



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

March 11, 2021

Submitted via FOIA.gov

FOIA Officer
Department of the Treasury
1500 Pennsylvania Ave., N.W.
Washington, DC 20220

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and United States Department of the Treasury (“Treasury”) regulations.

First, CREW requests any and all records or communications from December 20, 2017 to the present related to the blocked property and interests in property of Daniel Gertler or any designated persons or entities listed in Appendix A, including any reports of blocked property, reports releasing property from blocked status, or reports required to be submitted to the Office of Foreign Assets Control (“OFAC”) for activities undertaken pursuant to License No. GLOMAG-2021-371648, which was issued to Arnold & Porter Kaye Scholer LLP, on January 15, 2021, by OFAC Director Andrea Gacki.

Second, CREW requests any and all records and communications related to the designations of Daniel Gertler and the designated persons and entities listed in Appendix A, including any designation packages, whether classified or unclassified, prepared in support of their designations.

This request covers any and all records or internal and external communications, as well as interagency communications and communications with the White House, including any individual with an *.eop.gov email address, from January 20, 2017 to the present, sent or received by or copying, Treasury Secretary Steven Mnuchin; Counselor to the Secretary Adam Lerrick; Deputy Secretary Justin Muzinich; General Counsel Brian Callanan; Under Secretary of the Treasury for Terrorism and Financial Intelligence Sigal Mandelker; OFAC Director Andrea Gacki; OFAC Deputy Director Bradley Smith; OFAC Associate Director for Sanctions Policy & Implementation Lisa M. Palluconi; OFAC Associate Director for Global Targeting; OFAC Assistant Director for Sanctions Compliance & Evaluation; OFAC Assistant Director for Licensing; and OFAC Chief Counsel.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

In February 2021, the Washington Post reported that former Treasury Secretary Steven Mnuchin is planning to start an investment fund, primarily raising money from sovereign wealth funds in the Persian Gulf region and other investors.¹ The fund would primarily focus on financial technology and entertainment. According to the Post, "United Arab Emirates, Kuwait, Qatar and Saudi Arabia control some of the region's largest investment funds."²

Throughout his time in the Trump administration, Secretary Mnuchin frequently traveled to the Middle East, though often to reinforce the Treasury Department's mandate to combat terrorism financing abroad. Secretary Mnuchin's decision to potentially rely on countries that received favorable policies and outcomes from the Trump administration may prove to be beneficial to Secretary Mnuchin, further raising the question as to whether even the prospect of future business interests might have impacted decision-making, even if there were no specific plans in place.³ In fact, Secretary Mnuchin was in the Middle East and Africa as recently as early January, visiting Sudan, Egypt, Israel, the United Arab

¹ Jeff Stein and Yeganeh Torbati, [Trump's former treasury secretary expected to launch investment fund, seeking backing of Persian Gulf state funds](https://www.washingtonpost.com/business/2021/02/23/mnuchin-investment-fund-gulf/), *Washington Post*, Feb. 23, 2021, <https://www.washingtonpost.com/business/2021/02/23/mnuchin-investment-fund-gulf/>

² *Id.*

³ *Id.*

Emirates, Saudi Arabia and Qatar for a trip planned since early December.⁴ He had planned to visit Kuwait as well, but the trip was cut short due to the attack at the U.S. Capitol.

As news about Secretary Mnuchin's investment fund was breaking, the New York Times reported that with days left in the Trump administration, OFAC lifted the economic and financial sanctions imposed on Israeli billionaire Dan Gertler.⁵ The United States had placed stiff sanctions on Gertler in 2017 in response to his corrupt dealings in the Democratic Republic of Congo. The sanctions were devastating, effectively cutting off Gertler's access to the international banking system and freezing money he held in U.S. banks.

Gertler spent the next four years repeatedly lobbying the Trump administration to lift the sanctions. By hiring lobbyists and lawyers like Alan Dershowitz who were closely associated with President Trump and using his high-powered connections, Gertler attempted to use their influence to get his sanctions lifted. Finally, in January 2021, he proposed that in exchange for having the sanctions lifted, "he would agree to have outside monitors track his business and submit regular reports on his financial transactions."⁶ Secretary Mnuchin agreed to these terms. In the one year arrangement, Gertler was granted access to money frozen in U.S. banks, allowing him once again to do business with financial institutions worldwide.

The decision to grant Gertler much of what he wanted came without warning, any sort of public announcement, and according to the New York Times, "stunned and angered American diplomats in Washington and Africa and government officials and human rights activists in the Democratic Republic of Congo."⁷ According to reports, the U.S. ambassador to Congo was, "at first so confused at the news...that he called officials in Washington to figure out if a mistake had been made," and reportedly told his colleagues that this decision "made [his] job much tougher."⁸

The article further disclosed that the "outcome was also distinguished by the secrecy of the process, which cut out the American diplomats most directly responsible for dealing with Congo and fighting corruption in Africa and appeared to have been handled largely at the level of Mr. Mnuchin and Secretary of State Mike Pompeo. The decision became public only after Mr. Trump had left office."⁹ The Treasury Department justified its decision to grant Gertler the special license in part because there was a "national security interest" for the United States due to his business dealings in Africa.¹⁰ Officials reportedly expressed

⁴ Saleha Mohsin, Mnuchin Plans Early Return to U.S. From Middle East Trip, *Bloomberg News*, Jan. 9, 2021, <https://www.bloomberg.com/news/articles/2021-01-09/mnuchin-will-return-to-u-s-this-weekend-person-familiar-says>

⁵ Eric Lipton, Tough Sanctions. Then a Mysterious Last-Minute Turnabout, *New York Times*, Feb. 21, 2021, <https://www.nytimes.com/2021/02/21/us/politics/dan-gertler-sanctions.html?searchResultPosition=3>

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

their skepticism that Gertler provided enough security value to outweigh the “human, economic and moral damage contained in the allegations against him” and remained uncertain as to “how the balance could have shifted since sanctions were imposed in 2017.”¹¹

On March 8, 2021, under the Biden administration, the Treasury Department, in consultation with the State Department, revoked the license issued to Gertler on January 15, 2021. In a joint statement, the agencies rebuked the previous administration’s decision to grant Gertler this license, citing it was “inconsistent with America’s strong foreign policy interests in combating corruption around the world, specifically including U.S. efforts to counter corruption and promote stability in the Democratic Republic of the Congo (“DRC”).”¹² The departments cited Gertler’s history in engaging in “extensive public corruption” and reaffirmed the United States commitment to standing with the DRC to counter “malign behavior that undermines the country’s institutions and economic opportunities.”¹³

While this is not the only example in which President Trump and his allies used their political ties to issue last-minute grants of clemency to political and personal allies and people with connections to them, it is an example of the revolving door in the Trump administration between appointees making political decisions to benefit future personal pursuits. The timing between Secretary Mnuchin’s decision to lift the sanctions, his departure from the Trump administration, and the announcement of his new investment firm raises suspicion. While there is still uncertainty as to whether Secretary Mnuchin will seek funds from several of the countries he routinely visited and from people like Gertler, his planned investment fund, coming so soon after leaving office, raises concerns over whether Trump administration policy, including Secretary Mnuchin’s secret decision to lift Gertler’s sanctions, was influenced by Secretary Mnuchin’s future pursuits.¹⁴ The Biden administration’s decision to revoke the license issued to Gertler only adds to our concern that Gertler’s original license was improper and issued with questionable motives.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public’s right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW’s financial interest.

¹¹ *Id.*

¹² [Revocation of License Granted for Dan Gertler](https://www.state.gov/revocation-of-license-granted-for-dan-gertler/), *Department of State*, March 8, 2021, <https://www.state.gov/revocation-of-license-granted-for-dan-gertler/>

¹³ *Id.*

¹⁴ Jeff Stein and Yeganeh Torbati, [Trump’s former treasury secretary expected to launch investment fund, seeking backing of Persian Gulf state funds](https://www.washingtonpost.com/business/2021/02/23/mnuchin-investment-fund-gulf/), *Washington Post*, February 23, 2021, <https://www.washingtonpost.com/business/2021/02/23/mnuchin-investment-fund-gulf/>

March 9, 2021

Page 5

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. See *Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes a blog that reports on and analyzes newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts the documents it receives under the FOIA on its website, and that site has been visited hundreds of thousands of times.

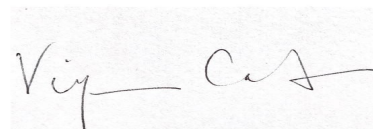
Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact Virginia Canter at foia@citizensforethics.org or 202-408-5565. Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to foia@citizensforethics.org. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Virginia Canter", is centered on the page.

Virginia Canter
Chief Ethics Counsel

March 9, 2021

Page 6

Appendix A - Gertler-Affiliated Designated Entities

Pieter Albert Deboutte

December 2017 Designated Companies:

Fleurette Properties Limited
Fleurette Holdings Netherlands B.V.
Gertler Family Foundation
Oil of DR Congo SPRL
Jarvis Congo SARL
International Diamond Industries
D.G.D. Investments Ltd.
D.G.I. Israel Ltd, Proglan Capital Ltd
Emaxon Finance International Inc.
Africa Horizons Investment Limited
Caprikat Limited, Foxwhelp Limited
Caprikat and Foxwhelp SARL
Lora Enterprises Limited
Zuppa Holdings Limited
Orama Properties Ltd
DGI Mining Ltd, and Rozaro Development Limited

June 2018 Designated Companies:

Moku Mines D'or SA
Moku Goldmines AG Fleurette Energy I B.V.
Fleurette Africa Resources I B.V.
African Trans International Holdings B.V.
Fleurette African Transport B.V.
Oriental Iron Company SPRL
Iron Mountain Enterprises Limited
Sanzetta Investments Limited
Almerina Properties Limited
Kitoko Food Farm Karibu Africa Services SA
Ventora Development Sasu

Other entities in which Mr. Gertler, Mr. Deboutte, the December 2017 Companies, or the June 2018 Companies own, directly or indirectly, a 50 percent or greater interest that are or were in the possession or control of AIG, on behalf of AIG Europe Limited, Netherlands American Express Travel Related Services Company Co. Inc.; Bank of China Limited; Bloomberg LP; Citibank NA; Deutsche Bank Trust Company Americas; Bank of New York Mellon; and Wells Fargo Bank National Association