

United States Senate

WASHINGTON, DC 20510

February 1, 2021

The Honorable Janet Yellen
Secretary of the Treasury
U.S. Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220

Dear Secretary Yellen:

We write to you with great concern regarding reports of action in the last days of the Trump administration to have the Treasury Department grant a license to OFAC-sanctioned billionaire Dan Gertler and his companies to conduct business with U.S. banks and other companies until January 31, 2022.

According to the Treasury Department's own press release in December 2017, Gertler "is an international businessman and billionaire who has amassed his fortune through hundreds of millions of dollars' worth of opaque and corrupt mining and oil deals in the Democratic Republic of the Congo (DRC)," and "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." Gertler is the reported inspiration for the movie *Blood Diamond*, and Congolese civil society leaders call him the "gravedigger of the Congolese economy." His corrupt deals have perpetuated poverty and increased instability in the DRC, where 72% of the population lives on less than \$2 per day, according to the World Bank, despite an estimated \$24 trillion in natural resource reserves.

These findings led to Gertler and 33 of his affiliated companies being sanctioned for corrupt practices under the Global Magnitsky Human Rights Accountability Act. This act, as you surely know, has become one of the most effective tools available to the U.S. government against foreign officials and shady business leaders who have been credibly accused of corrupt practices or human rights abuses. The Gertler sanctions, moreover, are largely considered the single most effective use of Global Magnitsky Act sanctions to counter corruption to date. As far as we know, this is the first time someone sanctioned for corruption under the Global Magnitsky Act for corruption has been given such a license.

The Sentry, a U.S.-based investigative and policy team that follows dirty money connected to African war criminals and transnational war profiteers, released a statement on January 24, 2021 saying, "the issuance of a specific license to a designated individual as an end-run around a delisting, general license, or other public statement, absent any discernible intelligence or national security rationale, threatens the integrity, implementation, and impact of economic sanctions programs as a whole. In particular, for a sanctions designation issued specifically for corrupt and secretive activities in the DRC and elsewhere, to have been privately undercut under

a cloud of haste and secrecy at the very end of the Trump administration strikes a terrible blow to the heart of one of the most lauded and effective anti-corruption programs of the last decade.”

We could not agree more with this statement, and request that you initiate an investigation into the grounds upon which Treasury issued the license and hold accountable any individuals found to have committed wrongdoing as part of the effort to issue the license. We also urge you to immediately and publicly rescind the license, making it clear to Gertler and other sanctioned individuals that the Biden administration will uphold the spirit and the letter of the Global Magnitsky Act. Further, we urge you to investigate any payments or transfers that may have taken place under this license, as well as any loopholes in the sanctions that were allowing Gertler to circumvent enforcement by setting up new companies, while considering additional sanctions against corrupt individuals who continue to exploit DRC resources at the expense of its people.

Thank you for your kind attention to this urgent matter.

Sincerely,



Cory A. Booker
United States Senator



Richard Durbin
United States Senator



Benjamin L. Cardin
United States Senator

CC: The Honorable Antony Blinken, Secretary, Department of State