

**Questions for the Record submitted to
Jacob J. Lew, nominee for U.S. Ambassador to Israel
By Senator Bill Hagerty (No. 1- No. 8),
U. S. Senate Committee on Foreign Relations,
October 18, 2023**

Question 1: Although Hamas—a U.S.-designated Foreign Terrorist Organization (FTO)—controls Gaza, the United States has continued to send U.S. foreign assistance to Gaza. For each of the following appropriations laws, I request the Department of State and United States Agency for International Development (USAID) to provide the total amount awarded—directly or indirectly—to any entity in Gaza, including whether the entity in Gaza was a recipient or sub recipient:

- Amounts provided by Titles III, IV, V, and VI of Division F of Public Law 116-6,
- Amounts provided by Titles III, IV, V, and VI of Division G of Public Law 116-94,
- Amounts provided by Titles III, IV, V, and VI of Division K of Public Law 116-260,
- Amounts provided by Titles III, IV, V, and VI of Division K of Public Law 117-103, and
- Amounts provided by Titles III, IV, V, and VI of Division K of Public Law 117-328.

Answer 1:

I note that your request for data is correctly directed to the State Department and USAID, and I have to defer to them in this regard, since I am not currently an official of either.

If confirmed, I would emphasize, in the strongest terms possible, the distinction between the people in Gaza and the oppressive terrorist

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organization Hamas that exercises de facto control in Gaza. Hamas not only perpetrates violence against Israelis but also against the Palestinians who live in the territory under its de facto control. The United States supports the people in Gaza through programs in areas such as wastewater management, economic development, and the strengthening of civil society.

The United States provides assistance through trusted partners including UN agencies, international NGOs, and humanitarian organizations. I agree it is imperative for the United States to take steps to ensure that no money or material assistance ends up in the hands of Hamas or any other terrorist group in Gaza or the West Bank and if I am confirmed, as ambassador I will do all I can to contribute to that result. All assistance must be provided consistent with U.S. law. U.S. support to UNRWA, which directly supports Palestinians in Gaza as well as in the broader region, since 2021 has totaled more than \$1 billion. If confirmed, I will ensure the U.S. government continues its close oversight of UNRWA.

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Question 2:

For each award provided—directly or indirectly—to an entity in Gaza, including whether the entity in Gaza was a recipient or sub recipient, under the appropriation laws described in question (1), I request the Department of State and USAID to provide:

- the total amount awarded,
- the source of the appropriation,
- whether the amount has been obligated, and
- what amounts remain unexpended.

Answer 2:

While I understand your interest, as a nominee I am not in a position to act on behalf of the State Department with regard to its records. I take my responsibilities with respect to Congressional oversight seriously and if confirmed, I look forward working with you to respond to your concerns.

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Question 3:

Do you, if confirmed, commit to advocating for a policy in which the Biden Administration would de-fund the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) until and unless UNRWA passes regular independent audits verifying that no anti-Semitism is taught in UNRWA schools?

Answer 3:

I condemn antisemitism and incitement to violence and terrorism in any form. It is my understanding that UN agencies, including UNRWA, do not develop their own curriculum, but use the curriculum of host authorities. When concepts contrary to UN principles are identified, UNRWA provides instructions and supplementary materials to address the issue with its staff. I understand the United States also funds peace and tolerance education curriculum in UNRWA schools, programs that would not exist absent U.S. assistance. If confirmed, I will emphasize the importance of a policy that follows humanitarian principles, including neutrality, with UNRWA.

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Question 4:

Do you, if confirmed, commit to supporting a policy to defund UNRWA unless its mandate is changed to integrating populations in the country in which they live, transitioning responsibility for those who cannot be integrated to other agencies who serve refugees, and terminating the organization within five years?

Answer 4:

I believe eliminating funding for UNRWA would be harmful for the innocent people that live in Gaza, Israel and the broader region as well as U.S. security interests. UNRWA's mandate was and is set by the UN General Assembly and provides essential services directly to Palestinian refugees in its five fields, including stabilizing education, medical care, and other services. If the United States abandons UNRWA, it will create a vacuum that Hamas or other malign actors would fill. This would leave the region less secure threatening the security of both Israel and the United States.

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Question 5:

Given that the top responsibility of an Ambassador is to ensure the safety and security of those living under your Chief of Mission authority, will you, if confirmed, commit to advocating that official U.S. policy make any aid to the Palestinian territories contingent on certification that the Palestinian Authority has discontinued the “Pay to Slay” program?

Answer 5:

To me, the Palestinian practice of prisoner and “martyr” payments is abhorrent. I know this Administration continues to be absolutely committed to working to end the practice of Palestinian prisoner and “martyr” payments in a manner that addresses longstanding U.S. and international concerns. If confirmed, I can assure you that I would share that commitment and vigorously support adherence to the provisions of the Taylor Force Act and seek to build on the important work done thus far.

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Question 6:

After President Donald J. Trump fully implemented the Jerusalem Embassy Act of 1995 (Public Law 104–45)—including by formally recognizing Jerusalem as the capital of the State of Israel on December 6, 2017, and by relocating and opening the U.S. Embassy to Israel in Israel’s capital city of Jerusalem on May 14, 2018—his Administration also closed the U.S. Consulate General for the Palestinians and merged this Consulate General’s functions into Embassy Jerusalem under the U.S. Ambassador to Israel’s Chief of Mission authority. Do you agree that opening/reopening a U.S. consulate for the Palestinians in Jerusalem—in particular, after the fact of U.S. recognition of Jerusalem as Israel’s capital on December 6, 2017—would constitute a diminution of U.S. recognition of Jerusalem as Israel’s capital?

Answer 6:

I understand the Administration recognizes that Jerusalem is central to the national visions of both Israelis and Palestinians. The United States recognizes Jerusalem as the capital of Israel. Jerusalem itself is a final status issue to be resolved through direct negotiations between Israel and the Palestinians. I understand the Administration is committed, as am I, to keeping the U.S. Embassy in Jerusalem. Reopening the Consulate General in Jerusalem would not change U.S. recognition of Jerusalem as Israel’s capital

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or the location of the U.S. Embassy to Israel. If confirmed, I will handle all issues related to Jerusalem with the care and sensitivity that they deserve.

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Question 7:

Do you also agree that opening/reopening a U.S. consulate for the Palestinians in Jerusalem—in particular, after the fact of U.S. recognition of Jerusalem as Israel’s capital on December 6, 2017—would constitute a diminution of Israeli sovereignty? Please begin your answer with a yes or no.

Answer 7:

No. I understand the Administration recognizes that Jerusalem is central to the national visions of both Israelis and Palestinians. The United States recognizes Jerusalem as the capital of Israel. Jerusalem itself is a final status issue to be resolved through direct negotiations between Israel and the Palestinians. I understand the Administration is committed, as am I, to keeping the U.S. Embassy in Jerusalem. Should the Consulate General in Jerusalem be one day reopened, it would not change U.S. recognition of Jerusalem as Israel’s capital or the location of the U.S. Embassy to Israel. If confirmed, I will handle all issues related to Jerusalem with the care and sensitivity that they deserve.

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Question 8:

Do you agree that the United States should neither open nor reopen a U.S. consulate for the Palestinians in Jerusalem if the Government of Israel continues to oppose it? Please begin your response with a yes or no.

Answer 8:

The opening of a U.S. consular post is always the subject of discussion between the United States and the host country government. I understand the Administration recognizes that Jerusalem is central to the national visions of both Israelis and Palestinians. The United States recognizes Jerusalem as the capital of Israel. Jerusalem itself is a final status issue to be resolved through direct negotiations between Israel and the Palestinians. I understand the Administration is committed, as am I, to keeping the U.S. Embassy in Jerusalem. Reopening the Consulate General in Jerusalem would not change U.S. recognition of Jerusalem as Israel's capital or the location of the U.S. Embassy to Israel. If confirmed, I will handle all issues related to Jerusalem with the care and sensitivity that they deserve.