DEPARTMENT OF THE TREASURY
WASHINGTON, D.C.

September 3, 2021

Khahilia Shaw
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005
foia@americanoversight.org

VIA EMAIL

Re: American Oversight v. Treasury Dept., 19-cv-3695 (D.D.C.): September 3, 2021 Production

Ms. Shaw:

This letter describes the September 3, 2021 production from the U.S. Department of the Treasury (Treasury) in the above-referenced Freedom of Information Act (FOIA) litigation.

Deripaska Communications request

As explained in our last production transmittal letter dated August 17, 2021, Treasury identified 11 pages of records potentially responsive to the Deripaska Communications request. The records contained sensitive business information, and Treasury initiated a business submitter notice process to obtain the views of the business persons regarding potential disclosure of their respective data. During that process, it was determined that 4 of the 11 pages were nonresponsive because the respective data owners did not represent or otherwise communicate with Treasury officials on behalf of any of the individuals or companies listed in the Deripaska Communications request. The business submitter notice process for the remaining 7 pages has concluded, and as a result Treasury is producing those pages. The pages are Bates numbered from UST_000310 – UST_000316, and portions of the pages have been withheld pursuant to FOIA Exemptions 4, 5 and 6. There are no additional records responsive to the Deripaska Communications request remaining to be processed or produced.

McConnell Communications request

Treasury is also producing one additional record responsive to the McConnell Communications request. The two page record is Bates numbered UST_000317 and UST_000318, and portions of the pages have been withheld pursuant to FOIA Exemptions 5 and 6. This record was erroneously included in records compiled for the Deripaska Communications request and not produced previously. There are no additional records responsive to the McConnell Communications request remaining to be processed or produced.

This concludes Treasury's production of records responsive to the four FOIA requests at issue in this matter.

If you have any questions concerning this production or a related matter, please contact, Assistant United States Attorney, Darrell C. Valdez at (202) 252-2507.

Sincerely,

Ryan Law
Office of Privacy, Transparency, and Records
U.S. Department of the Treasury

cc: Assistant United States Attorney Darrell Valdez (via email)

Quick heads up on OFAC Issue

From: "Weaver, Scott" [redacted]@wileyrein.com>
To: "Miller, Eli" <eli.miller@treasury.gov>
Date: Tue, 15 May 2018 13:45:09 -0400

Eli,

Hope all is well [redacted].

Wanted to bring a potentially critical issue to your attention regarding Glencore plc, a Swiss mining company that has mines in the Democratic Republic of the Congo ("DRC") that produce approximately 45% of the world's cobalt. Cobalt is fundamental to battery production, EVs and rocket engines in commercial and military jets and future U.S. critical technology leadership. There is no other substitute, and the U.S. has no domestic production. Glencore has pre-existing royalties they need to pay to recently designated national, Dan Gertler. If they don't pay, the DRC courts will seize the mines (within a week) and give the mines to Gertler; and he will sell them to the Chinese. That would give Gertler a huge windfall of money and the Chinese nearly 85% of global cobalt mining, along with a near-monopoly on the rest of cobalt production.

Glencore met with mid-level OFAC folks last Friday on this and told OFAC it would pay the royalties with non-U.S. funds and no U.S. financial institutions. Glencore just wants to make sure that OFAC doesn't take action against them and the mines under "material assistance" considerations.

In the end, this is about keeping these mines under a western company's hands rather than China's - unlike what happened with rare earths - and ensuring the least benefit to SDN Gertler.

Happy to discuss more if this is something you're hearing about in the building and need more info.

Best,

Scott

FW: Delisting petition for En plus EO 13661-13710

From: "Mandelker, Sigal" <sigal.mandelker@treasury.gov>
To: Secretary Mnuchin [redacted] "McIntosh, Brent" <brent.mcintosh@treasury.gov>
Date: Tue, 18 Sep 2018 18:28:59 -0400

From: Gacki, Andrea <Andrea.Gacki@treasury.gov>
Date: September 18, 2018 at 6:14:22 PM EDT
To: Mandelker, Sigal <Sigal.Mandelker@treasury.gov>
Cc: Smith, Bradley <Bradley.Smith2@treasury.gov>, (b)(6) [redacted] @treasury.gov>, (b)(6) [redacted], (b)(6) [redacted] @treasury.gov>, Ahern, Paul <Paul.Ahern@treasury.gov>, (b)(6) [redacted] (b)(6) [redacted] @treasury.gov>, (b)(6) [redacted] @treasury.gov>
Subject: FW: Delisting petition for En plus EO 13661-13710

PRE-DECISIONAL AND DELIBERATIVE//PRIVILEGED AND CONFIDENTIAL

(b)(5) [redacted]

Andrea

From: (b)(6) [redacted]
Sent: Tuesday, September 18, 2018 5:51 PM
To: Gacki, Andrea <Andrea.Gacki@treasury.gov>; (b)(6) [redacted] @treasury.gov; (b)(6) [redacted] (b)(6) [redacted] @treasury.gov>; (b)(6) [redacted] OFAC.Reconsideration <OFAC.Reconsideration@treasury.gov>; (b)(6) [redacted]
Cc: (b)(6) [redacted]
Subject: Delisting petition for En plus EO 13661-13710

Please see attached letter.

UST_000311

(b)(4)

[redacted]

(b)(4)

[redacted]

Fwd: Urgent - EN+

From: "Miller, Eli" <"/o=ustreasury/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=millereli">
To: "McIntosh, Brent" <brent.mcintosh@treasury.gov>
Date: Thu, 11 Oct 2018 21:11:47 -0400

From: Bryan Lanza (b)(6) [redacted]@mercuryllc.com>
Date: October 11, 2018 at 3:44:51 AM HST
To: Miller, Eli <Eli.Miller@treasury.gov>
Subject: Urgent - EN+

Eli -

Hope all is well.

I'm reaching out regarding an issue that has been ongoing at the Office of Financial Assets Control. I represent the independent chairman of a company called EN+, which has been majority-owned by Oleg Deripaska, a Russian oligarch that we have sanctioned along with his companies.

Our effort is to assist the chairman of that company in recapitalizing it without Deripaska having ownership or control. And we have been working with OFAC for five months to make that happen. OFAC has provide multiple license extensions that has prevented the company from going out of business while we worked with OFAC.

OFAC has agreed to terms that would significantly injure Deripaska financially (at least $billion) and recapitalize the company in a way that he has no control and very limited ownership. This is a good deal for the country and a win for the president .

We are informed that this is been signed-off at the highest levels at Treasury but there are hiccups at some point in the process. The problem is that time is of the essence as the client has been able to forestall both Deripaska and other Russian influentials from undermining the deal and it has gone on so long that there is real danger that they could walk away. If that happens, it is likely that China, the largest player in the Aluminum industry, will acquire the second largest aluminum player in the world in EN+.

I appreciate your help in guiding me to where the hiccup is so that we can determine how best to resolve the issue. We are running out of time. And we are informed that this is not a substantive issue.

Best, Bryan Lanza

Sent from my iPhone

Mercury.
Bryan Lanza
Managing Director
300 Tingey Street SE | Suite 202
Washington, DC | 20003
202.261.4000 office | 714.756.0073 mobile
https://hyperlink.services.treasury.gov/agency.do?origin=www.mercuryllc.com

---

Barker Plan and En+

From: David Vitter [redacted]@mercuryllc.com>
To: "Miller, Eli" <eli.miller@treasury.gov>
Cc: "McLaughlin, Tricia" <patricia.mclaughlin@treasury.gov>, Steve Hilton [redacted]@mercuryllc.com>, Morris L. Reid [redacted]@mercuryllc.com>
Date: Tue, 18 Dec 2018 13:25:54 -0500

Eli— This is former Senator David Vitter, now with Mercury Public Affairs. We represent Lord Gregory Barker and En+ in their efforts to execute the Barker Plan, which would significantly further penalize Oleg Deripaska and allow sanctions to be lifted on En+ and Rusal, avoiding significant collateral damage on innocent parties like workers, consumers, and U.S. allies.

Although OFAC has been ready and willing to move forward on the Barker Plan for weeks, apparently one or more Treasury officials who supervise OFAC are unwilling to do so right now.

In light of this, I would request a brief call with Secretary Mnuchin as soon as possible to outline the major negative consequences of this. If OFAC does not move forward on the Barker Plan this calendar year, Lord Barker fears that the elements of it will fall apart and a great opportunity at smart, effective sanctions will be missed.

I certainly don't make this request lightly, but this issue is absolutely at a head. I would appreciate any help you could offer in scheduling this.

Thank you very much.

Sent from my iPhone

Mercury.

David Vitter
Co|Chairman
300 Tingey Street SE | Suite 202
Washington, DC | 20003
202.261.4000 office
https://hyperlink.services.treasury.gov/agency.do?origin=www.mercuryllc.com

---

Re: OFAC Delists En+, Rusal, and EuroSibEnergo

From: "Meiners, Molly" <molly.meiners@treasury.gov>
To: "McGuire, Brian" <brian.mcguire@treasury.gov>, "Mandelker, Sigal" <sigal.mandelker@treasury.gov>, [redacted]@treasury.gov>, [redacted]@treasury.gov>
Date: Sun, 27 Jan 2019 18:47:02 -0500

[redacted]

From: McGuire, Brian <Brian.McGuire@treasury.gov>
Date: January 27, 2019 at 6:09:28 PM EST
To: Mandelker, Sigal <Sigal.Mandelker@treasury.gov>,[redacted]@treasury.gov>, Meiners, Molly <Molly.Meiners@treasury.gov>[redacted]@treasury.gov>
Subject: Fwd: OFAC Delists En+, Rusal, and EuroSibEnergo

See below from Robert Karem, just FYI.

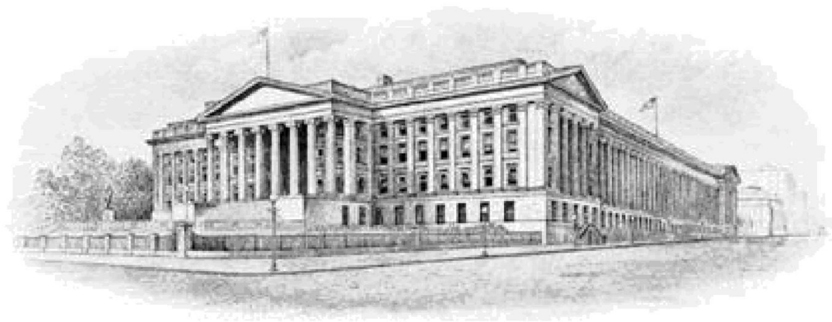
From: Karem, Robert (McConnell) <Robert_Karem@mcconnell.senate.gov>
Date: January 27, 2019 at 5:32:33 PM EST
To[redacted]e@treasury.gov>
Subject: RE: OFAC Delists En+, Rusal, and EuroSibEnergo

Thanks, Brian. In the event this generates news stories, I hope Treasury is prepared to rebut misleading claims.

From: Brian.McGuire@treasury.gov <Brian.McGuire@treasury.gov>
Sent: Sunday, January 27, 2019 4:37 PM
To: Karem, Robert (McConnell) <Robert_Karem@mcconnell.senate.gov>
Subject: Fwd: OFAC Delists En+, Rusal, and EuroSibEnergo

Robert—FYI, delisting is now official per the release below.

From: Unger, Seth <Seth.Unger@treasury.gov>
Date: January 27, 2019 at 4:03:58 PM EST
To: PRESS <Press@treasury.gov>
Subject: OFAC Delists En+, Rusal, and EuroSibEnergo



U.S. Department of the Treasury
Office of Public Affairs

Press Release: January 27, 2018
Contact: Treasury Public Affairs, (202) 622-2960

OFAC Delists En+, Rusal, and EuroSibEnergo

Washington – The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) today lifted sanctions imposed on En+ Group plc ("En+"), UC Rusal plc ("Rusal"), and JSC EuroSibEnergo ("ESE"), following an earlier notification submitted to Congress on December 19, 2018.

Under the terms of their removal from OFAC's List of Specially Designated Nationals and Blocked Persons ("SDN List"), En+, Rusal, and ESE have reduced Oleg Deripaska's direct and indirect shareholding stake in these companies and severed his control. This action ensures that the majority of directors on the En+ and Rusal boards will be independent directors – including U.S. and European persons – who have no business, professional, or family ties to Deripaska or any other SDN, and that independent U.S. persons vote a significant bloc of the shares of En+. The companies have also agreed to unprecedented transparency for Treasury into their operations by undertaking extensive, ongoing auditing, certification, and reporting requirements. All sanctions on Deripaska continue in force.

####