



May 21, 2024

The Honorable Antony Blinken
Department of State
2201 C St NW
Washington, D.C. 20037

The Honorable Janet Yellen
The Department of the Treasury
1500 Pennsylvania Ave NW
Washington, D.C. 20220

Dear Secretary Blinken and Secretary Yellen,

We write to express concern regarding reports that the Office of Foreign Asset Control is again considering lifting Global Magnitsky sanctions on Dan Gertler by issuing him a broadly-based license that would functionally operate as a delisting. We believe his potential delisting would severely undermine the Global Magnitsky sanctions program's force in the fight against global corruption, and thus harm the United States' commitment to fighting corruption—a commitment that the President described as a “core national security interest.”

In December of 2017, the Department of the Treasury sanctioned Mr. Gertler under the Global Magnitsky sanctions program for major corruption in his dealings to obtain rights to mine minerals in the Democratic Republic of the Congo (“DRC”). We fear that if sanctions are removed, Mr. Gertler will profit massively off his ill-gotten assets to the detriment of the Congolese people. Such an event would significantly undermine efforts to combat transnational corruption and U.S. foreign policy and national security interests.

The Global Magnitsky Act includes four conditions for lifting sanctions: (1) the person did not engage in the activity for which sanctions were imposed; (2) the person has been prosecuted appropriately for the activity for which sanctions were imposed; (3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity for which sanctions were imposed, and has credibly committed to not engage in further violations of the Act in the future; or (4) termination of sanctions is in the national security interests of the United States.

Neither category (1) nor category (2) apply to Mr. Gertler. Nor is there clear evidence that Mr. Gertler's conduct has changed or that he has paid restitution to the people of the DRC, as required by category (3). For category 4 to be applicable, the administration would need to be able to demonstrate that that an action to lift sanctions on Mr. Gertler is in the U.S. national security interest despite the resulting damage to the Global Magnitsky sanctions program and the substantial harm to the core national security interest of the United States in combating corruption. The administration has not provided any such information.

In light of the above, we urge you to maintain sanctions on Dan Gertler and thereby also the strength and consistency of the Global Magnitsky sanctions program.

Rep. Joe Wilson, *South Carolina*
Chairman

Sen. Ben Cardin, *Maryland*
Co-Chairman

Sincerely,



Rep. Joe Wilson
Chairman



Rep. Steve Cohen
Ranking Member



Sen. Ben Cardin
Co-Chairman



Sen. Roger Wicker
Ranking Member