



**VIA EMAIL AND OVERNIGHT DELIVERY**

August 11, 2021

Diana R. Shaw, Acting Inspector General  
Office of the Inspector General, U.S. Department of State  
SA-39  
1700 North Moore Street  
Arlington, VA 22209  
[publicaffairs@stateoig.gov](mailto:publicaffairs@stateoig.gov)

**Re: Request for Investigation Regarding the Alleged Submission of a  
False Section 804 Report to Congress**

Dear Ms. Shaw:

America First Legal Foundation (“AFL”) is a national, nonprofit organization, working to promote the rule of law in the United States, prevent executive overreach, ensure due process and equal protection for all Americans, and promote knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. Our mission includes promoting government transparency and accountability by gathering official information, analyzing it, and disseminating it through reports, press releases, and/or other media, including social media platforms, all to educate the public. Whether the President and the agencies he directs, including the U.S. Department of State (the “Department”), respect the Constitution and faithfully execute the laws passed by the Congress is a core AFL concern.

The PLO Commitments Compliance Act of 1989, Title VIII of Public Law 101-246 (1990) directs the President to report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate if the Palestine Liberation Organization and the Palestinian Authority (collectively the “PLO”), and all “constituent groups related thereto” have, *inter alia*, ceased supporting terrorism and recognized Israel's right to exist, specifically including actions or statements contending the declared “Palestinian state” encompasses all of Israel; repudiated the “strategy of stages” whereby it seeks to use a state in the West Bank and Gaza as the first step in the total elimination of the state of Israel; called on any Arab state to recognize and enter direct negotiations with Israel or end its economic boycott of Israel; or threatened Palestinians who oppose violence against Israel. See PLO Commitments Compliance Act §§ 804(b)(1), (4), (5), and (8).

Subsequently, the PLO Compliance Report provision of Public Law 107-115 (2002), § 566, directed the President:

[T]o submit a report to the Congress assessing the steps that the Palestine Liberation Organization (PLO), or the Palestinian Authority, as appropriate, has taken to comply with its 1993 commitments to renounce the use of terrorism and all other acts of violence and to assume responsibility over all PLO or Palestinian Authority elements and personnel in order to assure their compliance, prevent violations, and discipline violators, including the arrest and prosecution of individuals involved in acts of terror and violence. The President should determine, based on such assessment, whether the PLO or the Palestinian Authority, as appropriate, has substantially complied with such commitments. If the President determines based on the assessment that such compliance has not occurred, then the President should, for a period of time of not less than six months, impose... sanctions...

Public Law 107-115 § 566(a). Congress required the President to “update the report submitted pursuant to subsection (a)” of this section in the report regularly “required under [§ 804 of] the PLO Commitments Compliance Act of 1989 (title VIII of Public Law 101-246).” *Id.* at § 566(c). Historically, the Department has prepared and submitted the required report to Congress on the President’s behalf.

According to a news report sourced from Congressional staff interviews and a review of relevant documents, the Department’s most recent Section 804 report (upon information and belief submitted by Naz Durakoglu, Acting Assistant Secretary of State in the Bureau of Legislative Affairs) unlawfully conceals multiple material derogatory facts regarding the Palestinian Authority’s ongoing economic, political, and ideological support for terrorism; economic warfare against Israel; and opposition to regional peace. Apparently, the Department had previously reported these derogatory facts to Congress, most recently in October, 2020.<sup>1</sup> It seems these derogatory facts were deleted, expunged, and concealed not because circumstances on the ground had changed, but rather because officials in the Department’s Bureau of Near East Affairs and in the Biden White House decided to cover them up, at least in part to facilitate the planned transfer of hundreds of millions of U.S. taxpayer dollars to the Palestinian Authority in potential violation of U.S. law.

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<sup>1</sup>See Adam Kredo, *Biden Admin Deletes References to Palestinian Terror Incitement From Congressional Report; State Dept silent on removing references to malign Palestinian behavior in congressionally mandated report*, Free Beacon (July 6, 2021) <https://freebeacon.com/biden-administration/biden-admin-deletes-references-to-palestinian-terror-incitement-from-congressional-report/>; see also Sen. James E. Risch, Ranking Member, Senate Foreign Relations Committee, *Letter to the Hon. Joseph R. Biden regarding Palestinian Authority/PLO support for terrorism* (June 9, 2021) [https://www.foreign.senate.gov/imo/media/doc/plo\\_letter\\_to\\_potus.pdf](https://www.foreign.senate.gov/imo/media/doc/plo_letter_to_potus.pdf).

These allegations, if proven, establish a clear violation of Title VIII of Public Law 101-246 and § 566 of Public Law 107-115. Also, the knowing and willful concealment, cover up, and/or omission of material facts in a statutorily mandated report to Congress may have other significant consequences. As you know, 18 U.S.C. § 1001(a) states:

Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both.

Section 1001(c)(a)(1), in turn, provides in relevant part that “With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to...a document required by law, rule, or regulation to be submitted to the Congress.” The report mandated by Title VIII of Public Law 101-246, including the additional information specified by § 566 of Public Law 107-115, is obviously a “document required by law...to be submitted to the Congress”.

Accordingly, if the reported allegations regarding the Biden Administration’s Section 804 report to Congress are true, then violations of Title VIII of Public Law 101-246, § 566 of Public Law 107-115, and 18 U.S.C. § 1001(a) may have occurred.<sup>2</sup> Therefore, I write to request your office immediately open an investigation of the Acting Assistant Secretary of State in the Bureau of Legislative Affairs and of the political and career officials in the Department’s Bureau of Near Eastern Affairs responsible for the Biden Administration’s decision to conceal and cover up material derogatory facts regarding the Palestine Liberation Organization and the Palestinian Authority from the Congress.

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<sup>2</sup>18 U.S.C. § 1001 is often referred to as a false statement statute, but its scope includes falsifying, concealing, or covering up. See generally U.S. Dep’t of Justice, *Criminal Resource Manual* § 914 <https://www.justice.gov/archives/jm/criminal-resource-manual-914-concealment-failure-disclose>. The statute covers half-truths if there is a duty to speak the truth. See generally *United States v. Lutwak*, 195 F.2d 748 (7th Cir. 1948), *aff’d*, 344 U.S. 604 (1953). Concealment and cover-up are essentially identical concepts.

Please contact me at [reed.rubinstein@aflegal.org](mailto:reed.rubinstein@aflegal.org) if you have any questions or if I may be of further assistance. Thank you in advance for your attention to this important matter.

Sincerely yours,

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Reed D. Rubinstein  
Senior Counselor and Director of Oversight  
and Investigations  
America First Legal Foundation

Cc: The Hon. Rep. Nancy Pelosi, Speaker of the House (via email)  
The Hon. Sen. Bob Menendez, Chairman, Senate Foreign Relations Committee  
(via email)  
The Hon. Sen. James E. Risch, Ranking Member, Senate Foreign Relations  
Committee (via email)