



United States Department of State

Washington, D.C. 20520

May 23, 2022

Case No. FL-2021-00512

[REDACTED]
Citizens for Responsibility & Ethics in Washington
[REDACTED]
[REDACTED]

[REDACTED]

As we noted in our letter dated April 25, 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 identified two additional responsive records subject to the FOIA. Upon review, we have determined that both 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 Derek S. Hammond, Assistant U.S. Attorney, at 202-252-2511. Please refer to the case number, FL-2021-00512, and the civil action number, 21-cv-01246, in all correspondence about this request.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Miller".

Jeanne Miller
Chief, Programs and Policies Division
Office of Information Programs and Services

Attachments: 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



United States Department of State

Washington, D.C. 20520

SENSITIVE BUT UNCLASSIFIED

January 29, 2021

ACTION MEMO FOR THE SECRETARY

FROM: EB – Peter Haas, Acting
AF – Robert F. Godec, Acting
INL – James A. Walsh, Acting

SUBJECT: (SBU) Revocation of Sanctions Licenses Related to Dan Gertler

Recommendation

(SBU) That you authorize EB to transmit foreign policy guidance to Treasury requesting that the Secretary of the Treasury immediately revoke all specific licenses issued to Dan Gertler, an individual sanctioned for corrupt activities in the Democratic Republic of the Congo (DRC) that directly threaten U.S. interests. (Approve/Disapprove by 2/3/21)

Background

(SBU) The Department of the Treasury's Office of Foreign Assets Control (OFAC) issued two specific licenses to U.S.-sanctioned Israeli mining billionaire Dan Gertler (Gertler). The first, issued in early November 2020, allowed Gertler to distribute \$10 million of his wealth throughout the DRC for what he claims are charitable purposes. The second, issued January 15, provides sweeping sanctions relief for Gertler and his network and permits him to open bank accounts in the United States. These licenses provide Gertler significant opportunities to exert malign influence in the DRC in a way that would undermine U.S. interests. Due to the breadth of activities authorized, U.S. credibility has been significantly damaged, as has the credibility of the Global Magnitsky sanctions program (GloMag). The issuance of the licenses has also jeopardized cooperation with the DRC, Congress, and our close partners in civil society. Swift revocation of these licenses will mitigate these consequences.

(SBU) (b)(5)

(b)(5)

(SBU) Gertler amassed his fortune through opaque and corrupt mining and oil deals in the DRC. He facilitated those deals through his close friendship with former DRC President Joseph Kabila, who acted as a middleman for mining asset sales in the DRC. This included Kabila requiring some multinational companies to go through Gertler to do business with the Congolese state. As a result, between 2010 and 2012 alone, the DRC reportedly lost over \$1.36 billion in revenues from the underpricing of mining assets that were sold to offshore companies linked to Gertler. The United States first imposed sanctions on Gertler and his network in December 2017 under

SENSITIVE BUT UNCLASSIFIED

E.O. 13818 (Global Magnitsky), which targets serious human rights abuse and/or corruption. Gertler's malign activities are ongoing.

Attachments:

Tab 1 – AM to S SES ID 202010582 (and associated Tabs to be provided by INR)

Tab 2 – Incoming Correspondence

Approved: EB – Peter Haas, Acting [PDH]
AF – Robert Godec, Acting [RG]
INL – James A. Walsh, Acting [JAW]

Drafted: EB/TFS/SPI – (b)(6)
EB/TFS/SPI –

Cleared: EB/FO: Andrew Shaw (ok)
EB/TFS: DAS Erik Woodhouse (ok)
EB/TFS/SPI: (b)(6) (ok)
AF/C: A/DAS Margy Bond (ok)
AF/FO: (b)(6) (ok)
AF/FO: (b)(6) (ok)
P: (b)(6) (ok)
D: (b)(6) (info by request)
S/P: (b)(6) (ok)
E: (b)(6) (ok)
EB/TFS/TFC: (b)(6) (ok)
CA/VO/SAC/S: (b)(6) (ok)
INL/GPP: (b)(6) (ok)
INL/GPP: (b)(6) (ok)
INL/GPP: (b)(6) (ok)
L/EB: (b)(6) (ok)
AF/C: (b)(6) (ok)
AF/ERA: (b)(6) (ok)
R: (b)(6) (ok)
GPA: (b)(6) (ok)
C: (b)(6) (ok)

202010582



United States Department of State

Washington, D.C. 20520

~~CONFIDENTIAL~~

November 2, 2020

ACTION MEMO FOR THE SECRETARY

FROM: EB – Peter Haas, Acting
AF – Tibor Nagy

SUBJECT: (SBU) Designated Israeli Billionaire Dan Gertler Requests Authorization for
Major Funds Transfer to DRC NGOs

BLUF:

(b)(5)

Recommendation

(b)(5)

Background

(SBU) We are seeking an expedited decision due to Treasury's notification October 29 of its intent to approve the license request absent State's objection. We informed Treasury of our desire to brief you on this matter given the significant foreign policy issues at play.

~~(C)~~

(b)(1)

(b)(1)

~~(C)~~

(b)(1)

(b)(1)

~~CONFIDENTIAL~~

Classified by: EB Acting Assistant Secretary Peter Haas
E.O. 13526, Reasons: 1.4 (b) and (d)
Declassify on: November 1, 2045

~~(C)~~ (b)(1)

(b)(1)

(SBU) In July, in response to a similar request for foreign policy guidance on a COVID-19 funds-transfer proposal from malign Russian actor Viktor Vekselberg, State recommended Treasury deny the license application. In that case, we informed Treasury that authorizing an individual who poses a threat to the United States to distribute tens of millions of dollars to organizations was inconsistent with our foreign policy goals of curbing his malign influence.

~~(C)~~ (b)(1)

(b)(1)

Attachment:

INR Reporting on Gertler Activities

Approved: EB – Peter Haas, Acting [PDH]
AF – Tibor Nagy [TN]

Drafted: EB/TFS/SPI (b)(6)
EB/TFS/SPI (b)(6) Email: (b)(6) Cell: (b)(6)

Cleared: EB/FO: Andrew Shaw (ok)
EB/TFS: (b)(6) (ok)
EB/TFS/SPI: (b)(6) (ok)
AF/FO: (b)(6) (ok)
AF/ERA: (b)(6) (ok)
AF/C: (b)(6) (ok)
D: (b)(6) (ok)
P: (b)(6) (ok)
S/P: (b)(6) (ok)
GPA: (b)(6) (ok)
R: (b)(6) (ok)
E: (b)(6) (ok)
L/EB: (b)(6) (ok)
NEA/IPA: (b)(6) (ok)
INL/GPP: (b)(6) (ok)