



March 24, 2022

Office of Information Programs and Services (IPS)  
A/GIS/IPS/RL  
U.S. Department of State, State Annex 2 (SA-2)  
515 22nd Street, NW  
Washington, DC 20522-8100  
Telephone: (202) 261-8484  
Facsimile: (202) 261-8579

**RE: FOIA Request Regarding Biden Administration Funding Efforts to Delegitimize Israel**

To Whom It May Concern:

This letter is a request ("Request") in accordance with the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the corresponding department/agency implementing regulations. The Request is made by the American Center for Law and Justice ("ACLJ")<sup>1</sup> on behalf of its members.

To summarize, this Request seeks records pertaining to the U.S. Department of State's knowledge and efforts surrounding the breaking story that current Biden Administration government officials are funding international efforts to delegitimize Israel.

### **Background**

Pursuant to State Department FOIA regulation 22 C.F.R. § 171.4(b), this Background addresses "the subject, timeframe, names of any individuals involved, a contract number (if applicable), and reasons why the requester believes the Department may have records on the subject of the request." 22 C.F.R. § 171.4(b).

According to a recent exclusive report by *the Washington Free Beacon*:

The Biden administration is offering nearly \$1 million for groups to investigate alleged human rights abuses in Israel, the West Bank, and the Gaza Strip, an effort

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<sup>1</sup>The ACLJ is a not-for-profit 501(c)(3) organization dedicated to the defense of constitutional liberties secured by law. The ACLJ regularly monitors governmental activity and works to inform the public of such affairs. The ACLJ and its global affiliated organizations are committed to ensuring governmental accountability and the ongoing viability of freedom and liberty in the United States and around the world.



that will delegitimize Israel, according to sources who spoke to the Washington Free Beacon.<sup>2</sup>

Further:

The State Department's Bureau of Democracy, Human Rights, and Labor (DRL) is soliciting nonprofit groups to apply for grant money up to \$987,654 to “strengthen accountability and human rights in Israel and the West Bank and Gaza,” according to a grant notice first posted online in mid-February.

Groups applying for the grant money will investigate alleged crimes inside Israel and these territories and “collect, archive, and maintain human rights documentation to support justice and accountability and civil society-led advocacy efforts, which may include documentation of legal or security sector violations and housing, land, and property rights,” according to the State Department.

Israel's defenders on Capitol Hill expressed outrage over the program and said the Biden administration is helping fund international efforts to delegitimize Israel and boost the anti-Semitic Boycott, Divestment, and Sanctions movement. The grant is also fueling concerns about the Biden administration's relationship with Israel and its hiring of officials who have been critical of the Jewish state.

“This is disgraceful,” Sen. Ted Cruz (R., Texas) told the Free Beacon. “The Biden administration wants to use American taxpayer money to subsidize the international NGO campaign to demonize and isolate Israel, which then serves as a basis for anti-Semitic efforts to boycott and wage economic warfare against Israeli Jews. Congress did not appropriate funds for this purpose and has repeatedly condemned such campaigns.”

The State Department, Cruz said, “should immediately cancel this program and investigate how it was approved.”<sup>3</sup>

The grant notice provides:

Program activities should focus on enabling independent civil society in Israel and the West Bank and Gaza to: collect, archive, and maintain human rights documentation to support justice and accountability and civil society-led advocacy efforts, which may include documentation of legal or security sector violations and housing, land, and property rights; understand and access the forums and processes

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<sup>2</sup> Adam Kredo, *How the Biden Administration Is Funding the Effort To Delegitimize Israel*, WASH. FREE BEACON (Mar. 10, 2022), <https://freebeacon.com/biden-administration/how-the-biden-administration-is-funding-effort-to-delegitimize-israel/>.

<sup>3</sup> *Id.*

available to take meaningful action in pursuing truth, accountability, and memorialization; *and/or provide psychosocial support to survivors of atrocities.*<sup>4</sup>

The State Department's grant notice provides the following details:

United States Department of State  
Bureau of Democracy, Human Rights and Labor (DRL)  
Notice of Funding Opportunity (NOFO): DRL Strengthening Human Rights and Accountability in Israel and the West Bank and Gaza

This is the announcement of funding opportunity number SFOP0008613

Catalog of Federal Domestic Assistance Number: 19.345

Type of Solicitation: Open Competition

Application Deadline: 11:59 PM EST on WEDNESDAY, APRIL 13, 2022

Total Funding Floor: \$493,827

Total Funding Ceiling: \$987,654

Anticipated Number of Awards: 1 – 2

Type of Award: Grant or Cooperative Agreement

Period of Performance: 18 – 36 months

Anticipated Time to Award, Pending Availability of Funds: 5 – 7 months<sup>5</sup>

### **Records Requested**

For purposes of this Request, the term “record” means “any information” that qualifies under 5 U.S.C. § 552(f), and includes, but is not limited to, the original or any full, complete and unedited copy of any log, chart, list, memorandum, note, correspondence, writing of any kind, policy, procedure, guideline, agenda, handout, report, transcript, set of minutes or notes, video, photo, audio recordings, or other material. The term “record” also includes, but is not limited to, all relevant information created, stored, received or delivered in any electronic or digital format, e.g., electronic mail, instant messaging or Facebook Messenger, iMessage, text messages or any other means of communication, and any information generated, sent, received, reviewed, stored or located on a government *or private* account or server, consistent with the holdings of *Competitive*

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<sup>4</sup> U.S. State Dep't, “DRL Strengthening Human Rights and Accountability in Israel and the West Bank and Gaza,” available at: <https://www.state.gov/drl-strengthening-human-rights-and-accountability-in-israel-and-the-west-bank-and-gaza/> (emphasis added).

<sup>5</sup> *Id.*

*Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145 (D.C. Cir. 2016) (rejecting agency argument that emails on private email account were not under agency control, and holding, “If a department head can deprive the citizens of their right to know what his department is up to by the simple expedient of maintaining his departmental emails on an account in another domain, that purpose is hardly served.”).

For purposes of this Request, the term “briefing” includes, but is not limited to, any in-person meeting, teleconference, electronic communication, or other means of gathering or communicating by which information was conveyed to one or more person.

For purposes of this Request, the term “DOS official” includes, but is not limited to, any person who is (1) employed by or on behalf of the DOS, any Mission of the United States, or any Delegation of the United States, in any capacity; (2) contracted for services by or on behalf of the DOS, any Mission of the United States, or any Delegation of the United States, in any capacity; (3) appointed by the President of the United States to serve in any capacity at or within the DOS, any Mission of the United States, or any Delegation of the United States; or (4) any such person’s staff, agent or employee; all without regard to the component, bureau, or office in which that person serves.

All requests seek records which include, but are not limited to, any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS electronic mail or message accounts, non-DOS electronic mail or message accounts, personal electronic mail or message accounts, DOS servers, non-DOS servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

For purposes of this Request, all sources, documents, letters, reports, briefings, articles and press releases cited in this Request are incorporated by reference as if fully set forth herein.

**For purposes of this Request, and unless otherwise indicated, the timeframe of records requested herein is January 20, 2021, to the date this request is processed.**

Pursuant to FOIA, 5 U.S.C. § 552 *et seq.*, ACLJ hereby requests that the DOS produce the following:

1. All records, communications between any DOS official within the Secretary’s Office (S), the Deputy Secretary’s Office (D), the Chief of Staff’s Office (COS), or the Bureau of Democracy, Human Rights, and Labor (DRL), on one hand, and Sarah Margon, who has been nominated to head the Bureau of Democracy, Human Rights, and Labor (DRL), on the other hand, regarding the grant notice described above.
2. All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any DOS official within the Secretary’s Office (S), the Deputy Secretary’s Office (D), the Chief of Staff’s Office (COS), or the Bureau of

**Democracy, Human Rights, and Labor (DRL), involving or regarding Sarah Margon, who has been nominated to head the Bureau of Democracy, Human Rights, and Labor (DRL), regarding the grant notice described above.**

**3 All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any DOS official within the Secretary's Office (S), the Deputy Secretary's Office (D), the Chief of Staff's Office (COS), or the Bureau of Democracy, Human Rights, and Labor (DRL), involving or regarding the grant notice described above.**

**4. All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any DOS official within the Bureau of Near Eastern Affairs (NEA), involving or regarding analyzing or approving the grant notice described above.**

**5. All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any DOS official within the Bureau of Democracy, Human Rights, and Labor (DRL), involving or regarding who first proposed the grant notice described above to the State Department and/or where the content of the grant notice was first obtained by or developed within the State Department.**

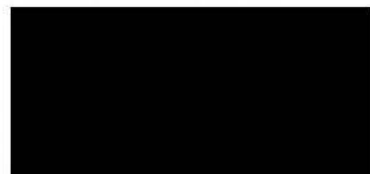
**6. All communications or records transmitted between any DOS official or employee within the Secretary's Office (S), the Deputy Secretary's Office (D), the Chief of Staff's Office (COS), and the Bureau of Democracy, Human Rights, and Labor (DRL), regarding the grant notice described above and/or the content, substance, or goals outlined in the grant notice described above.**

### CONCLUSION

If this Request is denied in whole or in part, the ACLJ requests that, within the time requirements imposed by FOIA, you support all denials by reference to specific FOIA exemptions and provide any judicially required explanatory information, including but not limited to, a *Vaughn* Index.

Thank you for your prompt consideration of this Request. Please furnish all applicable records and direct any responses to:

Jordan Sekulow, Executive Director  
Benjamin P. Sisney, Senior Litigation Counsel  
John A. Monaghan, Senior Litigation Counsel  
American Center for Law and Justice

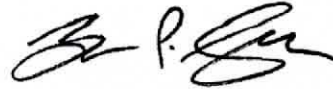


I affirm that the foregoing request and attached documentation are true and correct to the best of my knowledge and belief.

Respectfully submitted,



Jordan Sekulow  
Executive Director



Benjamin P. Sisney  
Senior Litigation Counsel



John A Monaghan  
Senior Litigation Counsel