDesignations@state.gov>



United States Department of State

"UNCLASSIFIED"

Washington, D.C. 20520

March 1, 2021

TO: **Brad Smith**

Acting Director

Office of Foreign Assets Control Department of the Treasury

FROM: Andrew Weinschenk

Director

Office of Threat Finance Countermeasures

SUBJECT: (SBU) Request for Specific License to Authorize U.S. Government Official

Activity in the West Bank and Gaza

(SBU). The Department of State requests that OFAC issue a specific license authorizing for a period of two years the conduct of the official business of the U.S. government by employees, grantees, or contractors thereof in the West Bank and Gaza that would otherwise be prohibited by the Global Terrorist Sanctions Regulations and the Foreign Terrorist Organization Sanctions Regulations. Such authorization would enable activities, including assistance activities, that are critical to support the Administration's efforts to advance prosperity, security, and freedom for both Israelis and Palestinians and to advance and preserve the prospects of a negotiated solution in which Israel lives in peace and security alongside a viable Palestinian state.

Foreign Policy Objectives

(SBU) Secretary Blinken has stated that this Administration intends to restore assistance to the Palestinian people to advance U.S. interests. U.S. assistance serves important purposes, including supporting Israeli-Palestinian security coordination, providing critical humanitarian relief, and fostering economic development. The United States is committed to advancing prosperity, security, and freedom for both Palestinians and Israelis, which is important in its own right, but also as a means to advance and preserve the prospects of a negotiated two-state solution, in which Israel lives in peace and security alongside a viable Palestinian state. The two-state approach remains the best way to ensure Israel's future as a democratic and Jewish state, while enabling the Palestinian people to live with freedom, security, and prosperity in a viable state of their own. We are working with all parties to advance that goal, and reengaging diplomatically and restarting assistance programs will help support a stable environment that benefits both Palestinians and Israelis.

Assistance to be Provided

(SBU) The Administration seeks to restart economic, humanitarian, and security assistance activities in the West Bank and Gaza that will benefit all Palestinians and address critical issues that further progress toward peace. Our assistance programs improve the lives of millions of Palestinians through support to health, infrastructure, humanitarian relief, and economic development activities. Moreover, our support for the development of the Palestinian economy, civil society, and other private and public institutions helps improve the lives of Palestinians and ensure the viability of a future Palestinian state.

(SBU) Because we are restarting assistance after a multi-year gap, State, USAID, and other U.S. government agencies that may provide assistance or engage in other economic initiatives need maximum flexibility to adjust programming quickly in response to fluid conditions on the ground in the West Bank and Gaza. Below is an illustrative list of assistance activities State and USAID intend to implement in the near term. As we better understand the specific economic, humanitarian, and security needs in the West Bank and Gaza and identify assistance or other economic initiatives that would support our objectives, the programs in our assistance portfolio will likely evolve. We are seeking maximum flexibility under this license to enable U.S. government activities to respond to changing needs as quickly and effectively as possible.

- COVID-19 Rapid Relief (\$15 million): USAID intends to provide emergency, life-saving humanitarian assistance to mitigate the spread and impact of COVID-19 in Gaza.
 This includes efforts to treat the sick, support vaccine rollout, and enable public health responses against a potential re-emergence of the virus. This program could also support the United Nations' World Food Program (WFP) effort to help meet COVID-exacerbated food security needs in Gaza.
- UN Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA)
 (\$100 million): State intends to resume support for UNRWA's activities in the West
 Bank and Gaza. UNRWA provides humanitarian interventions for Palestinian refugees
 such as food, cash-for-work, cash assistance, health and psychosocial support, education,
 water and sanitation, and COVID-19 prevention.
- International Narcotics and Law Enforcement (\$89 million): State intends to support the Palestinian Authority Ministry of Interior's efforts to improve training, civilian security, prosecutions, and corrections.
- Private Sector Growth (\$7 million): USAID intends to provide support to the Palestinian
 private sector by supporting small and medium enterprises (SMEs) in the West Bank and
 Gaza. U.S. assistance will help SMEs regain productivity and expand activities through a
 package of grants, technical assistance, and increased access to finance.

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- Youth Employment and Engagement (\$4 million): USAID intends to support vulnerable
 and marginalized youth in the West Bank and Gaza with programs that provide
 psychosocial support, life skills, and technical training, as well as community
 engagement opportunities that aim to provide an alternative means of empowerment and
 prevent youth from joining extremist organizations.
- Immediate Humanitarian Relief (\$6 million): USAID intends to provide rapid relief to needy households in Gaza with programs that could include short-term employment, grants for income generating projects and small businesses, and food and non-food vouchers.
- Water and Sanitation (WASH) and Water Improvement (\$23 million): USAID intends to
 help marginalized communities in Gaza access clean water and improve hygiene, in
 addition to constructing water storage reservoirs in northern Gaza that will ensure
 sustainable, reliable, and safe drinking water. Some recent studies show only about 10
 percent of available water in Gaza is potable.

Need for an OFAC License

(SBU) Hamas is a Foreign Terrorist Organization (FTO) and Specially Designated Global Terrorist (SDGT). Other terrorist groups are present in the West Bank and Gaza, including Palestinian Islamic Jihad (PIJ), the Palestine Liberation Front (PLF), and the Popular Front for the Liberation of Palestine (PFLP). Due to its overall strength and level of control over Gaza, we assess there is a high risk Hamas could potentially derive indirect, unintentional benefit from U.S. assistance to Gaza. There is less but still some risk U.S. assistance would benefit other designated groups.

(SBU) According to USAID's West Bank and Gaza mission, there have been no known cases of U.S. government or other donor supplies or equipment being stolen or destroyed. In addition, USAID is not aware of any explicit, conscious effort by sanctions groups to seek reputational benefit from U.S. assistance in the West Bank or Gaza. Notwithstanding this risk, State believes it is in our national security interest to provide assistance in the West Bank and Gaza to support the foreign policy objectives outlined above.

Mitigation Measures

(SBU) State and USAID will continue to take appropriate steps to mitigate the risks that U.S. assistance benefits Hamas, PIJ, or any other terrorist organization in the West Bank and Gaza. Risk mitigation measures include counter-terrorism vetting of all partner organizations, as well as requirements for partner organizations to mitigate risk for fraud and diversion. The U.S. government maintains a "no contact" policy with Hamas, and U.S. implementing partners do not engage Hamas on the locations or types of assistance provided, nor on the recipients of U.S.

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assistance. Implementing partners are required to notify State and USAID of developments that have a significant impact on the activities support in any award and the problems, delays, or adverse conditions that materially impair the ability to meet objectives in the award, including attempts by a sanctioned group to control a program's resources or beneficiaries. Further risk mitigation measures could be pursued if and as needed depending on how U.S. activities develop in the coming months and years.

Summary of Request

(SBU) The Department of State requests on foreign policy grounds that OFAC issue a specific license for a period of two years authorizing the conduct of the official business of the U.S. government by employees, grantees, or contractors thereof in the West Bank and Gaza that would otherwise be prohibited by the Global Terrorist Sanctions Regulations and the Foreign Terrorist Organization Sanctions Regulations to support the Administration's foreign policy objectives. We request the license be unclassified so relevant U.S. government agencies can share a copy with partners as necessary.

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