



**United States Department of State**

***Washington, D.C. 20520***

May 31, 2022

Case No. FL-2022-00031

Reed Rubinstein  
America First Legal Foundation  
600 14<sup>th</sup> Street NW, 5<sup>th</sup> Floor  
Washington, D.C. 20005

Dear Mr. Rubinstein:

As we noted in our letter dated April 28, 2022, we are processing your request for material under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. The Department of State has processed more than 300 pages of potentially responsive material since its last release and has identified an additional 8 responsive records subject to the FOIA. We have determined that all eight 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. 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 Stephen DeGenaro, Assistant U.S. Attorney, at [Stephen.DeGenaro@usdoj.gov](mailto:Stephen.DeGenaro@usdoj.gov) and/or (202) 252-7229. Please refer to the case number, FL-2022-00031, and the civil action number, 21-cv-02832, in all correspondence about this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Diamonece Hickson", with a large, stylized initial "D" and "H".

Diamonece Hickson  
Acting Chief, Litigation and Appeals Branch  
Office of Information Programs and Services

Enclosures: As stated.

## **The Freedom of Information Act (5 USC 552)**

### **FOIA Exemptions**

- (b)(1) Information specifically authorized by an executive order to be kept secret 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

**Report to Congress on Steps Taken by the Palestinian Authority to  
Counter Incitement to Violence against Israelis and to  
Promote Peace and Coexistence with Israel**

(b)(5)

Withheld pursuant to exemption

(b)(5)

**Report to Congress on Steps Taken by the Palestinian Authority to  
Counter Incitement to Violence against Israelis and to  
Promote Peace and Coexistence with Israel**

(b)(5)

Withheld pursuant to exemption

(b)(5)

Withheld pursuant to exemption

(b)(5); (b)(6)

<b>From:</b>	(b)(6)@state.gov>
<b>To:</b>	Friedman, David M (b)(6)@state.gov>
<b>Subject:</b>	Regarding your questions on PLOCCA
<b>Date:</b>	Wed, 25 Mar 2020 19:11:08 +0000

Amb. Friedman,

This PLOCCA reporting requirement requires the President to report to Congress on compliance by the PLO or the Palestinian Authority with each of the following commitments found in Sections 602, 603, and 604 of the Foreign Relations Authorization Act, FY 2003 ("the Act") (Public Law 107-228):

*"(A) Recognition of the right of the State of Israel to exist in peace and security.*

*(B) Acceptance of United Nations Security Council Resolutions 242 and 338.*

*(C) Resolution of all outstanding issues in the conflict between the two sides through negotiations and exclusively peaceful means.*

*(D) Renunciation of the use of terrorism and all other acts of violence and responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators."*

These commitments are also listed word for word in quotes under **"II. Determinations as to Palestinian Compliance with their Commitments Required by Section 603 of the Act"** on p. 2 and 3 the PLOCCA report that we sent to you. And right after each one is a sentence or two whether or not the PLO or PA has been in compliant with each of them.

Then in summary of **Section 604 of the Act**, if the President has determined the PLO or PA has not complied with each of the commitments above or if the President fails to make a determination with respect to such compliance, the President shall for certain period of time as described in statute impose one or more of the following sanctions:

*"(1) DENIAL OF VISAS TO PLO AND PALESTINIAN AUTHORITY OFFICIALS.—The Secretary shall direct consular officers not to issue a visa to any member of the PLO or any official of the Palestinian Authority.*

*(2) DOWNGRADE IN STATUS OF PLO OFFICE IN THE UNITED STATES.—Notwithstanding any other provision of law, the President shall withdraw or terminate any waiver by the President of the requirements of section 1003 of the Foreign Relations Authorization Act of 1988 and 1989 (22 U.S.C. 5202) (prohibiting the establishment or maintenance of a Palestinian information office in the United States), and such section shall apply so as to prohibit the operation of a PLO or Palestinian Authority office in the United States from carrying out any function other than those functions carried out by the Palestinian information office in existence prior to the Oslo Accords.*

*(3) DESIGNATION AS A FOREIGN TERRORIST ORGANIZATION.—The Secretary shall designate the PLO, or one or more of its constituent groups (including Fatah and Tanzim) or groups operating as arms of the Palestinian Authority (including Force 17), as a foreign terrorist organization, in accordance with section 219(a) of the Immigration and Nationality Act.*

*(4) PROHIBITION ON UNITED STATES ASSISTANCE TO THE WEST BANK AND GAZA.—United States assistance (except humanitarian assistance) may not be provided to programs or projects in the West Bank or Gaza."*

(b)(5)



(b)(5)

Best

(b)(6)

Special Assistant to U.S. Ambassador to Israel David Friedman  
U.S Embassy in Jerusalem, Israel

(b)(6)

**Sender:** (b)(6)@state.gov>

**Recipient:** Friedman, David M (b)(6)@state.gov>

<b>From:</b>	(b)(6)@state.gov>
<b>To:</b>	(b)(6)@state.gov>; (b)(6)@state.gov>
<b>Subject:</b>	Re: PLOCCA/MEPCA?
<b>Date:</b>	Mon, 22 Jul 2019 13:19:34 +0000

Hi (b)(6) - it's due to NEA/FO at the end of August and I'm the POC. (b)(5)

(b)(5) Let me know if you have July/Aug leave

planned that I should work around!

Sent from my BlackBerry 10 smartphone.

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**From:** (b)(6)  
**Sent:** Monday, July 22, 2019 9:13 AM  
**To:** (b)(6)  
**Subject:** PLOCCA/MEPCA?

(b)(6) —are we coming up on the next PLOCCA/MEPCA report? Just wanted to check when it is due, as I know some folks are leaving IPA in the near future ☺

(b)(6)  
Attorney-Adviser  
U.S. Department of State  
Office of the Legal Adviser, L/AN  
2201 C Street, N.W., Room 4811  
Washington, D.C. 20520  
(b)(6)  
(b)(6)@state.gov

CAUTION: Information contained in this message may be protected by the attorney/client, attorney work product, deliberative process or other privileges. Do not disseminate further without approval from the Office of the Legal Adviser.

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

**From:** (b)(6)@state.gov>  
**To:** (b)(6)@state.gov>;  
NEA-RMA-CONGRESSIONAL-DL <NEA-RMA-CONGRESSIONAL-DL@state.gov>  
(b)(6)@state.gov>;  
**CC:** (b)(6)@state.gov>;  
(b)(6)@state.gov>;  
(b)(6)@state.gov>  
**Subject:** RE: PLOCCA/MEPCA transmitted to the Hill?  
**Date:** Fri, 11 Oct 2019 17:51:17 +0000

H (b)(6)

The PLOCCA/MEPCA report was sent to Congress on Oct 4 (b)(6)

Thanks,

(b)(6)

(b)(6)

Congressional Affairs  
Regional and Multilateral Affairs Office  
Near Eastern Affairs Bureau

(b)(6)

SENSITIVE BUT UNCLASSIFIED

**From:** (b)(6)  
**Sent:** Friday, October 11, 2019 11:35 AM  
**To:** NEA-RMA-CONGRESSIONAL-DL <NEA-RMA-CONGRESSIONAL-DL@state.gov>  
**Cc:** (b)(6)@state.gov>; (b)(6)@state.gov> (b)(6)  
(b)(6)@state.gov> (b)(6)@state.gov>  
**Subject:** PLOCCA/MEPCA transmitted to the Hill?

(b)(6)

Could you please confirm that the PLOCCA/MEPCA (approved by D in early October) has actually been transmitted to the Hill? Please let us know the date of the transmission, as (b)(6) will have to make note of that date in the next package, six months from now.

Thanks,

(b)(6)

SENSITIVE BUT UNCLASSIFIED

**Sender:** (b)(6)@state.gov>  
(b)(6)@state.gov>;  
NEA-RMA-CONGRESSIONAL-DL <NEA-RMA-CONGRESSIONAL-DL@state.gov>;  
**Recipient:** (b)(6)@state.gov>;  
(b)(6)@state.gov>;  
(b)(6)@state.gov>

(b)(6)

@state.gov>

**From:** (b)(6)@state.gov>  
**To:** (b)(6)@state.gov>;  
(b)(6)@state.gov>  
**CC:** (b)(6)@state.gov>;  
(b)(6)@state.gov>  
**Subject:** RE: Incitement Report  
**Date:** Fri, 27 Mar 2020 16:01:16 +0000

So helpful, thank you all! Were there any edits to the AM?

---

**From:** (b)(6)@state.gov>  
**Sent:** Friday, March 27, 2020 11:58 AM  
**To:** (b)(6)@state.gov>; (b)(6)@state.gov>  
**Cc:** (b)(6)@state.gov>; (b)(6)@state.gov>  
**Subject:** Incitement Report

---

**From:** Shrier, Jonathan (b)(6)@state.gov>  
**Sent:** Friday, March 27, 2020 9:14 AM  
**To:** (b)(6)@state.gov>  
**Cc:** (b)(6)@state.gov>; (b)(6)@state.gov>; Embassy  
Jerusalem SA <EmbassyJerusalemSA@state.gov>; (b)(6)@state.gov>;  
(b)(6)@state.gov>; (b)(6)@state.gov>; (b)(6)  
(b)(6)@state.gov>; (b)(6)@state.gov>  
**Subject:** FW: DMF - FOR APPROVAL: Congressionally Mandated Report on Palestinian  
Incitement/Counter-Incitement

(b)(6) The Ambassador approves the incitement report, with edits attached.

Thanks,  
JLS

SENSITIVE BUT UNCLASSIFIED

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**From:** Shrier, Jonathan  
**Sent:** Wednesday, March 25, 2020 6:19 PM  
**To:** Friedman, David N (b)(6)@state.gov>  
**Cc:** (b)(6)@state.gov>; (b)(6)@state.gov>; (b)(6)  
(b)(6)@state.gov>; (b)(6)@state.gov>  
**Subject:** RE: DMF - FOR APPROVAL: Congressionally Mandated Report on Palestinian  
Incitement/Counter-Incitement

Mr. Ambassador: Attached for your approval is a second Congressionally mandated report, this one on  
Palestinian incitement to terrorism and efforts to counter incitement. Several of us, including (b)(6)

(b)(6) have reviewed it thoroughly. It is also ready for your clearance to send back to the State Department, this week if possible. Please let us know if you have changes or questions.

Jonathan

---

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**From:** (b)(6)@state.gov>  
**Sent:** Wednesday, March 25, 2020 3:56 PM  
**To:** Shrier, Jonathan (b)(6)@state.gov>  
**Cc:** (b)(6)@state.gov>; Embassy Jerusalem SA  
<EmbassyJerusalemSA@state.gov>  
**Subject:** FW: Two Congressional Reports for FO Clearance

Hi Jonathan,

You now have for review both PLOCCA and the final (I am promised now truly final) Incitement Report. I am also told (b)(6) has reached out with a keen interest in getting PLOCCA back to DC asap, so that one is the clear priority. My light, non-substantive touch-ups in the attached.

As far as flow, I defer to you on whether you would like to share these with Ambassador Friedman for approval or route back through (b)(6) and I, after you review.

Thank you,

(b)(6)

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SENSITIVE BUT UNCLASSIFIED

**From:** (b)(6)@state.gov>  
**Sent:** Tuesday, March 24, 2020 4:17 PM  
**To:** Shrier, Jonathan (b)(6)@state.gov>  
**Cc:** Embassy Jerusalem SA <EmbassyJerusalemSA@state.gov> (b)(6)  
(b)(6)@state.gov> (b)(6)@state.gov>  
**Subject:** Re: Two Congressional Reports for FO Clearance

Ok, I figured out how to send these together. Incitement Report + PLOCCA now attached with very light edits.

Thank you for your review.

(b)(6)

---

**From:** (b)(6)@state.gov>

**Sent:** Monday, March 23, 2020 3:52 AM

**To:** (b)(6)@state.gov>; Embassy Jerusalem SA

<EmbassyJerusalemSA@state.gov>

**Cc:** (b)(6)@state.gov> (b)(6)@state.gov> (b)(6)

(b)(6)@state.gov>

**Subject:** Two Congressional Reports for FO Clearance

(b)(6)

Hope it's going well over there in Tel Aviv. We have two reports heading to the Desk for your clearance that we'd love to pass back their way by the end of the week. The first is the semi-annual PLOCCA report (attached). The second is the annual incitement report (also attached). We've cleared through PAU here and they're Palestinian-focused, so don't think we need an EBO clearance apart from the Front Office team there. (b)(6) cc'd) did yeoman's work pulling together a lot of the examples, so if you have any questions on the reports, just let us know.

Many thanks and all the best,

(b)(6)

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

<b>From:</b>	(b)(6)@state.gov>
<b>To:</b>	(b)(6)@state.gov>
<b>Subject:</b>	RE: PLOCCA/MEPCA
<b>Date:</b>	Wed, 5 May 2021 14:43:47 +0000

No problem, thanks! (b)(6)

---

**From:** (b)(6)@state.gov>  
**Sent:** Wednesday, May 5, 2021 10:42 AM  
**To:** (b)(6)@state.gov>  
**Subject:** Re: PLOCCA/MEPCA

Sorry. Will draft and send tomorrow.

Get [Outlook for iOS](#)

---

**From:** (b)(6)@state.gov>  
**Sent:** Wednesday, May 5, 2021 5:10:43 PM  
**To:** (b)(6)@state.gov>  
**Subject:** RE: PLOCCA/MEPCA

Thanks again (b)(6) By any chance do you have an executive summary of the report?

---

**From:** (b)(6)@state.gov>  
**Sent:** Monday, May 3, 2021 10:04 AM  
**To:** (b)(6)@state.gov>  
**Subject:** RE: PLOCCA/MEPCA

Hi (b)(6)

Here is the cleared PLOCCA report. See question for (b)(6) on final page. If he has no updates, it's fine to delete the comments.

Thanks and let me know if any questions.

---

**From:** (b)(6)@state.gov>  
**Sent:** Tuesday, April 20, 2021 4:17 PM  
**To:** (b)(6)@state.gov>  
**Subject:** RE: PLOCCA/MEPCA

Thanks!

---

**From:** (b)(6)@state.gov>  
**Sent:** Tuesday, April 20, 2021 7:58 AM



To: (b)(6)@state.gov>

Subject: RE: PLOCCA/MEPCA

Thanks (b)(6) just sent it up to front office for clearance. Hope it won't be more than a day or two.

---

From: (b)(6)@state.gov>

Sent: Friday, April 16, 2021 8:41 PM

To: (b)(6)@state.gov>

Subject: PLOCCA/MEPCA

Hi (b)(6)

It was great speaking to you the other day.

Just checking if you can provide me with the status of the PLOCCA/MEPCA report. I was just pinged by RMA.

Best,

(b)(6)

(b)(6)

Political Officer

Office of Israel and Palestinian Affairs (NEA/IPA)

Bureau of Near East Affairs

Washington, D.C.

Cell: (b)(6)

(b)(6)@state.gov

**Sender:** (b)(6)@state.gov>

**Recipient:** (b)(6)@state.gov>

**From:** (b)(6)@state.gov>  
**To:** (b)(6)@state.gov>  
**Subject:** RE: PLOCCA report update / PSJVTA  
**Date:** Thu, 1 Apr 2021 15:08:49 +0000

(b)(5)

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**From:** (b)(6)@state.gov>  
**Sent:** Thursday, April 1, 2021 3:31 PM  
**To:** (b)(6)@state.gov>  
**Subject:** RE: PLOCCA report update / PSJVTA

Thank (b)(6)

(b)(5)

Best,

(b)(6)

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**From:** (b)(6)@state.gov>  
**Sent:** Thursday, April 1, 2021 8:17 AM

**To:** (b)(6)@state.gov>

**Subject:** PLOCCA report update / PSJVTA

Hello (b)(6)

(b)(6) suggested I get an update from you on PSJVTA for the PLOCCA report. (b)(5)

(b)(5)

(b)(5) Thank you very much.

(b)(6) / Palestinian Affairs Unit / U.S. Department of State, Jerusalem / tel &  
WhatsApp (b)(6)@state.gov

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**Sender:** (b)(6)@state.gov>

**Recipient:** (b)(6)@state.gov>