

Congress of the United States
Washington, DC 20515

February 3, 2021

The Honorable Janet Yellen
Secretary of the Treasury
U.S. Department of the Treasury
1500 Pennsylvania Ave NW
Washington, DC 20220

Dear Secretary Yellen:

We are deeply concerned about the Trump Administration's decision to lift sanctions and issue a license to Mr. Dan Gertler, an Israeli billionaire, credibly linked to corruption in the Democratic Republic of the Congo (DRC).

Mr. Gertler was designated by the United States in December 2017 under the Global Magnitsky sanctions program in the first-ever use of this landmark human rights and anti-corruption tool. In its press release announcing the designation, the Treasury Department noted that Mr. Gertler had "amassed his fortune through hundreds of millions of dollars' worth of opaque and corrupt mining and oil deals in the [DRC]," and that "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 license (GLOMAG-2021-371648-1) Mr. Gertler obtained excludes such details, and no accompanying press release provides any further information. The licensing action appears to have almost entirely bypassed established interagency processes. No information has been provided by the Treasury Department to indicate that the Magnitsky Sanctions were wrongly implemented in the first place, nor are there any indications that Mr. Gertler has demonstrated contrition for his corrupt dealings and undertaken reform.

In fact, the publicly available evidence demonstrates the opposite is true. Since being sanctioned, he has created shell companies, opened accounts with tiny financial institutions in the DRC over which he maintains control, and received pay in foreign currencies to circumvent our laws. Instead of being further scrutinized for these evasions, Mr. Gertler has been rewarded. This is contrary to the spirit and intent of the Sergei Magnitsky Rule of Law Accountability Act of 2012.

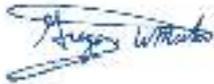
Lifting the sanctions against Mr. Gertler upends U.S. policy toward the DRC and threatens the integrity of U.S. sanctions programs more broadly. The Treasury Department's sudden reversal of its own careful 2017 decision is not only arbitrary and capricious, but as far as we can tell was done without even a scintilla of policy or legal justification.

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Given these stark facts, we strongly encourage you to revoke this license as soon as possible. Moreover, it is crucial to uncover how, and to what extent Mr. Gertler was able to evade sanctions in the first place and continue profiting from his mining businesses in the DRC. If Mr. Gertler's sanctions are not reinstated, and any loopholes closed, he will stand as a case study in how to circumvent American sanctions. This would be detrimental to the rule of law both here at home and around the globe.

We look forward to your response, and to working with you to combat corruption and promote democratic governance in the DRC and around the world.

Sincerely,



GREGORY W. MEEKS
Chair
House Committee on Foreign Affairs



KAREN BASS
Chair
Subcommittee on Africa, Global
Health, and Global Human Rights



JIM HIMES
Chair
Subcommittee on National Security,
International Development and Monetary Policy