United States Department of State

Washington, D.C. 20520

July 21, 2022

Case No. FL-2022-00037

Nikhel Sus
Citizens for Responsibility and Ethics in Washington
[redacted]

Dear Mr. Sus:

As we noted in our letter dated June 9, 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 an additional five responsive records subject to the FOIA. We have determined all five 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.

For your information, we have partially redacted the e-mail addresses of Secretaries Pompeo and Mnuchin in these records. The e-mail address belonging to Secretary Mnuchin appears only in Document No. 511483 as "S," specifically in (1) the "To" section of the e-mails dated January 7, 2021, at 18:36:15 and at 7:13:49 PM, and January 5, 2021, at 4:15:15 AM, (2) the "From" section of the e-mails dated January 7, 2021, at 1:31 PM and January 5, 2021, at 10:52 AM, and (3) the "Recipient" section in the last page of that document. All other instances of e-mail addresses redacted as "S" in these records belong to Secretary Pompeo.

We will keep you informed as your case progresses. If you have any questions, your attorney may contact Michael Gerardi, Trial Attorney for the District of Columbia at michael.j.gerardi@usdoj.gov and (202) 616-0680. Please refer to the case number, FL-2022-00037 and the civil action number, 22-cv-00074-APM, in all correspondence about this case.

Sincerely,

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

Enclosures: As stated.

Freedom of Information Act (5 U.S.C. § 552) and Privacy Act (5 U.S.C. § 552a)

FOIA Exemptions

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

Privacy Act Exemptions

(d)(5)	Information compiled in reasonable anticipation of a civil action or proceeding
(j)(1)	Information maintained by the CIA
(j)(2)	Enforcement of criminal law, including efforts to prevent, control, or reduce crime or apprehend criminals, except records of arrest
(k)(1)	Classified pursuant to E.O. 13526 in the interest of national defense or foreign policy
(k)(2)	Investigatory material compiled for law enforcement purposes
(k)(3)	Regarding protective services to the President of the United States or other individual pursuant to Title 18, U.S.C., Section 3056
(k)(4)	Required by statute to be maintained and used solely as statistical records
(k)(5)	Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence
(k)(6)	Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service, the disclosure of which would compromise the testing or examination process
(k)(7)	Evaluation material used to determine potential for promotion in the armed services

From:	S(b)(6)
To:	Krach, Keith J <(b)(6)
Subject:	Re: Talking points for Principals meeting on EO 13959.
Date:	Wed, 13 Jan 2021 12:48:43 +0000

I'll call
You
Later today.

Sent from my iPhone

On Jan 13, 2021, at 7:11 AM, Krach, Keith J (b)(6) wrote:

How did you make out yesterday? With DoD and Treasury?
With thanks,
Keith
Keith Krach
Under Secretary of State
From: Krach, Keith J <(b)(6)
Sent: Monday, January 11, 2021 9:43 PM
To: S(b)(6)
Subject: Re: Talking points for Principals meeting on EO 13959.

(b)(5)

From: Brian.Callanan(b)(6)
Sent: Friday, January 8, 2021 4:29 PM
To: Krach, Keith J (b)(6); ellen.m.lord.(b)(6)
Cc: Justin.Muzinich(b)(6) Andrea.Gacki(b)(6)
(b)(6)
Subject: EO 13959

Keith and Ellen,
Below is the general license approved Secretary Pompeo on a call with Secretary Mnuchin earlier today.
Best,
Brian
====

OFFICE OF FOREIGN ASSETS CONTROL

Executive Order 13959 of November 12, 2020
Addressing the Threat From Securities Investments That Finance Communist Chinese Military Companies

GENERAL LICENSE NO. 1

Authorizing Transactions Involving Securities of Certain Communist Chinese Military Companies

(a) Except as provided in paragraph (b) of this general license, all transactions and activities prohibited by section 1(a)(i) of Executive Order (E.O.) 13959 involving publicly traded securities, or any securities that are derivative of, or are designed to provide investment exposure to such securities, of an entity whose name closely matches the name of a Communist Chinese military company identified in the Annex to E.O. 13959 but that has not been listed on the Office of Foreign Assets Control'sNon-SDN Communist Chinese Military Companies List, **are authorized through 9:30 a.m. eastern standard time, January 28, 2021.**

(b) This general license does not authorize any transactions or activities otherwise prohibited by E.O. 13959, any other E.O. or statute, or any part of 31 C.F.R. part V.

With thanks,

Keith

Keith Krach
Under Secretary of State
From: S(b)(6)
Sent: Monday, January 11, 2021 8:44 PM
To: Krach, Keith J (b)(6)
Cc: Lord, Ellen M HON OSD OUSD A-S (USA) (b)(6) Logsdon, Kent D (b)(6) Kenna, Lisa D (b)(6)
Subject: Re: Talking points for Principals meeting on EO 13959.

Got it.

Sent from my iPhone

On Jan 11, 2021, at 6:56 PM, Krach, Keith J (b)(6) wrote:

S,
Attached are unclassified points on big 3 for call with Sec Mnuchin at 9:00am.
you will get the SECRET points from DoD no later than 8:00 am tomorrow.
Ellen,
Check out our addtiional points
With thanks,

Keith

Keith Krach

Under Secretary of State

<Points for Pentagon list..docx>

Sender:	S(b)(6)
Recipient:	Krach, Keith J (b)(6)

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

From:	S(b)(6)
To:	S(b)(6)
Subject:	RE: Secretary Mnuchin
Date:	Thu, 7 Jan 2021 18:36:15 +0000

Totally concur with last two sentences.

No worries re delay.

MRP

From: S(b)(6)
Sent: Thursday, January 7, 2021 1:31 PM
To: S(b)(6)
Subject: RE: Secretary Mnuchin

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

We will focus on it ASAP
Sorry for the delay
Have been dealing with current crisis
Despite many of my friends calling for me to resign
I think it is a better outcome for you and I to be here to the end
I appreciate our friendship
Steven

From: S(b)(6)
Date: January 7, 2021 at 7:13:49 PM GMT+3
To: S(b)(6)
Subject: RE: Secretary Mnuchin

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

** **Caution:** External email. Pay attention to suspicious links and attachments. Send suspicious email to suspect@treasury.gov **

Hook sent(b)(6) and your team his language yesterday re humanitarian protections. He has not heard back. I know yesterday was busy for all of us. Wanted to make sure you have it.

MRP

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

From: S (b)(6)
Sent: Tuesday, January 5, 2021 10:52 AM
To: S (b)(6)
Subject: Fwd: Secretary Mnuchin
Importance: High

Open the attachment

From: Callanan, Brian (b)(6)
Date: January 5, 2021 at 4:15:15 AM GMT+2
To: S (b)(6)
Cc: Muzinich, Justin (b)(6)
Subject: Fwd Secretary Mnuchin
Importance: High

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

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

Just received. (b)(5); (b)(5)

From: (b)(6)
Date: January 4, 2021 at 9:07:38 PM EST
To: Callanan, Brian (b)(6)
Cc: Klein, Jeffrey (b)(6) Stern, James (b)(6)
Subject: Secretary Mnuchin

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

Brian,

Happy new year. (b)(5); (b)(5)
(b)(5); (b)(5)

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

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

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

I've briefly discussed this matter with Jeff Klein and James Stern, and would be happy to answer any further questions you might have (and/or follow up with OFL for additional information). Please let me know how I might be helpful.

Thank you,
(b)(6)

(b)(6)
Attorney-Advisor
Office of the Assistant General Counsel - International Affairs
U.S. Department of the Treasury
(b)(6) @treasury.gov

This message was secured by **ZixCorp©**.
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Sender:	S (b)(6)
Recipient:	S (b)(6)

From:	"Krach, Keith J"
To:	S(b)(6)
Subject:	Fw: EO 13959
Date:	Fri, 8 Jan 2021 22:07:41 +0000

What is this about?
With thanks,
Keith
Keith Krach
Under Secretary of State
From: Brian.Callanan(b)(6)
Sent: Friday, January 8, 2021 4:29 PM
To: Krach, Keith J (b)(6) ellen.m.lord.(b)(6)
Cc: Justin.Muzinich(b)(6) Andrea.Gacki(b)(6)
J(b)(6)
Subject: EO 13959

Keith and Ellen,
Below is the general license approved Secretary Pompeo on a call with Secretary Mnuchin earlier today. Ellen, thank you for your approval of this license on our call. This expires in 20 days.
Best,
Brian
====

OFFICE OF FOREIGN ASSETS CONTROL

Executive Order 13959 of November 12, 2020
Addressing the Threat From Securities Investments That Finance Communist Chinese Military Companies

GENERAL LICENSE NO. 1

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(a) Except as provided in paragraph (b) of this general license, all transactions and activities prohibited by section 1(a)(i) of Executive Order (E.O.) 13959 involving publicly traded securities, or any securities that are derivative of, or are designed to provide investment exposure to such securities, of an entity whose name closely matches the name of a Communist Chinese military company identified in the Annex to E.O. 13959 but that has not been listed on the Office of Foreign

Assets Control'sNon-SDN Communist Chinese Military Companies List, **are authorized through 9:30 a.m. eastern standard time, January 28, 2021.**

(b) This general license does not authorize any transactions or activities otherwise prohibited by E.O. 13959, any other E.O. or statute, or any part of 31 C.F.R. part V.

Sender:	"Krach, Keith J"
Recipient:	S(b)(6)

From:	(b)(6) [redacted] @state.gov>
To:	S (b)(6) [redacted]
Subject:	Call Request: U/S Krach, Today
Date:	Wed, 13 Jan 2021 12:59:03 +0000

Good morning Sir,

- U/S Krach has requested to speak with you today.
- Subject: Your call w/SEC Mnuchin. U/S Krach said it will take only a moment.
- Let me know if and when you are available.

Thanks.

(b)(6) [redacted]
Office of the Secretary
U.S. Department of State
HST 7226 | 2201 C Street, NW | Washington, DC 20520
(b)(6) [redacted]
Email: (b)(6) [redacted] @state.gov

Sender:	(b)(6) [redacted] @state.gov>
Recipient:	S (b)(6) [redacted]

From: +(b)(6) Steven Mnuchin
To: +(b)(6) Michael R. Pompeo (owner)

(b)(6)

Participant	Delivered	Read	Played
+(b)(6) Michael R. Pompeo			

Status: Read

Read: 12/25/2020 4:07:05 PM(UTC-5)

12/25/2020 4:06:53 PM(UTC-5)

Source Info:
mpompeo's iPhone/mobile/Library/SMS/sms.db : 0x3A2A425 (Table: message, handle, chat, Size: 94633984 bytes)

From: +(b)(6) Michael R. Pompeo (owner)
To: +(b)(6) Steven Mnuchin

Got it. I left him a VM.

Participant	Delivered	Read	Played
+(b)(6) Steven Mnuchin			

Status: Sent

Delivered: 12/25/2020 4:07:21 PM(UTC-5)

12/25/2020 4:07:21 PM(UTC-5)

Source Info:
mpompeo's iPhone/mobile/Library/SMS/sms.db : 0x3A2A1FD (Table: message, chat, handle, Size: 94633984 bytes)

From: +(b)(6) Steven Mnuchin
To: +(b)(6) Michael R. Pompeo (owner)

Thanks!!

Participant	Delivered	Read	Played
+(b)(6) Michael R. Pompeo			

Status: Read

Read: 12/25/2020 4:07:28 PM(UTC-5)

12/25/2020 4:07:28 PM(UTC-5)

Source Info:
mpompeo's iPhone/mobile/Library/SMS/sms.db : 0x3A2BF3F (Table: message, handle, chat, Size: 94633984 bytes)

From: +(b)(6) Steven Mnuchin
To: +(b)(6) Michael R. Pompeo (owner)

Are you going to put out any statement

Participant	Delivered	Read	Played
+(b)(6) Michael R. Pompeo			

Status: Read

Read: 1/6/2021 5:30:32 PM(UTC-5)

1/6/2021 5:30:13 PM(UTC-5)

Source Info:
mpompeo's iPhone/mobile/Library/SMS/sms.db : 0x3A78F3F (Table: message, handle, chat, Size: 94633984 bytes)

From: +(b)(6) Steven Mnuchin
To: +(b)(6) Michael R. Pompeo (owner)

I am just in Israel

Participant	Delivered	Read	Played
+(b)(6) Michael R. Pompeo			

Status: Read

Read: 1/6/2021 5:30:32 PM(UTC-5)

1/6/2021 5:30:28 PM(UTC-5)

Source Info:
mpompeo's iPhone/mobile/Library/SMS/sms.db : 0x3A78CCD (Table: message, handle, chat, Size: 94633984 bytes)

From: +(b)(6) Steven Mnuchin
To: +(b)(6) Michael R. Pompeo (owner)

Attachments:

Size: 0
File name: Screenshot 2021-01-07 at 12.44.53 AM.jpeg
Screenshot 2021-01-07 at 12.44.53 AM.jpeg
(Empty File)

Participant	Delivered	Read	Played
+(b)(6) Michael R. Pompeo			

Status: Read

Read: 1/6/2021 6:04:42 PM(UTC-5)

1/6/2021 5:45:13 PM(UTC-5)

Source Info:
mpompeo's iPhone/mobile/Library/SMS/sms.db : 0x3A79275 (Table: message, handle, chat, attachment, Size: 94633984 bytes)
mpompeo's iPhone/mobile/Library/SMS/Attachments/88/08/0E0A35F7-6F44-4269-9612-35D1FED0EEB2/Screenshot 2021-01-07 at 12.44.53 AM.jpeg : (Size: 0 bytes)

From: +(b)(6) Steven Mnuchin
To: +(b)(6) Michael R. Pompeo (owner)

Decided to tweet

Participant	Delivered	Read	Played
+(b)(6) Michael R. Pompeo			

Status: Read

Read: 1/6/2021 6:04:42 PM(UTC-5)

1/6/2021 5:45:45 PM(UTC-5)

Source Info:
mpompeo's iPhone/mobile/Library/SMS/sms.db : 0x3A7AF3F (Table: message, handle, chat, Size: 94633984 bytes)

From: +(b)(6) Steven Mnuchin
To: +(b)(6) Michael R. Pompeo (owner)

Violence is always unacceptable. We must respect our constitution and democratic process.

Participant	Delivered	Read	Played
+(b)(6) Michael R. Pompeo			

Status: Read
Read: 1/6/2021 6:04:42 PM(UTC-5)

1/6/2021 5:53:06 PM(UTC-5)

Source Info:
mpompeo's iPhone/mobile/Library/SMS/sms.db : 0x3A7ACF9 (Table: message, handle, chat, Size: 94633984 bytes)