



MAJORITY STAFF REPORT
COMMITTEE ON THE JUDICIARY
CHAIRMAN CHARLES E. GRASSLEY
MARCH 4, 2025

STATE DEPARTMENT OBSTRUCTION OF LAW ENFORCEMENT ACTION AGAINST
IRAN'S WEAPONS OF MASS DESTRUCTION AND BALLISTIC MISSILE PROGRAMS
UNDER THEN-SECRETARY OF STATE JOHN KERRY

Brief History of U.S. Sanctions Against Iran

For over two decades, Republican and Democratic administrations imposed sanctions on Iran “to deter, constrain, and encourage change in the adversarial behavior of the Iranian regime, including its support for international terrorism, nuclear and missile development programs and proliferation activities, destabilizing regional interventions, and human rights abuses.”¹ Further, “Congress has played a leading role in shaping U.S. policy, enacting legislation to authorize and oversee successive Administrations’ implementation of Iran-related sanctions.”² As international concerns heightened about Iran’s nuclear program, “Congress, beginning in 2010, increased the scope of U.S. sanctions.”³ Through these authorities, “Congress mandated that to waive or lift sanctions, the President must certify that Iran is meeting certain conditions, including that the Iranian government has ceased its support of international terrorism and its proliferation activities.”⁴

Obama-Biden Administration Softens U.S. Sanctions Against Iran

In November 2013, the Obama-Biden administration began its Joint Plan of Action, which served as the negotiating process for the Joint Comprehensive Plan of Action (JCPOA), commonly known as the Iran Nuclear Deal.⁵ Then-President Obama declared on November 23, 2013, “the broader architecture of sanctions will remain in place and we will continue to enforce them vigorously.”⁶ Congress also took a strong stance against Iran and expressed its intent to ensure the Obama-Biden administration held Iran accountable. On May 22, 2015, the House and Senate communicated Congress’s intent to hold Iran accountable when it passed the Iran Nuclear Agreement Review Act of 2015 with a provision that stated:

[t]he President may not waive, suspend, reduce, provide relief from, or otherwise limit the application of statutory sanctions with respect to Iran under any provision of law or refrain from applying any such sanctions pursuant to an agreement described in subsection (a).⁷

¹ Congressional Research Service, *U.S. Sanctions on Iran*, (Jul. 20, 2023), <https://crsreports.congress.gov/product/pdf/IF/IF12452>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Media Note, *Implementation of the Joint Plan of Action from November 24, 2013 in Geneva between the P5+1 and The Islamic Republic of Iran and Provision of Limited, Temporary, and Targeted Sanctions Relief*, Archived Content: U.S. DEPARTMENT OF STATE, (Jan. 20, 2014), <https://2009-2017.state.gov/r/pa/prs/ps/2014/01/220054.htm>.

⁶ Press Release, *Statement By The President On First Step Agreement On Iran’s Nuclear Program*, THE WHITE HOUSE: PRESIDENT BARACK OBAMA, (Nov. 23, 2013), <https://obamawhitehouse.archives.gov/the-press-office/2013/11/23/statement-president-first-step-agreement-irans-nuclear-program>.

⁷ This limitation on the President applied to the time period of the initial congressional review of a nuclear agreement with Iran, 12 calendar days following the date of a joint resolution of disapproval passed in both houses, and 10 days following the President’s veto of a joint resolution of disapproval passed by both houses. Iran Nuclear Agreement Review Act of 2015, Pub. Law 114-17. The time for Congressional review would be 60 days if the President transmitted the deal to Congress between July 10, 2015, and September 7, 2015. The congressional review began during this time period on July 14, 2015, when President Obama announced the Iran Nuclear Deal and stated, “Congress will now have an opportunity to review the details, and my administration stands ready to provide

On July 14, 2015, the Obama-Biden administration finalized negotiations with China, France, Germany, Russia, the UK, the EU, and Iran (P5+1) on the Iran Nuclear Deal.⁸ In describing the Iran Nuclear Deal's effect on U.S. sanctions against Iran, President Obama said:

We still have sanctions on Iran for its violations of human rights, for its support of terrorism, and for its ballistic missile program. ***And we will continue to enforce these sanctions, vigorously*** [emphasis added]. Iran's recent missile test, for example, was a violation of its international obligations. And as a result, the United States is imposing sanctions on individuals and companies working to advance Iran's ballistic missile program. And we are going to remain vigilant about it.⁹

On July 23, 2015, then-Secretary of State John Kerry testified before the Senate Foreign Relations Committee on the terms and implementation of the Iran Nuclear Deal.¹⁰ According to the hearing testimony, in response to questions about the continuation of U.S. sanctions and export restrictions on Iran under the terms of the Iran Nuclear Deal, then-Secretary Kerry testified that the Iranians are “restrained from any sharing of missile technology, purchase of missile technology, exchange of missile technology, work on missiles.”¹¹ Then-Secretary Kerry stated the Iran Nuclear Deal does not prevent the U.S. from using “our authorities to impose sanctions on Iran for terrorism, human rights, missiles or any other non-nuclear reason” and “does not provide Iran any relief from U.S. sanctions under any of those authorities or other authorities, mind you.”¹² In response to questions about U.S. military commanders criticizing the Iran Nuclear Deal for potentially lifting U.S. embargos and restrictions on Iran obtaining missile technology for its ballistics program, then-Secretary Kerry testified the U.S. has:

Additional capacities to be able to deal with missiles. We have the lethal military equipment sanctions provision in the Foreign Assistance Act. We have the Iran's – the 1996 Iran Sanction Act. We have the Iran/Iraq Arms Nonproliferation Act. We have – those are unilateral tools, by the way.

We have a bunch of multilateral tools, the Proliferation Security Initiative with 100 countries which works to help limit Iranian

extensive briefings on how this will move forward. As the American people and Congress review the deal, it will be important to consider the alternative.” Press Release, *Statement By The President On Iran*, THE WHITE HOUSE: PRESIDENT BARACK OBAMA, (July 14, 2015), <https://obamawhitehouse.archives.gov/the-press-office/2015/07/14/statement-president-iran>.

⁸ *Joint Comprehensive Plan of Action*, State Archives, (last accessed Mar. 3, 2025), <https://2009-2017.state.gov/e/eb/tfs/spi/iran/jcpoa/>.

⁹ President Barack Obama, *Statement by the President on Iran*, THE WHITE HOUSE, (Jan. 17, 2016), <https://obamawhitehouse.archives.gov/the-press-office/2016/01/17/statement-president-iran>.

¹⁰ Senate Foreign Relations Committee, *Iran Nuclear Agreement Review*, (Jul. 23, 2015), <https://www.foreign.senate.gov/hearings/iran-nuclear-agreement-review>.

¹¹ *Id.*

¹² *Id.*

missile-related imports and exports. We have the missile control technology regime, which does a lot to prevent the growth of any missile capacity. So, you know, there are many things we will continue to do, but it didn't go away. We actually kept it. And we kept it notwithstanding the fact that three out of seven of the negotiating parties wanted to get rid of it altogether. We kept it.¹³

On January 16, 2016, the JCPOA was implemented.¹⁴ That same day the Obama-Biden administration announced a prisoner swap with Iran, where five Americans imprisoned in Iran were freed in exchange for the release of seven Iranians detained or indicted in the U.S.¹⁵ However, subsequent reports would reveal that the full scope of the prisoner swap also coincided with a \$1.7 billion cash payment to the Iranian government and the Justice Department dropping charges and international arrest warrants against 14 fugitives supporting Iran's Weapons of Mass Destruction (WMD) and ballistic missile programs.¹⁶ Reports quote the Obama-Biden administration describing the dropping of the charges as the U.S. "remov[ing] any Interpol red notices and dismiss[ing] any charges against 14 Iranians for whom it was assessed that extradition requests were unlikely to be successful."¹⁷ However, legally protected whistleblower disclosures paint a more alarming picture. Those disclosures noted that "Kerry and the State Department sold out the safety of Americans and our allies when they provided \$1.7 billion in cash to Iran which, unsurprisingly, Iran used to continue development of their weapons programs and to better equip and fund their proxies."¹⁸ The disclosures noted that, "the death and destruction seen on October 7, 2023, is only one of the tragic results from providing this cash to Iran and from the State Department, DOJ leadership, and FBI Director Comey systematically obstructing Iranian investigations and prosecutions for years."¹⁹

The whistleblower disclosures further noted that at the same time then-President Obama and then-Secretary Kerry made assurance to maintain an aggressive stance against Iran, "Iran illegally obtained U.S. technology and components used to make improvised explosive devices in Iraq and elsewhere to kill U.S. military personnel. Similarly, Iran illegally obtained U.S. components for missiles, unmanned aerial vehicles, and other types of military equipment."²⁰

¹³ Senate Foreign Relations Committee, *Iran Nuclear Agreement Review*, (Jul. 23, 2015), <https://www.foreign.senate.gov/hearings/iran-nuclear-agreement-review>.

¹⁴ State Department Archives, *supra* note 8.

¹⁵ The White House, *Press Call by Senior Administration Officials on Iran*, (Jan. 17, 2016), <https://obamawhitehouse.archives.gov/the-press-office/2016/01/17/press-call-senior-administration-officials-iran>; Nahal Toosi, *Iran Releases 5 Detained Americans, Including Washington Post Reporter*, POLITICO, (January 16, 2016), <https://www.politico.com/story/2016/01/iran-prisoners-217875>.

¹⁶ Louis Nelson, *U.S. wire payments to Iran undercut Obama*, POLITICO, (Sep. 18, 2016), <https://www.politico.com/story/2016/09/us-iran-payments-wire-transfer-228324#ixzz4KhjmXpzD>; Josh Meyer, *Obama's hidden Iran deal giveaway*, POLITICO, (Apr. 24, 2017), <https://www.politico.com/story/2017/04/24/obama-iran-nuclear-deal-prisoner-release-236966>.

¹⁷ Josh Meyer, *Obama's hidden Iran deal giveaway*, POLITICO, (Apr. 24, 2017), <https://www.politico.com/story/2017/04/24/obama-iran-nuclear-deal-prisoner-release-236966>.

¹⁸ On file with Comm. staff.

¹⁹ On file with Comm. staff.

²⁰ On file with Comm. staff.

The whistleblower disclosures claimed this should have been stopped as “Iran’s efforts were known to the Obama-Biden administration when they decided to soften sanctions by seriously undermining and blocking enforcement of laws prohibiting the sale or transfer of U.S. technology to Iran which used the components to make WMDs and other military-use weapons.”²¹ The disclosures noted that “FBI’s objective, professional assessment was that Iran would continue to purchase U.S. components for lethal weapons and, as a result of the JCPOA deal, would have even more funds and avenues for illegal, U.S. technology procurement. The death and destruction caused by Iran and their proxies the last few years was foreseen and preventable.”²²

In addition to these accounts, the unclassified legally protected whistleblower disclosures in this memorandum show that while the Obama-Biden administration publicly committed to “preventing Iran from obtaining a nuclear weapon” while the U.S. maintained its “own sanctions related to Iran’s support for terrorism, its ballistic missile program, and its human rights violations,”²³ then-Secretary of State John Kerry actively interfered with and obstructed the FBI and other federal law enforcement agencies from pursuing and executing arrest warrants on individuals illegally supporting Iranian efforts, including financial efforts, to develop its WMD and ballistic missile programs. Further, the unclassified records and public reports raise serious questions concerning the Obama-Biden administration’s justification that extradition was unlikely for granting amnesty to the 14 fugitives indicted for violating U.S. sanctions and export restrictions.

State Department Obstructs Justice Department Law Enforcement Efforts Against Iran

According to unclassified FBI email records, before and after the Iran Nuclear Deal was finalized, the State Department prevented the FBI and other U.S. law enforcement agencies from enforcing U.S. sanctions and export control violations against Iranians and actively obstructed their pursuit to arrest these individuals.²⁴ Whistleblower disclosures noted that, “Obama-Biden administration officials in the State Department and DOJ refused to allow already-indicted criminals investigated for years from being arrested on lawfully issued arrest warrants.”²⁵ The disclosures further stated that “these were de facto pardons, not standard, straightforward uses of prosecutorial discretion.”²⁶ The records indicate this obstruction was pervasive as FBI email records show that State and Justice Department officials blocked the FBI’s efforts since April 2015 to arrest Iranians indicted for sanctions and export violations, and Justice Department leadership offered little or inconsistent guidance on how the FBI was to overcome this obstacle.²⁷

²¹ On file with Comm. staff.

²² On file with Comm. staff.

²³ Speech, *President Obama on Iran Nuclear Deal*, U.S. Department of State, (Jul. 15, 2015), <https://id.usembassy.gov/statement-by-president-obama-on-iran-nuclear-deal/>.

²⁴ Exhibit A.

²⁵ On file with Comm. staff.

²⁶ On file with Comm. staff.

²⁷ Exhibit A.

-----Original Message-----

From: [REDACTED] (CD) (FBI)
Sent: Wednesday, July 29, 2015 1:13 PM
To: Burma, Johnathan C. (CD) (FBI); Burnham, Cindy R. (MP) (FBI)
Subject: RE: Current Iran case roadblock

Cindy-

State/DOJ have been blocking all of our overt LE actions since April. Unfortunately, there have been mixed and inconsistent messages and we are working to get some stability to the guidance. DOJ is working on some guidance for its offices which may be released next week. In the interim, can you advise the names of the CES attorney's? From what I have seen, it is accurate that any decisions requiring CES permission have been run through State and DOJ front office for approval.

We like to keep track of these decisions so please save communications and forward to us.

Best,

[REDACTED]

According to unclassified FBI email records, the FBI initially believed that State's failure to issue visas to lure Iranians to the U.S. for arrest and prosecution for supporting Iran's WMD and ballistic missile programs in violation of U.S. export and sanctions laws was in part due to the agenda of a particular government bureaucrat, then-Under Secretary of State for Political Affairs, Wendy Sherman. The records show the FBI believed Sherman was responsible for telling the FBI to "stand down from pushing State on visa issuance due to 'other sensitivities.'"²⁸ At the time, Sherman led the U.S. negotiations team that reached the agreement on the Iranian Nuclear Deal.²⁹

²⁸ Exhibit B.

²⁹ Press Release, *Biography: Wendy R. Sherman*, STATE DEPARTMENT, (Jul. 28, 2023), <https://www.state.gov/biographies/wendy-r-sherman>; Press Release, *Robert Allan Jones Named Special Agent in Charge of the Pittsburgh Field Office*, FBI, (Jun. 19, 2018), <https://www.fbi.gov/news/press-releases/robert-allan-jones-named-special-agent-in-charge-of-the-pittsburgh-field-office>.

----- Original message -----

From: "Moy, Stacey R. (CD) (FBI)" [REDACTED] >
Date: 05/12/2015 5:31 PM (GMT-05:00)
To: "Bladel, Louis E. (CD) (FBI)" [REDACTED] >
Subject: [REDACTED]

Lou,

Aaron called me in and said he received a cryptic call from Bob Jones that FBI was to stand down from pushing State on visa issuance due to "other sensitivities." He had no other issue so I circled the wagon with [REDACTED] so he can track from his interagency contacts to verify before we reengage for greater details on what this means (presume US Wendy Sherman issues) and whether we bring this at a higher-level? Will keep you apprised, thanks

V/R Stacey

Stacey R. Moy
Assistant Section Chief
FBIHQ/FBI Counterproliferation Center/Room [REDACTED]
[REDACTED]

FBI and DOJ email records indicate the FBI was frustrated that Sherman blocked its ability to arrest a high value Iranian target. The FBI eventually elevated the matter to the Assistant Attorney General (AAG) level, specifically saying the request to lure the target to the U.S. "should go to the [FBI Deputy Director] for decision-makers and not be left to Sherman...."³⁰

From: Moy, Stacey R. (CD) (FBI)
Sent: Wednesday, May 13, 2015 1:36 PM
To: Bladel, Louis E. (CD) (FBI)
Cc: [REDACTED]
Subject: RE: [REDACTED]

Briefed this at the 1 PM along with the NF case – thanks to [REDACTED], provided the back-material along with updated BBC for Jones to provide to the DD for context. Aaron read the material and agreed it should go to the DD for decision-makers and not be left to Sherman based on the info, thanks

V/R Stacey

³⁰ Exhibit B.

From: Dembosky, Luke (NSD) [REDACTED]
Sent: Monday, May 18, 2015 11:30 AM
To: Bladel, Louis E. (CD) (FBI); Laufman, David (NSD) (JMD); Moy, Stacey R. (CD) (FBI); [REDACTED]; Kollmar, Richard W. (CD) (FBI)
Cc: Arrowood, Casey (NSD) (JMD); Hickey, Adam (NSD) (JMD)
Subject: RE: [REDACTED]
Importance: High

Lou,

The AAG has a high-level call on this at 5:30. If we have or can get it, it would help very much to get any FBI and OGA info, poster or list illustrating how important this person is. [REDACTED]

Thanks.

Luke

Additional records show the FBI and the Justice Department's National Security Division's (NSD) efforts to escalate the situation to the Assistant Attorney General (AAG) and Deputy Assistant Attorney General (DAAG) levels in order to stop the State Department from interfering in the FBI investigation failed.³¹ The records show officials from the FBI and NSD believed these issues needed to be elevated at the highest level to then-Attorney General Lynch and then-Deputy Attorney General Yates, which they ultimately did.³² However, as the records indicate, State's efforts to obstruct the FBI from arresting the high-value Iranian target succeeded.³³

----- Original message -----

From: "Dembosky, Luke (NSD)" [REDACTED]
Date: 05/18/2015 7:34 PM (GMT-05:00)
To: "Laufman, David (NSD) (JMD)" [REDACTED], "Jones, Robert A. (CD) (FBI)" [REDACTED], "Moy, Stacey R. (CD) (FBI)" [REDACTED], "Edelstein, Julie (NSD) (JMD)" [REDACTED]
Subject: [REDACTED]

We're going to need to elevate further. Exhausted DAAG and AAG levels today, to no avail. Friday night we briefed AG and DAG together, so they already understand the context. Stay tuned.

In addition to obstructing the FBI from making lawful arrests of individuals indicted for U.S. sanctions and export violations, the records show that State Department officials also blocked the Justice Department's NSD Counterintelligence and Export Control Section (CES) from moving forward with Grand Jury indictments of Iranians violating U.S. sanctions and export laws without "exigent circumstances," which the records indicate were "a direct contradiction to...the notes sent down from HQ."³⁴ These notes provided that "such actions are not precluded or restricted" by ongoing State Department negotiations with Iran.³⁵

³¹ Exhibit B.

³² *Id.*

³³ *Id.*

³⁴ Exhibit A.

³⁵ *Id.*; See also, Department of Justice, 9-90.010 - Export Control and Sanctions Enforcement Policy for Business Organizations, DOJ Justice Manual, (Dec. 2020), <https://www.justice.gov/jm/jm-9-90000-national-security> ("The Counterintelligence and Export Control Section (CES) of the National Security Division under the supervision of the

-----Original Message-----

From: Perry Davis

Sent: Tuesday, July 28, 2015 10:54 AM

To: Dan Clutch; Dave Nardella

Cc: Jon Svendsen; Burnham, Cindy R. (MP) (FBI)

Subject: Current Iran case roadblock

Dan,

Based on yesterday's discussion of how our historic/ongoing Iran cases should not be impacted by the recent Iran deal, I have an issue that I think you and or HQ may want to address. I'm copying Jon because the case at issue is his Green Wave case. (Case No. [REDACTED]) The case is a joint investigation with FBI and HSI and has been under investigation since 2011. There have been significant investigative actions and a significant amount of investigative effort expended by all the joint agencies over the last few years. Jon's FBI co-case agent, Cindy Burnham, (copied here) in [REDACTED] just informed me that over the past few weeks, and as recently as yesterday, CES advised that the State Department would not allow CES to move forward with grand jury without "exigent circumstances." This seems to be a direct contradiction to the second bullet point in the notes sent down from HQ that indicate "State requests coordination on significant Iranian enforcement actions but such actions are not precluded or restricted."

I am only the assisting agent on this case and my knowledge of the details is slim. If you would like some more detail, I could probably arrange a phone call for you with Cindy Burnham.

Thanks,

Perry

While the Obama-Biden administration's State Department publicly proclaimed the U.S. would continue its aggressive position against Iran, to include sanctions, "because of their activities around the world that are connected to terrorism or human rights or other missile-related activity;"³⁶ unclassified emails show State actively worked behind the scenes to prevent U.S. law enforcement from doing exactly that. The records show the Obama-Biden State Department put political considerations of the Iran Nuclear Deal above U.S. national security.

Then-Secretary of State Kerry Was Directly Involved in Obstructing Law Enforcement Efforts Against Iran

Based on whistleblower disclosures to my office, "for the benefit of Iran, Kerry and the State Department conducted an unprecedented campaign to prevent and obstruct enforcement of laws prohibiting the sale or transfer of U.S. technology to Iran. Their actions were direct violations of the Iran Nuclear Agreement Review Act of 2015 and were concealed in order to circumvent congressional oversight of the Executive Branch's violation of law."³⁷ The disclosures explained that "Secretary Kerry and his State Department protected the personal and

AAG or a higher authority, conducts, handles, and supervises prosecutions" related to export controls and sanctions violations.)

³⁶ Wendy R. Sherman, Under Secretary for Political Affairs, *Briefing to the Press on the Iran Nuclear Deal*, U.S. DEPARTMENT OF STATE, (Jul. 16, 2015), <https://2009-2017.state.gov/p/us/rm/2015/245007.htm>.

³⁷ On file with Comm. staff.

financial interests of a particular, high-ranking Iranian government official and the Iranian regime.”³⁸

Unclassified FBI email records support these disclosures and show efforts by State to circumvent the enforcement of U.S. sanctions and export restrictions against Iran, due to the political considerations of the Iran Nuclear Deal, came directly from then-Secretary Kerry. For example, according to unclassified FBI emails, on July 2, 2015, DOJ Attorney Dave Recker told FBI personnel that Justice Department CES was required to raise requests to arrest indicted Iranians to the Justice and State Departments concurrently.³⁹ These records show that FBI officials found this concurrent approval process out of the ordinary and FBI officials did not understand why these arrests needed to be raised by DOJ leadership with State in the first place.⁴⁰ According to these emails, FBI personnel discussed Recker’s comments “that all of the Iran proliferation cases are being discussed and decided by a small group of Justice Department officials and State Department officials due to the implications that it could have on the pending Nuclear negotiations with Iran.”⁴¹ The records say that Recker relayed to the FBI personnel that the Justice Department officials that “participated in these discussions, [included] Luke Demboski (DAAG), Bruce Swartz (NSD OIA) and Mary Rodriguez (NSD OIA)” and their counterparts from State.⁴² Moreover, the records show Recker “was aware of one instance where the Secretary of State personally told DOJ officials that they were to stand down on an arrest.”⁴³

The email record further indicates Recker also made this accusation against then-Secretary Kerry during an earlier internal Justice Department conference call concerning State’s approval process for Iranian sanction violation cases being “based on the possible implications that an arrest could possibly have [on] the current negotiations with Iran.”⁴⁴ The email records show the FBI became increasingly frustrated, internally emailing “[w]e are all beside ourselves on asking the field to stand down on a layup arrest, however as it stands right now we all have to sit back and wait until all the US and Iran negotiations resolve themselves.”⁴⁵ Then-Secretary Kerry’s alleged direct political interference in law enforcement activity relating to U.S. sanctions and export restrictions against Iran came just weeks before his aforementioned testimony in front of the Senate Foreign Relations Committee that the negotiated agreement “does not provide Iran any relief from U.S. sanctions.”⁴⁶

³⁸ On file with Comm. staff.

³⁹ Exhibit C.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Exhibit D.

⁴⁶ Senate Foreign Relations Committee Hearing, *supra* note 10.

From: Sisk, Trevor A. (CD) (FBI)
Sent: Thursday, July 02, 2015 11:32 AM
To: Storino, Alexander L. (LA) (FBI); Reyes, Reginald B. (LA) (FBI)
Cc: [REDACTED]
Subject: RE: Italy Follow Up

Alex / Reggie –

FYI - I just contacted CES Attorney Dave Recker to inquire why they (CES) would need to have the DAAG raise our plan to arrest T or F with State. He advised that all of the Iran proliferation cases are being discussed and decided by a small group of DOJ officials and State Department officials due to the implications that it could have on the pending Nuclear negotiations with Iran. Attorney Recker stated that some of the requests to move forward with arrests / operations are being approved and some are not. He stated he knows of certain DOJ personnel that have participated in these discussions, to include Luke Dembroski (DAAG), Bruce Swartz (NSD OIA) and Mary Rodriguez (NSD OIA). Attorney Recker advised that personnel of comparable standing from State Department also participate in these meetings. Attorney Recker advised that he was aware of one instance where the Secretary of State personally told DOJ officials that they were to stand down on an arrest (NFI). As you are aware, Attorney Recker made similar statements yesterday during our conference call about the current approval process for these matters based on the possible implications that an arrest could possibly have of the current negotiations with Iran... but I wanted to share with you the fact that we had a similar conversation today.

Trevor

----- Original message -----

From: "Bladel, Louis E. (CD) (FBI)" [REDACTED] >
Date: 07/03/2015 7:45 PM (GMT-05:00)
To: "Reyes, Reginald B. (LA) (FBI)" [REDACTED] >
Subject: RE: HQ Support

Thanks and likewise. We are all beside ourselves on asking the field to stand down on a layup arrest, however as it stands right now we all have to sit back and wait until all the US and Iran negotiations resolve themselves. We will continue to argue for aggressive action, however we will probably lose. [REDACTED] and his Unit always push the envelope and hate our current stance, I totally agree, even though our hands are tied. Thanks for your patience and enjoy your weekend.

--

Nearly three months after the Iran Nuclear Agreement was finalized, on October 7, 2015, David H. Laufman, Chief of CES, sent an unclassified memo to the National Security/Anti-Terrorism Advisory Council Coordinators transmitting guidance regarding the Iran Nuclear Deal and criminal investigations and prosecutions of sanction violators.⁴⁷ Unclassified FBI emails show that while the JCPOA culminated in July 2015, “sanctions against Iran are still in effect and to be enforced by the US Government.”⁴⁸

⁴⁷ Exhibit E.

⁴⁸ Exhibit F.

From: CLINE, LISA (CD)(FBI)
Sent: Thursday, October 08, 2015 1:07 PM
To: BELOTE, CAROLYN D. (WMD) (FBI); YUSTEIN, JACQUELINE A. (OGC) (FBI); WALSH, DANIEL P (CD) (FBI); PEREZ-MIRANDA, LUIS A. (CD) (FBI)
Cc: SINTON, ROBERT STUART (OGC) (FBI); BLUMENFELD, LAURA ROSS (OGC) (FBI)
Subject: RE: DoJ/NSD guidance --- UNCLASSIFIED

Classification: UNCLASSIFIED
=====

How about this:

Good afternoon.

As a follow-up to the Fact Sheet about the Joint Comprehensive Plan of Action (JCPOA) agreement I provided to all field offices back in August, attached is the newly issued Guidance from US Department of Justice (DOJ) regarding the nuclear deal with Iran as it relates to criminal investigations and prosecutions. While the United States, Iran, the European Union and five other nations framed the JCPOA agreement in July 2015, sanctions against Iran are still in effect and to be enforced by the US Government. This document will help field offices understand the guidance provided to AUSAs by DOJ for you to keep in mind as the FBI continues to investigate violations of these sanctions.

If you have any questions, please consult with your AUSAs and CDCs.

As implementation day for the Iran Nuclear Deal approached, FBI and DOJ email records demonstrate that the Justice Department was concerned about the lack of coordination with State regarding the enforcement of sanctions and the arrest of individuals supporting Iran's WMD program.⁴⁹ Unclassified FBI and DOJ email records from December 17, 2015, show that FBI and Justice Department CES officials requested to meet with State's then-Assistant Secretary for International Security and Nonproliferation (ISN), Thomas Countryman, to coordinate efforts between the FBI and State concerning the enforcement of sanctions related to Iran's WMD program, given implementation day for the Iran Nuclear deal on January 16, 2016, was approaching.⁵⁰ However, email records show that State official Tom Shannon's office instructed Countryman not to meet with the FBI on this issue.⁵¹

⁴⁹ Exhibit G.

⁵⁰ *Id.* State Department, *Biography: Thomas M. Countryman*, Senior Officials Bios archived <https://2009-2017.state.gov/r/pa/ci/biog/174947.htm> (The ISN Bureau leads the U.S. effort to prevent the spread of nuclear, chemical, and biological weapons, their related materials, and their delivery systems.).

⁵¹ Exhibit G.

----- Original message -----

From: "Bratt, Jay (NSD)" <[REDACTED]>

Date: 12/17/2015 1:31 PM (GMT-05:00)

To: "Moy, Stacey R. (CD) (FBI)" <[REDACTED]>

Subject: RE: Meeting with Mr Countryman

I just tried calling. Are you around?

From: Moy, Stacey R. (CD) (FBI) [REDACTED]

Sent: Thursday, December 17, 2015 1:29 PM

To: Laufman, David (NSD); Bratt, Jay (NSD); [REDACTED]

Cc: Wilson, E J. (CD) (FBI)

Subject: Fwd: Meeting with Mr Countryman

Just got off the phone with our WMDD executives - looks like it is state political affairs (p) who are vetoing. Have you heard anything from NSD on this? Thanks

--

----- Original message -----

From: "SampollRamirez, Gabriel"

<[REDACTED]@fbi.gov>

Date: 12/17/2015 12:57 PM (GMT-05:00)

To: "Spencer, Charles P. (WMD) (FBI)" <[REDACTED]>

Cc: "Moy, Stacey R. (CD) (FBI)" <[REDACTED]>

Subject: FW: Meeting with Mr Countryman

How do you want to proceed?

See below

From: Clark, Samantha T [REDACTED]@state.gov]

Sent: Thursday, December 17, 2015 12:55 PM

To: SampollRamirez, Gabriel

Cc: Harcum, Tanya Y. (WMD) (FBI); Frantz, Amanda G; Suarez, Gonzalo O

Subject: RE: Meeting with Mr Countryman

Hi Gabe,

I'm sorry for the confusion—I've just learned that we've been instructed by Counselor Tom Shannon's office not to engage on this issue. A/S Countryman won't be able to take this meeting.

Thank you for your understanding,

Samantha

Samantha (Raddatz) Clark

O: [REDACTED]

BB: [REDACTED]

From: Clark, Samantha T
Sent: Thursday, December 17, 2015 12:32 PM
To: 'SampollRamirez, Gabriel'
Cc: Harcum, Tanya Y. (WMD) (FBI); Frantz, Amanda G; Suarez, Gonzalo O
Subject: RE: Meeting with Mr Countryman

Hi Gabe,

I was just able to speak with A/S Countryman about tomorrow's schedule. Unfortunately, he is not able to meet tomorrow (he's just returned from international travel and his schedule is packed). He is available on Monday, December 21 at 11:30am or 3pm. Do either of those work?

Thank you,
Samantha

This email is UNCLASSIFIED.

The records also show this matter was shared with FBI leadership. Then-Assistant Section Chief of the FBI Counterproliferation Center in the Counterintelligence Division (CD) at FBI HQ, Stacey Moy, emailed an update on the situation with State to Counterintelligence Deputy Assistant Director Richard Kollmar to be shared with the Executive Assistant Director (EAD). That update explained State's failure to participate in these interagency efforts directly impacted Justice Department and FBI guidance about continuing the enforcement of U.S. sanctions and export restrictions on Iran.⁵² From then-Assistant Section Chief Moy:

As a follow-up from the 1 PM, we have the following for EAD consideration/review, please advise if you need additional information:

(U//FOUO) On 12/17/2015, as part of an interagency outreach for the status and coordination of Iran Counterproliferation operations, FBI received the following notice from US Department of State (DoS), Bureau of International Security and Nonproliferation (ISN), indicating they were instructed not to participate in discussions with the FBI on this matter by Counselor Shannon's office, DoS Under Secretary for Political Affairs, "P" (previously occupied by Ms. Wendy Sherman), detailed e-mail correspondence attached. By way of background, FBI and DoJ/Counterintelligence and Export Control Section (CES) sought a meeting with DoJ/ISN Assistant Secretary Countryman as detailed below. WMDD DAD Spencer will attempt another meeting following the Holiday but would elevate to the EAD as appropriate on the WMDD-side. DoJ/CES advised they will meet with Ms. Mary McCord to brief AAG John Carlin, DoJ/National Security Division on the matter as DoS' failure to participate in an interagency collaboration directly impacts previous DoJ and FBI guidance towards Iran.

Moy included in this same email to Kollmar a forwarded email exchange between himself and Jay Bratt at NSD indicating the FBI believed State's refusal to engage on issues related to Iranian WMD investigations was so egregious and a threat to U.S. national security

⁵² Exhibit H.

that Moy told Justice Department officials, “I’d recommend our FBI-side document should there ever be a special investigation/hearing etc. on why FBI could not action law, and potentially prevent national security incident....”⁵³

-----Original Message-----

From: Bratt, Jay (NSD) [REDACTED]
 Sent: Thursday, December 17, 2015 3:49 PM
 To: Moy, Stacey R. (CD) (FBI)
 Subject: Re: Meeting with Mr Countryman

Thanks. David and I are also discussing whether we should elevate within DOJ.

> On Dec 17, 2015, at 3:33 PM, Moy, Stacey R. (CD) (FBI) <[REDACTED]> wrote:
 >
 > Roger that - in interim, good news/bad news from our WMDD FO
 > assessment as DoS did specify it was their P-side who instructed it.
 > Our DAD will call over after Christmas to re-engage. Please advise if
 > you know if there are other things at work as they (State) are
 > unwilling to entertain a forum to even discuss options, timing, etc.
 > I'd recommend our FBI-side document should there ever be a special
 > investigation/hearing etc. on why FBI could not action law, and
 > potentially prevent national security incident, please advise of
 > broader DoJ guidance and this countermands what we've both put forward
 > and potentially has impact on others in the future, thanks
 >
 > R/ Stacey

Additionally, it’s been alleged to my staff that FBI personnel spoke and corresponded with FBI attorneys asking whether State’s obstruction was unlawful and the attorneys responded that it was.⁵⁴ Specifically, whistleblower disclosures to my office noted “when individual FBI attorneys agreed that the obstruction from the State Department, DOJ leadership, and FBI Director Comey violated the law, they were prohibited from putting it in writing.”⁵⁵

State Continues Obstructing Law Enforcement Action Against Iranians After Implementation Day

Following the January 2016 implementation of the Iranian Nuclear Deal, records show Obama-Biden State officials continued to slow roll and prevent the FBI from pursuing cases involving individuals violating U.S. sanctions and export restrictions on Iran, even as these cases were supposedly not affected by the Iranian Nuclear Deal. According to whistleblower disclosures, the FBI felt misled by State and DOJ stating:

State Department and DOJ officials deliberately and falsely led us to believe their interference was to protect the negotiations leading up to the JCPOA and there would be no interference after implementation day of the deal. That was false. State and DOJ

⁵³ Exhibit H.

⁵⁴ On file with Comm. staff.

⁵⁵ On file with Comm. staff.

interference continued as we watched Iran violate the deal itself and continue to illegally procure U.S. components for their military.⁵⁶

Even State's own staff was confused by the continued obstruction. For example, according to a State email sent on March 1, 2016, State official Samantha Boyer conceded to the FBI that the Bureau had a "very solid case" and "it's a little like WTF that it's being held up (if you'll excuse the phrasing). However it is what it is."⁵⁷

From: Boyer, Samantha A [REDACTED@state.[REDACTED].gov]
Sent: Tuesday, March 01, 2016 9:30 AM
To: MOY, STACEY R. (CD) (FBI)
Subject: follow-up from yesterday

Hi Stacey,

I just wanted to follow up with you from my call yesterday. I know that the current state of play has been very frustrating for you and your enforcement colleagues. I am sure it's also annoying that the State guidance was that this was being handled with P, and now it's back to the working level. I just want you to know that JCPOA and post-Implementation Day issues have been a moving target, and we are/I am not trying to jerk you guys around. We're just trying to do the right thing, follow the policy, and all that. As part of this discussion, we will also find you a primary POC, so you don't have to talk to multiple parts of the Department.

On [REDACTED], I understand that this is a very solid case, he broke the law, there's an indictment, and it's a little like WTF that it's being held up (if you'll excuse the phrasing). However it is what it is.

I talked to Leslie, and though she does not make the determination (we will escalate to P because we are not in agreement –the desk doesn't want to have an arrest, and ISN supports it) she has a strong voice. Like I said yesterday, she seems to be willing to consider additional information that [REDACTED] was engaged in proliferant activity post-Implementation day OR missile procurement, since missile-related anything is still prohibited.

Let me know if you want to discuss.

Best,
Sam

Samantha Boyer
ISN/MBC
[REDACTED]
[REDACTED@state.[REDACTED].gov]

Sensitive
This email is UNCLASSIFIED.

=====
Classification: UNCLASSIFIED//FOUO

⁵⁶ On file with Comm. staff.

⁵⁷ Exhibit I.

As State continued to obstruct FBI law enforcement efforts after implementation day, email records from April 2016 show then-AG Loretta Lynch raised this issue directly with then-Secretary Kerry.⁵⁸ FBI emails describe the situation as the “meeting between Secretary Kerry and the AG didn’t go well for us” and “now is not a ‘good time’ to be requesting approvals for extraditions or lures on Iran CP [counter proliferation] cases.”⁵⁹ Another email from May 3, 2016, describes the tension between the AG and then-Secretary Kerry as “when the PC [Principals Committee] ended, Kerry packed up his stuff and rushed out without engaging with the AG at all. The issues remain unresolved.”⁶⁰

From: Jay.Bratt@[REDACTED]@doj [REDACTED]
Sent: Tuesday, May 03, 2016 5:13 PM
To: [REDACTED] (CD) (FBI)
Subject: RE: Last Thursday's meeting --- UNCLASSIFIED (FOUO)

CLASSIFICATION:FOUO

I just got back from our AAG biweekly updates and asked whether he or Mary McCord had received a read-out. According to Mary, when the PC ended, Kerry packed up his stuff and rushed out without engaging with the AG at all. The issues remain unresolved. I am going to circle back with Mary, Denise Cheung, and Bruce Swartz to see how we can get this back on the AG's agenda.

Even though then-Secretary Kerry continued avoiding discussion of Iranian cases with AG Lynch, an unclassified email sent on September 12, 2016, from Justice Department NSD to FBI CD shows that officials in the Justice Department continued to push the AG to raise these issues with then-Secretary Kerry.⁶¹ Despite constant pushback and obstruction from State and a lack of support from Justice Department leadership, FBI agents and DOJ personnel continued pursuing cases against Iranians.⁶²

⁵⁸ Exhibit J.

⁵⁹ *Id.* (used in prior letter).

⁶⁰ Exhibit K (used in prior letter).

⁶¹ Exhibit L.

⁶² *Id.*

From: Jay.Bratt@[REDACTED]@doj [REDACTED]
Sent: Monday, September 12, 2016 6:01 PM
To: [REDACTED] (CD) (FBI)
Subject: Cases (FOUO)

CLASSIFICATION:FOUO

[REDACTED]:

We're still working on getting the AG to press Sec. Kerry again about the stalled cases. With respect to [REDACTED], I just want to confirm that the Ambassador in [REDACTED] approved the lure subject to Main State approval. I believe that's the case, but I want to make sure our briefing memo is correct.

Thanks.

Jay

However, State's actions did have a chilling effect on FBI and DOJ law enforcement initiatives. For example, according to whistleblower disclosures, "The State Department and Obama-Biden administration officials persistently and systematically derailed criminal and national security investigations, creating a shadow amnesty program that protected scores of additional Iranian criminals. FBI offices abandoned dozens of Iran-related investigations and U.S. Attorneys shut down prosecutions after recognizing the State Department and DOJ obstruction would thwart effective enforcement efforts."⁶³

14 Fugitives Granted Amnesty by Obama-Biden Administration

As previously mentioned, on January 16, 2016, implementation day of the Iran Nuclear Deal, the Obama-Biden administration dropped charges and international arrest warrants against 14 Iranian fugitives for providing support for Iran's WMD and ballistic missile programs because "it was assessed that extradition requests were unlikely to be successful."⁶⁴ However, it was reported that the Obama-Biden administration attempted to hide this information from the American people by not initially acknowledging publicly that these charges and arrest warrants were dropped.⁶⁵ Reportedly, the identities of the 14 Iranian fugitives were learned once Iran's

⁶³ On file with Comm. staff.

⁶⁴ Louis Nelson, *U.S. wire payments to Iran undercut Obama*, POLITICO, (Sep. 18, 2016), <https://www.politico.com/story/2016/09/us-iran-payments-wire-transfer-228324#ixzz4KhjmXpzD>; Josh Meyer, *Obama's hidden Iran deal giveaway*, POLITICO, (Apr. 24, 2017), <https://www.politico.com/story/2017/04/24/obama-iran-nuclear-deal-prisoner-release-236966>; Josh Meyer, *The Iran deal: The full picture*, POLITICO, (Apr. 24, 2017), <https://www.politico.com/story/2017/04/24/obama-iran-nuclear-deal-prisoner-list-details-237381>.

⁶⁵ Josh Meyer, *The Iran deal: The full picture*, POLITICO, (Apr. 24, 2017), <https://www.politico.com/story/2017/04/24/obama-iran-nuclear-deal-prisoner-list-details-237381>; see Josh Meyer,

state news service, FARS, disclosed the information.⁶⁶ These reports also stated Justice Department lawyers, prosecutors, and FBI agents who worked these cases for several years and had intimate knowledge about these suspects were not consulted or asked for input before the Justice Department dismissed the charges for the 14 Iranians.⁶⁷ According to disclosures to my office, “what the media portrayed as amnesty for 14 Iranians was only the visible tip of a massive effort to obstruct U.S. laws prohibiting the sale (and ultimate use) of U.S. technology and components to Iran.”⁶⁸ These claims appear supported by unclassified Justice Department and FBI email records concerning the prisoner swap.

In an unclassified email from December 15, 2015, then-Acting Section Chief for the FBI CD Stacey Moy wrote to David Laufman and Jay Bratt at NSD about contacting DAAG Bruce Swartz about the status of FBI operations and potential conflicts with the ongoing prisoner exchange negotiations between Iran and State.⁶⁹ As referenced above, Swartz was part of a small group of Justice and State Department officials who met and discussed cases relating to individuals providing support for Iran’s WMD and ballistic missile programs.⁷⁰ The email shows the FBI wanted to provide information about their operations and how the U.S.’s negotiation position with Iran could be strengthened if senior policy makers authorized indictments.⁷¹ However, as previously mentioned, the records show State continued to obstruct FBI and Justice Department attorneys from pursuing these cases and did not want to meet with FBI personnel to discuss these relevant matters.⁷²

Obama’s hidden Iran deal giveaway, POLITICO, (Apr. 24, 2017), <https://www.politico.com/story/2017/04/24/obama-iran-nuclear-deal-prisoner-release-236966> (Reporting, “in a series of unpublicized court filings, the Justice Department dropped charges and international arrest warrants against 14 other men, all of them fugitives. The administration didn’t disclose their names or what they were accused of doing, noting only in an unattributed, 152-word statement about the swap that the U.S. ‘also removed any Interpol red notices and dismissed any charges against 14 Iranians for whom it was assessed that extradition requests were unlikely to be successful.’”).

⁶⁶ *Id.*

⁶⁷ Josh Meyer, *Obama’s hidden Iran deal giveaway*, POLITICO, (Apr. 24, 2017), <https://www.politico.com/story/2017/04/24/obama-iran-nuclear-deal-prisoner-release-236966>.

⁶⁸ On file with Comm. staff.

⁶⁹ Exhibit H.

⁷⁰ Exhibit C.

⁷¹ Exhibit H.

⁷² Exhibit C.

From: MOY, STACEY R. (CD) (FBI)

Sent: Tuesday, December 15, 2015 10:44 AM

To: 'David.Laufman@[redacted]doj[redacted]'; 'Jay.Bratt@[redacted]doj[redacted]'

Subject: FW: Contact Information --- UNCLASSIFIED

Classification: UNCLASSIFIED

=====

David/Jay,

Hope things are well – I’ve been advised by my folks via DoJ/OI to reach out to Mr. Swartz (Mr. Dembosky’s equivalent) for the status of our undercover/lure-ops as he would have visibility for conflicts with ongoing hostage/prisoner exchange with Iran via DoS. Our efforts would be to provide the joint FBI-interagency ops with potential actions (via indictments) as mechanisms to help inform senior policymakers on areas of leverage/strengthening positions in their negotiations should they choose to authorize. Having a broader sense of community efforts will also help us at the field-level (FBI and interagency) to continue to work our sources and other collection efforts to synch and/or daisy-chain out to keep these options alive. Please let me know if you would prefer to socialize via CES or NSD FO? Thanks

V/R Stacey

Further, an unclassified FBI email sent on January 19, 2016, just three days after the prisoner swap, shows the FBI field agent assigned to a case against an indicted Iranian was not told that his case was one of the 14 where the Justice Department dropped the charges, and “the AUSA [Assistant U.S. Attorney] in the case said she was under strict orders from DOJ not to tell the case agents.”⁷³ However, officials within FBI CD made it a priority to notify each agent assigned to the 14 cases where the Justice Department dropped the charges against or released Iranians as part of the prisoner exchange deal and to get information about how these decisions were made.⁷⁴

⁷³ Exhibit M.

⁷⁴ *Id.*

From: [REDACTED] (CD)(FBI)
Sent: Tuesday, January 19, 2016 12:11 PM
To: BUMA, JOHNATHAN C (CD) (FBI); CARPENTER, CHANTE L. (CD) (FBI); GLEASON, MARY F. (CD) (FBI); MARTIN, SCOTT F (CD) (FBI); SISK, TREVOR A (CD) (FBI)
Subject: Iran prisoner deal --- UNCLASSIFIED//FOUO
Importance: High
SentinelCaseId: TRANSITORY RECORD

Classification: UNCLASSIFIED//FOUO

=====

TRANSITORY RECORD



Attached is the list of those released or charges dropped as a result of this weekend's actions.

I want to ensure that the case agent of each of these cases has been notified. I think that has happened in many cases but please scrub through both lists and reach out to understand how this unfolded locally and offer support and clarification of the Iran program moving forward.

I just got off the phone with SA Bradley Hull from Cincy, formerly case agent of Boston's MKS case where [REDACTED] is on the list to have charges dropped. He was not told of the action and the AUSA in the case said she was under strict orders from DOJ not to tell the case agents.



=====
 Classification: UNCLASSIFIED//FOUO

This new information raises questions about how the Obama-Biden administration believed extradition was "likely to be unsuccessful" if case agents weren't consulted. It also raises questions whether the true reason extradition was unlikely was due to State, with then-Secretary Kerry at the helm, obstructing law enforcement activity.

In short, according to whistleblower disclosures, during the Obama-Biden years:

Between 2013 and 2017, FBI Headquarters executives allowed the FBI to become a political tool. The State Department and the DOJ leadership actively obstructed FBI investigations and operations targeting Iranian procurement of material supporting their WMD, ballistic missile, and conventional weapons programs. There was shock and disbelief among FBI agents and analysts when we were told not to arrest individuals and then watched those individuals continue to support the Iranian weapons programs. The failure to arrest individuals not only enabled them to continue their illegal activities against the US, but we also missed the opportunity to obtain valuable intelligence the arrest would have provided – intelligence that could have better informed the ongoing JCPOA negotiations.⁷⁵

When whistleblowers came forward in 2015, they were ignored and silenced. Rather than uphold the law and speak out against the improper influence, high-ranking FBI and DOJ officials chose to cover it up. During this time, FBI officials systematically reassigned and depleted the FBI agents and analysts working the Iran threat (highest level national threat priority) and reassigned some to work the Crossfire investigations. When FBI whistleblowers made formal complaints to Director Comey, the FBI's Inspection Division, and DOJ OIG based on clear and compelling evidence, they were universally dismissed without any investigation.⁷⁶

Trump Administration Reverses Course from Obama-Biden Administration and Then-Secretary Kerry Obstruction

Unclassified email records show that Justice Department and FBI leadership allowed then-Secretary Kerry to interfere with and obstruct the Justice Department and FBI from pursuing arrests and indictments of individuals supporting Iran's WMD and ballistic missile programs. However, the records show that the Trump administration altered course. According to whistleblowers, "The election of President Trump in 2016 did result in an immediate move back toward normal enforcement of the law against the Iran regime and its supporters."⁷⁷ Indeed, the change in approach is supported by a November 29, 2016, email from Shell to an FBI official within then-FBI Director James Comey's office.⁷⁸

⁷⁵ On file with Comm. staff.

⁷⁶ On file with Comm. staff.

⁷⁷ On file with Comm. staff.

⁷⁸ Exhibit N.

----- Original message -----

From: "Paarmann, C. B. (IOD) (FBI)"
Date: 11/29/2016 5:53 PM (GMT-05:00)
To: "Koerner, Heather P. (DO) (FBI)"
Cc: "Strzok, Peter P. (CD) (FBI)", "Corsi, Dina M. (CD) (FBI)"
Subject: RE: Iran

Thank you Heather - Have cc'd DAD Strzok and Corsi for their visibility.

C. Bryan Paarmann

Deputy Assistant Director

International Operations, FBI

(o) [REDACTED]

(c) [REDACTED]

unclass - [REDACTED]

From: Koerner, Heather P. (DO) (FBI)
Sent: Tuesday, November 29, 2016 9:51 AM
To: Paarmann, C. B. (IOD) (FBI); Schultz, Thomas J. (IOD) (FBI)
Cc: Brekke, Bradley (DO) (FBI); Korneski, Douglas M. (AT) (FBI)
Subject: FW: Iran

Hello DAD Paarmann and SC Schultz,

Passing on information and perspective from Walied Shater from Shell...

FYSA

Heather Petry Koerner

(o) [REDACTED] | (c) [REDACTED] | Time Zone: CST

From: Walied.Shater@[REDACTED]
Sent: Tuesday, November 29, 2016 2:59 AM
To: Koerner, Heather P. (DO) (FBI)
Subject: Iran

Hi Heather-

Just to pass on to your analysts. It seems Trump election win having impact on doing business in Iran. We are going to sign a small deal in Iran this week (\$5 million licensing agreement). We were in talks with a Japanese bank to handle the funds, but they have recently backed off, unofficially citing coming Trump presidency. European banks feeling the same way. Small amount of money, but having a dampening effect on doing business in Iran.

Regards,

Walied



Shell

This change in course is further evidenced by the individuals the Trump administration brought to justice for providing support for Iran’s WMD and ballistic program in violation of U.S. sanctions and export restrictions against Iran—individuals whom the Obama-Biden administration and then-Secretary Kerry’s State Department allowed to continue to operate at the risk of U.S. national security. Specifically, the unclassified records coupled with public reports reveal the Trump administration brought the following individuals to justice whom the Obama-Biden administration and then-Secretary Kerry let walk.

Green Wave Telecommunications–Alireza Jalali and Negar Ghodskani: Unclassified FBI email records show that in July 2015, the Justice Department sought to bring grand jury proceedings against Jalali and Ghodskani for violating U.S. sanctions and export restrictions against Iran as part of its investigation into Green Wave Telecommunications, which the FBI and Homeland Security Investigations had been investigating since 2011.⁷⁹ According to the records, in the case against Green Wave, the Justice Department couldn’t “schedule Grand Jury [proceedings] until State Department approves.”⁸⁰ Public Justice Department reports provide that “[s]ince its incorporation in 2009, Green Wave operated as a front company for Fanavar Moj Khavar (Fana Moj), an Iran-based company that specializes in both broadcast communications and microwave communications.”⁸¹ Reportedly Green Wave unlawfully acquired sensitive export-controlled technology from the U.S., shipped it to Malaysia, and then shipped the technology to Iran to avoid U.S. export controls.⁸² In 2017, the Trump administration designated Fana Moj as a Specially Designated National for its support of the Iranian Revolutionary Guard.⁸³ On November 29, 2017, Jalali pleaded guilty for his participation in the fraud conspiracy and was sentenced to 15 months in prison.⁸⁴ On August 9, 2019, Ghodskani pleaded guilty for her participation in the conspiracy and was sentenced to 27 months in prison.⁸⁵

Conclusion

On May 21, 2024, I wrote to the State Department, FBI, and Justice Department requesting the production of records for certain officials referenced in these records.⁸⁶ I sent

⁷⁹ Exhibit J; Department of Justice, *Summary of Major U.S. Export Enforcement, Economic Espionage, And Sanctions-Related Criminal Cases (January 2016 to the present: updated November 2019)*, National Security Division, (Nov. 2019), <https://www.justice.gov/nsd/page/file/1044446/dl?inline>.

⁸⁰ Exhibit A.

⁸¹ Department of Justice, *Summary of Major U.S. Export Enforcement, Economic Espionage, And Sanctions-Related Criminal Cases (January 2016 to the present: updated November 2019)*, National Security Division at 24, (Nov. 2019), <https://www.justice.gov/nsd/page/file/1044446/dl?inline>.

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ Letter from Senator Charles Grassley, Ranking Member, Senate Budget Committee, and Senator Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations, to Antony Blinken, Secretary, Department of State, (May 21, 2024); Letter from Senator Charles Grassley, Ranking Member, Senate Budget Committee, and Senator Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations, to Merrick Garland, Attorney General, Department of Justice, (May 21, 2024); Letter from Senator Charles Grassley, Ranking Member, Senate Budget Committee, and Senator Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations, to Christopher Wray, Director, Federal Bureau of Investigation, (May 21, 2024), <https://www.grassley.senate.gov/news/news-releases/grassley-johnson-uncover-obama-biden-state-departments-politically-motivated-obstruction-of-fbi-law-enforcement-efforts>.

these letters to gain greater insight into the danger posed by then-Secretary Kerry's politically motivated decisions to interfere with law enforcement efforts against individuals who supported Iran's WMD and ballistic missile programs in contradiction of U.S. sanctions and export restrictions and to seek accountability for this obstruction.⁸⁷ However, the Biden-Harris State Department, FBI, and Justice Department failed to respond.

The unclassified records reveal the Obama-Biden administration's brazen political calculus forced the FBI to stand down on efforts to arrest and indict individuals who provided support for Iran's nuclear and ballistic missile programs. More precisely, then-Secretary of State Kerry's obstructive conduct against law enforcement efforts did not reinforce or strengthen our national security. Kerry's obstructive conduct contradicted his testimony before Congress that the Iran Nuclear Deal "does not provide Iran any relief from U.S. sanctions under any of those authorities or other authorities, mind you."⁸⁸ Further, the email records expose that the FBI and Justice Department, under the leadership of then-Director Comey and then-Attorney General Loretta Lynch, failed to stop Kerry's political interference and obstruction. Whistleblower disclosures summed up the consequences of State's obstruction saying that, "Tragically, the constant unlawful interference hindered and obstructed hundreds of investigations into thousands of illegal acts, all of which benefited the Iranian regime, its military, and proxies. In short, this unceasing political interference guaranteed Iran's illegal activities would continue."⁸⁹

⁸⁷ Negar Mojtahedi, *Whistleblowers Allege John Kerry Blocked FBI From Arresting Iranian Agents*, IRAN INTERNATIONAL, (May 23, 2024), <https://www.iranintl.com/en/202405231235>.

⁸⁸ Senate Foreign Relations Committee, *Iran Nuclear Agreement Review*, (Jul. 23, 2015), <https://www.foreign.senate.gov/hearings/iran-nuclear-agreement-review>.

⁸⁹ On file with Comm. staff.

Exhibit A

[REDACTED]

From: Burnham, Cindy R. (MP) (FBI)
Sent: Wednesday, July 29, 2015 2:41 PM
To: [REDACTED]; Buma, Johnathan C. (CD) (FBI)
Subject: RE: Current Iran case roadblock

Thanks [REDACTED] - as always, I appreciate your support.

I have had two separate cases blocked, details are below, at the U//FOUO level:

[REDACTED]: A [REDACTED]-based Iranian front company. Case is ready for Grand Jury, and the subject is currently located in the [REDACTED]. Subject is trying to obtain permanent residency in the [REDACTED], so we would like to have him arrested before he gets that residency (it's much easier to extradite a non-resident). Statute runs Feb 2016. AUSA Ari Redbord (District of Columbia), CES Attorney is Julie Edelstein. Yesterday, Julie reiterated that State Department approval was needed for Grand Jury.

Green Wave: A Malaysia-based Iranian front company. Case is ready for Grand Jury, with subjects in Malaysia and Australia. Case has been coordinated with the Attorney General Chambers in Malaysia and Australia, and the statute runs in Feb 2016. AUSA Charlie Kovats (District of Minnesota) and CES Attorney David Recker. Recker reiterated to me yesterday that we can't schedule Grand Jury until State Department approves.

For whatever it's worth: in both cases, the CES attorneys have been fantastic to work with, and have pushed the cases whenever possible. This seems to be coming from far above the CES trial attorney level.

Thanks again, and please let me know if you have any questions.

Cindy

-----Original Message-----

From: [REDACTED] (CD) (FBI)
Sent: Wednesday, July 29, 2015 1:13 PM
To: Buma, Johnathan C. (CD) (FBI); Burnham, Cindy R. (MP) (FBI)
Subject: RE: Current Iran case roadblock

Cindy-

State/DOJ have been blocking all of our overt LE actions since April. Unfortunately, there have been mixed and inconsistent messages and we are working to get some stability to the guidance. DOJ is working on some guidance for its offices which may be released next week. In the interim, can you advise the names of the CES attorney's? From what I have seen, it is accurate that any decisions requiring CES permission have been run through State and DOJ front office for approval.

We like to keep track of these decisions so please save communications and forward to us.

Best,

[REDACTED]

[REDACTED]

[REDACTED]

-----Original Message-----

From: Buma, Johnathan C. (CD) (FBI)
Sent: Wednesday, July 29, 2015 1:20 PM
To: [REDACTED] (CD) (FBI)
Subject: FW: Current Iran case roadblock

Another example from [REDACTED] documenting Dept. of State's claim that it must approve enforcement actions, such as scheduling Grand Jury:

-----Original Message-----

From: Burnham, Cindy R. (MP) (FBI)
Sent: Tuesday, July 28, 2015 5:15 PM
To: Buma, Johnathan C. (CD) (FBI); Isaacson, Grant (MP) (FBI)
Subject: FW: Current Iran case roadblock

Just FYI - I had a conference call today with the SAC of Commerce's [REDACTED] field office. Commerce provided written guidance to their case agents which states, "State requests coordination on significant Iranian enforcement actions but such actions are not precluded or restricted."

I have been told by two different CES attorneys covering cases in two separate judicial districts that State Department must approve significant enforcement actions, such as scheduling Grand Jury. The [REDACTED] Commerce SAC is going to reach out to his director and try to get clarification.

Both of these cases are joint OEE/FBI investigations, so we may become a part of the discussion. Please let me know if you hear anything or have any questions.

Thanks - Cindy

-----Original Message-----

From: Dan Clutch [REDACTED]@[REDACTED].doc.gov]
Sent: Tuesday, July 28, 2015 12:58 PM
To: Perry Davis; Dave Nardella
Cc: Jon Svendsen; Burnham, Cindy R. (MP) (FBI)
Subject: RE: Current Iran case roadblock

Perry, thank you for the information. I think a call to flesh things out would be helpful -- can we talk at 3pm today?

Thank you,
Dan.

-----Original Message-----

From: Perry Davis
Sent: Tuesday, July 28, 2015 10:54 AM
To: Dan Clutch; Dave Nardella

█

[REDACTED]

Cc: Jon Svendsen; Burnham, Cindy R. (MP) (FBI)

Subject: Current Iran case roadblock

Dan,

Based on yesterday's discussion of how our historic/ongoing Iran cases should not be impacted by the recent Iran deal, I have an issue that I think you and or HQ may want to address. I'm copying Jon because the case at issue is his Green Wave case. (Case No. [REDACTED]) The case is a joint investigation with FBI and HSI and has been under investigation since 2011. There have been significant investigative actions and a significant amount of investigative effort expended by all the joint agencies over the last few years. Jon's FBI co-case agent, Cindy Burnham, (copied here) in [REDACTED] just informed me that over the past few weeks, and as recently as yesterday, CES advised that the State Department would not allow CES to move forward with grand jury without "exigent circumstances." This seems to be a direct contradiction to the second bullet point in the notes sent down from HQ that indicate "State requests coordination on significant Iranian enforcement actions but such actions are not precluded or restricted."

I am only the assisting agent on this case and my knowledge of the details is slim. If you would like some more detail, I could probably arrange a phone call for you with Cindy Burnham.

Thanks,

Perry

█

[REDACTED]

Exhibit B

[REDACTED]

From: Moy, Stacey R. (CD) (FBI)
Sent: Monday, May 18, 2015 8:04 PM
To: [REDACTED] Carpenter, Chante L. (CD) (FBI); Sander, Jonathan K. (WMD) (FBI)
Subject: Fwd: [REDACTED]

FYI - hope to get some more clarity in the AM, thanks

----- Original message -----

From: "Moy, Stacey R. (CD) (FBI)" [REDACTED]
Date: 05/18/2015 8:01 PM (GMT-05:00)
To: "Dembosky, Luke (NSD) (JMD)" [REDACTED] >, "Laufman, David (NSD) (JMD)" [REDACTED] >, "Jones, Robert A. (CD) (FBI)" [REDACTED] >, "Edelstein, Julie (NSD) (JMD)" [REDACTED] >
Subject: RE: [REDACTED]

Much appreciated Sir - on standby to provide whatever higher needs, thanks

----- Original message -----

From: "Dembosky, Luke (NSD)" [REDACTED] >
Date: 05/18/2015 7:34 PM (GMT-05:00)
To: "Laufman, David (NSD) (JMD)" [REDACTED] >, "Jones, Robert A. (CD) (FBI)" [REDACTED] >, "Moy, Stacey R. (CD) (FBI)" [REDACTED] >, "Edelstein, Julie (NSD) (JMD)" [REDACTED] >
Subject: [REDACTED]

We're going to need to elevate further. Exhausted DAAG and AAG levels today, to no avail. Friday night we briefed AG and DAG together, so they already understand the context. Stay tuned.

[REDACTED]

[REDACTED]

Sir,
Joint FBI and OGA intel info on your JWICS now – working to get the remaining items for speaking points/context shortly. Do you also have a red-side (SECRET/SIPRNET) we can send those on? Thanks

V/R Stacey

Stacey R. Moy
Assistant Section Chief
FBIHQ/FBI Counterproliferation Center/Room [REDACTED]
[REDACTED]

From: Dembosky, Luke (NSD) [REDACTED]
Sent: Monday, May 18, 2015 11:30 AM
To: Bladel, Louis E. (CD) (FBI); Laufman, David (NSD) (JMD); Moy, Stacey R. (CD) (FBI); [REDACTED]; Kollmar, Richard W. (CD) (FBI)
Cc: Arrowood, Casey (NSD) (JMD); Hickey, Adam (NSD) (JMD)
Subject: RE: [REDACTED]
Importance: High

Lou,

The AAG has a high-level call on this at 5:30. If we have or can get it, it would help very much to get any FBI and OGA info, poster or list illustrating how important this person is. [REDACTED]

Thanks.

Luke

From: Bladel, Louis E. (CD) (FBI) [REDACTED]
Sent: Sunday, May 17, 2015 7:45 PM
To: Dembosky, Luke (NSD); Laufman, David (NSD); Moy, Stacey R. (CD) (FBI); [REDACTED]; Kollmar, Richard W. (CD) (FBI)
Cc: Arrowood, Casey (NSD)
Subject: RE: [REDACTED]

The early June date is still accurate. [REDACTED]

[REDACTED] Thanks, Lou

----- Original message -----

From: "Dembosky, Luke (NSD)" [REDACTED] >
Date: 05/17/2015 4:39 PM (GMT-05:00)
To: "Laufman, David (NSD) (JMD)" [REDACTED] >
Cc: "Bladel, Louis E. (CD) (FBI)" [REDACTED] >, "Arrowood, Casey (NSD) (JMD)" [REDACTED] >
Subject: Re: [REDACTED]

Last info I have is interest continues for early June. Please let me know if anything has changed in that regard. We are about to escalate the issue with counterparts.

|

[REDACTED]

[REDACTED]

From: Moy, Stacey R. (CD) (FBI)
Sent: Wednesday, May 13, 2015 1:36 PM
To: Bladel, Louis E. (CD) (FBI)
Cc: [REDACTED]
Subject: RE: [REDACTED]

Briefed this at the 1 PM along with the NF case – thanks to [REDACTED], provided the back-material along with updated BBC for Jones to provide to the DD for context. Aaron read the material and agreed it should go to the DD for decision-makers and not be left to Sherman based on the info, thanks

V/R Stacey

From: Bladel, Louis E. (CD) (FBI)
Sent: Wednesday, May 13, 2015 9:40 AM
To: Moy, Stacey R. (CD) (FBI)
Subject: RE: [REDACTED]

Good news. Glad logic won out.

--

----- Original message -----

From: "Moy, Stacey R. (CD) (FBI)" [REDACTED] >
Date: 05/13/2015 8:27 AM (GMT-05:00)
To: "Bladel, Louis E. (CD) (FBI)" [REDACTED] >
Subject: RE: [REDACTED]

Back in – Aaron reached out following discussion w/ Bob Jones and needed additional details on timeframe which we provided. Jones did talk w/ Sherman and we provided additional context on the appropriate-level call (DD), which they are trying to schedule by the end of the week. We are updating the BBC (w/ intel brief to accompany) for speaking points, will keep you apprised.

EA authority is still on deck for 10 AM and [REDACTED]
[REDACTED] as scheduled, thanks

V/R Stacey

From: Bladel, Louis E. (CD) (FBI)
Sent: Tuesday, May 12, 2015 5:41 PM
To: Moy, Stacey R. (CD) (FBI)
Subject: RE: [REDACTED]

Let's stand down unless you hear otherwise from our chain. Pls make sure [REDACTED] understands. Crazy.

--

[REDACTED]

[REDACTED]

----- Original message -----

From: "Moy, Stacey R. (CD) (FBI)" [REDACTED] >
Date: 05/12/2015 5:31 PM (GMT-05:00)
To: "Bladel, Louis E. (CD) (FBI)" [REDACTED] >
Subject: [REDACTED]

Lou,

Aaron called me in and said he received a cryptic call from Bob Jones that FBI was to stand down from pushing State on visa issuance due to "other sensitivities." He had no other issue so I circled the wagon with [REDACTED] so he can track from his interagency contacts to verify before we reengage for greater details on what this means (presume US Wendy Sherman issues) and whether we bring this at a higher-level? Will keep you apprised, thanks

V/R Stacey

Stacey R. Moy
Assistant Section Chief
FBIHQ/FBI Counterproliferation Center/Room [REDACTED]
[REDACTED]

Exhibit C

[REDACTED]

From: Reyes, Reginald B. (LA) (FBI)
Sent: Thursday, July 2, 2015 7:27 PM
To: Sisk, Trevor A. (CD) (FBI); Storino, Alexander L. (LA) (FBI)
Cc: [REDACTED]
Subject: RE: Italy Follow Up

Trevor [REDACTED]

As Alex mentioned in his e-mail, we appreciate the constant support from your team in spite of the political and bureaucratic obstacles. Have a safe Independence day. Best regards, Reggie.

From: Sisk, Trevor A. (CD) (FBI)
Sent: Thursday, July 02, 2015 11:32 AM
To: Storino, Alexander L. (LA) (FBI); Reyes, Reginald B. (LA) (FBI)
Cc: [REDACTED]
Subject: RE: Italy Follow Up

Alex / Reggie –

FYI - I just contacted CES Attorney Dave Recker to inquire why they (CES) would need to have the DAAG raise our plan to arrest T or F with State. He advised that all of the Iran proliferation cases are being discussed and decided by a small group of DOJ officials and State Department officials due to the implications that it could have on the pending Nuclear negotiations with Iran. Attorney Recker stated that some of the requests to move forward with arrests / operations are being approved and some are not. He stated he knows of certain DOJ personnel that have participated in these discussions, to include Luke Dembroski (DAAG), Bruce Swartz (NSD OIA) and Mary Rodriguez (NSD OIA). Attorney Recker advised that personnel of comparable standing from State Department also participate in these meetings. Attorney Recker advised that he was aware of one instance where the Secretary of State personally told DOJ officials that they were to stand down on an arrest (NFI). As you are aware, Attorney Recker made similar statements yesterday during our conference call about the current approval process for these matters based on the possible implications that an arrest could possibly have of the current negotiations with Iran... but I wanted to share with you the fact that we had a similar conversation today.

Trevor

From: Recker, David (NSD) [REDACTED]
Sent: Thursday, July 02, 2015 1:12 PM
To: Takla, Mark (USACAC)
Cc: Storino, Alexander L. (LA) (FBI); Daniel McGowan; Willie Lo; Sisk, Trevor A. (CD) (FBI); Kwon, Virginia (LA) (FBI); Reyes, Reginald B. (LA) (FBI); Bertrand, Michael C. (NY) (FBI); Bents, James J. (RO) (FBI)
Subject: RE: Italy Follow Up

OK. I will let the DAAG know that the current request to be raised with State is that plan.

From: Takla, Mark (USACAC) [REDACTED]
Sent: Thursday, July 02, 2015 1:11 PM
To: Recker, David (NSD)

■

[REDACTED]

Cc: Storino, Alexander L. (LA) (FBI); Daniel McGowan; Willie Lo; Sisk, Trevor A. (CD) (FBI); Kwon, Virginia (LA) (FBI); Reyes, Reginald B. (LA) (FBI); Bertrand, Michael C. (NY) (FBI); Bents, James J. (RO) (FBI)
Subject: Re: Italy Follow Up

Yes, that is the plan once we are authorized to arrest.

On Jul 2, 2015, at 9:59 AM, "Recker, David (NSD)" [REDACTED] wrote:

Alex,

Thanks for the update.

As for the other two defendants who frequently travel to the U.S., is the plan to go forward with an arrest the next time they arrive and seek to close the courtroom? I'll need to go back and tee that plan up with NSD folks.

Thanks,

Dave

From: Storino, Alexander L. (LA) (FBI) [REDACTED]
Sent: Thursday, July 02, 2015 12:53 PM
To: Takla, Mark (USACAC); Daniel McGowan; Willie Lo; Recker, David (NSD); Sisk, Trevor A. (CD) (FBI); Posa, Cristina
Cc: Kwon, Virginia (LA) (FBI); Reyes, Reginald B. (LA) (FBI); Bertrand, Michael C. (NY) (FBI); Bents, James J. (RO) (FBI)
Subject: Italy Follow Up

All,

This morning I received information from our [REDACTED] in [REDACTED] indicating [REDACTED] had applied for a [REDACTED] visa at the [REDACTED] Embassy in Tehran for the time period we referenced, however his visa request was refused. Looks like this opportunity didn't pan out. Thanks for all your help and let me know if you have any questions. Have a good 4th.

Regards,

Alex

SA Alex Storino
FBI - [REDACTED]
[REDACTED]

Exhibit D

[REDACTED]

From: Sisk, Trevor A. (CD) (FBI)
Sent: Friday, July 3, 2015 8:39 PM
To: [REDACTED] (CD) (FBI)
Subject: RE: HQ Support

Kind words by Reggie but it still doesn't get us any closer to moving forward....

----- Original message -----

From: [REDACTED] (CD) (FBI)" [REDACTED]
Date: 07/03/2015 8:22 PM (GMT-05:00)
To: "Sisk, Trevor A. (CD) (FBI)" [REDACTED]
Subject: Fwd: HQ Support

----- Original message -----

From: "Bladel, Louis E. (CD) (FBI)" [REDACTED] >
Date: 07/03/2015 7:45 PM (GMT-05:00)
To: "Reyes, Reginald B. (LA) (FBI)" [REDACTED] >
Subject: RE: HQ Support

Thanks and likewise. We are all beside ourselves on asking the field to stand down on a layup arrest, however as it stands right now we all have to sit back and wait until all the US and Iran negotiations resolve themselves. We will continue to argue for aggressive action, however we will probably lose. [REDACTED] and his Unit always push the envelope and hate our current stance, I totally agree, even though our hands are tied. Thanks for your patience and enjoy your weekend.

----- Original message -----

From: "Reyes, Reginald B. (LA) (FBI)" [REDACTED] >
Date: 07/03/2015 6:14 PM (GMT-05:00)
To: "Bladel, Louis E. (CD) (FBI)" [REDACTED] >
Subject: HQ Support

Lou,

I wanted to personally reach out to let you know that I am very appreciative of your team. Specifically [REDACTED] and Trevor for assisting us navigate through the on-going politics and beauracracy. Everytime I've engaged with them, I am left with confidence that they will take action and support my team. I hope you and your family have a safe and festive Independence holiday. Thanks again, Reggie. (No, I don't want to come back to HQ.)

[REDACTED]

Exhibit E

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U.S. Department of Justice


National Security Division

Counterintelligence and Export Control Section

Washington, D.C. 20530

MEMORANDUM

TO: National Security/Anti-Terrorism Advisory Council Coordinators

FROM: David H. Laufman 
Chief, Counterintelligence and Export Control Section

SUBJECT: Guidance Regarding the Nuclear Deal with Iran and Criminal Investigations and Prosecutions

DATE: October 7, 2015

On July 14, 2015, the United States, Iran, the European Union ("E.U."), and five other nations reached a Joint Comprehensive Plan of Action ("JCPOA") that limits Iran's nuclear program in return for sanctions relief. The purpose of this guidance is to provide clarity on sanctions relief under the JCPOA and to describe how it may affect criminal investigations and prosecutions.

First, no changes will be made to any sanctions unless and until Iran has taken certain nuclear-related actions and these actions have been verified by the International Atomic Energy Agency ("IAEA"). Following completion of these steps, which the U.S. Government does not expect to occur imminently, sanctions relief will go into effect on "Implementation Day." Second, while the JCPOA will provide relief from a wide range of "secondary" economic and financial sanctions affecting foreign entities doing business with Iran, most of the laws and regulations used in U.S. Department of Justice ("DOJ") criminal cases will not be affected. Third, although the laws that DOJ criminally enforces will not significantly change, the JCPOA may have practical implications for our criminal prosecutions.

I. Sanctions relief will not occur until Implementation Day.

- All current sanctions will remain in place until Implementation Day. The timing of Implementation Day depends on when Iran completes the nuclear commitments to which it agreed under the JCPOA.



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- The only exception is the limited sanctions relief under the Joint Plan of Action (“JPOA”),¹ which has been in place during negotiations of the JCPOA and will continue to apply until Implementation Day.²
- II. After Implementation Day, sanctions relief will not affect most laws and regulations used in criminal cases.**
- A. The Iranian Transactions and Sanctions Regulations will be minimally affected**
- The JCPOA does not terminate, suspend, or otherwise substantially relieve the prohibitions in the ITSR – commonly referred to as “primary sanctions.”³ The ITSR will continue to prohibit most transactions involving the export or re-export of U.S. goods or services to Iran, as well as transactions involving U.S. persons and Iran, the Government of Iran, or Iranian financial institutions.
 - In essence, except as specified below:
 - **U.S. or foreign persons involved in the export or re-export of U.S. goods or services to Iran remain subject to prosecution.**
 - **U.S. persons involved in Iranian transactions remain subject to prosecution.**
 - The only sanctions relief related to the ITSR that is provided for under the JCPOA is:
 - the export, re-export, sale, lease, or transfer to Iran of commercial passenger aircraft, parts, and services for civil end-uses, which will be authorized on a case-by-case basis through specific licenses issued by OFAC;
 - the import of Iranian-origin carpets and foodstuffs, which will be authorized via a general license issued by OFAC; and
 - foreign entities that are owned or controlled by a U.S. person will be permitted, via an OFAC general license, to engage in certain transactions involving Iran that do not involve U.S. goods, U.S. services, or U.S. persons.

¹ The JPOA refers to the interim deal concluded in November 2013, pursuant to which the United States has provided Iran temporary and reversible sanctions relief. The JCPOA refers to the nuclear deal with Iran reached on July 14, 2015. Similar to the JCPOA, the JPOA primarily provides sanctions relief to non-U.S. entities engaging in transactions involving Iran in certain sectors, but not involving the United States or otherwise implicating the Iranian Transactions and Sanctions Regulations (“ITSR”).

² The U.S., E.U., and U.N. sanctions that will be lifted or suspended on Implementation Day can “snap back” if Iran fails to satisfy its commitments under the JCPOA.

³ The ITSR are located at 31 CFR Part 560 and are administered by the Office of Foreign Assets Control (“OFAC”) at the U.S. Department of the Treasury.

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- B. The International Traffic in Arms Regulations (“ITAR”) and Export Administration Regulations (“EAR”) will not be affected.
- U.S. restrictions on Iran related to defense articles on the U.S. Munitions List (“USML”) (including conventional arms and ballistic missiles), defense services, and items subject to the EAR will remain in place.
 - Iran must abide by the JCPOA for several years before U.N. restrictions related to conventional arms (five years) and ballistic missiles (eight years) are lifted. The lifting of these U.N. restrictions will not change U.S. restrictions on exporting conventional arms and ballistic missiles to Iran.
- C. Some entities/individuals will be removed from Sanctions Lists administered by OFAC.
- The JCPOA identifies entities and individuals that will be removed from OFAC’s List of Specially Designated Nationals and Blocked Persons (“SDN List”), the Foreign Sanctions Evaders List, and the Non-SDN Iran Sanctions Act List.⁴
 - These entities and individuals have a nexus to Iran and were included on the lists for reasons other than terrorist activity, ballistic missile proliferation, narcotics trafficking, destabilizing regional activity, or human rights violations.
 - Government of Iran entities and individuals and Iranian financial institutions will remain blocked under the ITSR. Transactions by U.S. persons with these blocked entities and individuals will remain prohibited. Accordingly, some entities and individuals that will be removed from the SDN List and other lists, but are identified as the Government of Iran or an Iranian financial institution, will remain blocked.
- D. The lifting of “secondary” economic and financial sanctions targeting non-U.S. persons will not alter the laws that DOJ criminally enforces.
- The U.S. will suspend economic and financial sanctions directed toward activities with Iran by non-U.S. persons that do not involve U.S. goods, U.S. services, or U.S. persons – known as “secondary sanctions.” These include sanctions on certain financial activities, Iran’s energy and petrochemical sectors, and Iran’s automotive sector.
 - The suspension of secondary sanctions will not impact the ITSR. Secondary sanctions are implemented pursuant to statutes, executive orders, and regulations that are separate from the ITSR.
 - The U.S. has never brought criminal charges for violations of secondary sanctions.

⁴ Many individuals and entities will be removed from these lists on Implementation Day, and some others will be removed on Transition Day (the earlier of 8 years after Adoption Day or when the IAEA concludes that all nuclear material in Iran remains in peaceful activities).

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III. The JCPOA and the implementation of sanctions relief may have practical implications for criminal investigations and prosecutions.

- Although sanctions relief under the JCPOA will not significantly change the laws that DOJ criminally enforces, some of our criminal cases may be affected in the following ways:
 - The removal of some U.N. and E.U. sanctions may hinder our ability to obtain the arrest or extradition of persons abroad for violating the ITSR because some countries may maintain that the request is political or there is no dual criminality. To protect against this risk -- and consistent with the National Security Division's new Strategic Plan for Export Control and Sanctions Enforcement -- **U.S. Attorneys' Offices should, when possible, also charge defendants with violations of the ITAR or EAR, with engaging in transactions with individuals or entities on the SDN List, or with violations of non-export related statutes such as wire fraud.**
 - The JCPOA may affect sentences that defendants will receive for ITSR violations due to the misperception that the underlying conduct is no longer criminal in light of sanctions relief or does not significantly impact national security. It will be necessary to brief judges on the limited changes that the JCPOA will make to U.S. sanctions against Iran and the importance of the remaining sanctions to national security. It will also be critical to highlight at sentencing all aspects of a case that implicate national security, including whether the goods are listed on the Commerce Control List or USML and the threat to national security posed by the procurement agent and the end user.
 - Defendants who unlawfully export goods or services to Iran may claim that they believed their conduct was lawful under the JCPOA. The U.S. government is already engaged in public outreach and education to mitigate this defense.
- Close coordination with the Counterintelligence and Export Control Section ("CES") will be essential on all export control and sanctions cases involving Iran to identify how the JCPOA may affect your cases and to discuss options for maximizing your success in future prosecutions.
 - CES's primary point of contact for such coordination is Jay Bratt, Deputy Chief, Export Control and Sanctions, who may be reached at [REDACTED] or at [REDACTED]

Exhibit F

[REDACTED]

From: CLINE, LISA (CD)(FBI)
Sent: Friday, October 09, 2015 1:47 PM
To: PEREZ-MIRANDA, LUIS A. (CD) (FBI); MOY, STACEY R. (CD) (FBI)
Cc: WALSH, DANIEL P (CD) (FBI); [REDACTED]
Subject: RE: DoJ/NSD guidance --- UNCLASSIFIED

SentinelCaseId: NON-RECORD

Classification: UNCLASSIFIED
=====

Thank you.

From: PEREZ-MIRANDA, LUIS A. (CD) (FBI)
Sent: Friday, October 09, 2015 1:32 PM
To: CLINE, LISA (CD)(FBI); MOY, STACEY R. (CD) (FBI)
Cc: WALSH, DANIEL P (CD) (FBI); [REDACTED]
Subject: RE: DoJ/NSD guidance --- UNCLASSIFIED

Classification: UNCLASSIFIED
=====

Greetings to all. The below matter was covered yesterday when SC Archey forwarded the preamble paragraph mentioned below to CD EM.

Thank you,

LUIS A. PEREZ-MIRANDA
Assistant Section Chief
Global Section (CD-2)
Counterintelligence Division (CD)
FBIHQ - Washington, DC
[REDACTED]

From: CLINE, LISA (CD)(FBI)
Sent: Friday, October 09, 2015 9:19 AM
To: MOY, STACEY R. (CD) (FBI)
Cc: WALSH, DANIEL P (CD) (FBI); PEREZ-MIRANDA, LUIS A. (CD) (FBI); [REDACTED]
Subject: RE: DoJ/NSD guidance --- UNCLASSIFIED

Classification: UNCLASSIFIED
=====

Luis was giving the final language to Dave, who was supposed to review it and give it to the DAD. I never heard back, so I think it was probably ok or at least gave them something to show the AD.

█

[REDACTED]

From: MOY, STACEY R. (CD) (FBI)
Sent: Friday, October 09, 2015 9:18 AM
To: CLINE, LISA (CD)(FBI)
Cc: WALSH, DANIEL P (CD) (FBI); PEREZ-MIRANDA, LUIS A. (CD) (FBI); [REDACTED]
Subject: RE: DoJ/NSD guidance --- UNCLASSIFIED

Classification: UNCLASSIFIED
=====

Lisa,
Is there any additional follow-up needed on this? Thanks

R/ Stacey

From: WALSH, DANIEL P (CD) (FBI)
Sent: Thursday, October 08, 2015 1:37 PM
To: [REDACTED] (CD)(FBI)
Cc: MOY, STACEY R. (CD) (FBI)
Subject: FW: DoJ/NSD guidance --- UNCLASSIFIED

Classification: UNCLASSIFIED
=====

FYSA. This is the verbiage we agreed upon

From: PEREZ-MIRANDA, LUIS A. (CD) (FBI)
Sent: Thursday, October 08, 2015 1:24 PM
To: CLINE, LISA (CD)(FBI); YUSTEIN, JACQUELINE A. (OGC) (FBI); BELOTE, CAROLYN D. (WMD) (FBI); WALSH, DANIEL P (CD) (FBI)
Cc: BLUMENFELD, LAURA ROSS (OGC) (FBI)
Subject: RE: DoJ/NSD guidance --- UNCLASSIFIED

Classification: UNCLASSIFIED
=====

I agree. Let's get Daniel's concurrence and I will forward to Dave for DAD/AD notification.

Luis

LUIS A. PEREZ-MIRANDA
Assistant Section Chief
Global Section (CD-2)
Counterintelligence Division (CD)
FBIHQ - Washington, DC
[REDACTED]

From: CLINE, LISA (CD)(FBI)
Sent: Thursday, October 08, 2015 1:15 PM
To: YUSTEIN, JACQUELINE A. (OGC) (FBI); BELOTE, CAROLYN D. (WMD) (FBI); WALSH, DANIEL P (CD) (FBI); PEREZ-MIRANDA, LUIS A. (CD) (FBI)
Cc: SINTON, ROBERT STUART (OGC) (FBI); BLUMENFELD, LAURA ROSS (OGC) (FBI)
Subject: RE: DoJ/NSD guidance --- UNCLASSIFIED

Classification: UNCLASSIFIED
=====

Luis, what do you think?

From: YUSTEIN, JACQUELINE A. (OGC) (FBI)
Sent: Thursday, October 08, 2015 1:08 PM
To: CLINE, LISA (CD)(FBI); BELOTE, CAROLYN D. (WMD) (FBI); WALSH, DANIEL P (CD) (FBI); PEREZ-MIRANDA, LUIS A. (CD) (FBI)
Cc: SINTON, ROBERT STUART (OGC) (FBI); BLUMENFELD, LAURA ROSS (OGC) (FBI)
Subject: RE: DoJ/NSD guidance --- UNCLASSIFIED

Classification: UNCLASSIFIED
=====

PERFECT

From: CLINE, LISA (CD)(FBI)
Sent: Thursday, October 08, 2015 1:07 PM
To: BELOTE, CAROLYN D. (WMD) (FBI); YUSTEIN, JACQUELINE A. (OGC) (FBI); WALSH, DANIEL P (CD) (FBI); PEREZ-MIRANDA, LUIS A. (CD) (FBI)
Cc: SINTON, ROBERT STUART (OGC) (FBI); BLUMENFELD, LAURA ROSS (OGC) (FBI)
Subject: RE: DoJ/NSD guidance --- UNCLASSIFIED

Classification: UNCLASSIFIED
=====

How about this:

Good afternoon.

As a follow-up to the Fact Sheet about the Joint Comprehensive Plan of Action (JCPOA) agreement I provided to all field offices back in August, attached is the newly issued Guidance from US Department of Justice (DOJ) regarding the nuclear deal with Iran as it relates to criminal investigations and prosecutions. While the United States, Iran, the European Union and five other nations framed the JCPOA agreement in July 2015, sanctions against Iran are still in effect and to be enforced by the US Government. This document will help field offices understand the guidance provided to AUSAs by DOJ for you to keep in mind as the FBI continues to investigate violations of these sanctions.

If you have any questions, please consult with your AUSAs and CDCs.



From: BELOTE, CAROLYN D. (WMD) (FBI)
Sent: Thursday, October 08, 2015 12:52 PM
To: CLINE, LISA (CD)(FBI); YUSTEIN, JACQUELINE A. (OGC) (FBI); WALSH, DANIEL P (CD) (FBI); PEREZ-MIRANDA, LUIS A. (CD) (FBI)
Cc: SINTON, ROBERT STUART (OGC) (FBI); BLUMENFELD, LAURA ROSS (OGC) (FBI)
Subject: RE: DoJ/NSD guidance --- UNCLASSIFIED

Classification: UNCLASSIFIED
=====

Why not just say this is an update to guidance Randy sent out in August indicating there was an agreement and use the language Lisa provided below saying this is what DOJ sent to us and that there are still Iranian sanctions in place and this guidance will help field offices understand the guidance that has been provided to AUSAs and to keep it in mind as we move investigations forward.

From: CLINE, LISA (CD)(FBI)
Sent: Thursday, October 08, 2015 12:44 PM
To: YUSTEIN, JACQUELINE A. (OGC) (FBI); WALSH, DANIEL P (CD) (FBI); PEREZ-MIRANDA, LUIS A. (CD) (FBI)
Cc: SINTON, ROBERT STUART (OGC) (FBI); BLUMENFELD, LAURA ROSS (OGC) (FBI); BELOTE, CAROLYN D. (WMD) (FBI)
Subject: RE: DoJ/NSD guidance --- UNCLASSIFIED

Classification: UNCLASSIFIED
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I don't know what Randy has been told. All I know is that he told the DADs that he wanted to send this DOJ guidance to the field with an email. I was asked to compose an email with CPC (that NSLB approved of) and to get it to Randy by COB today.

From: YUSTEIN, JACQUELINE A. (OGC) (FBI)
Sent: Thursday, October 08, 2015 12:40 PM
To: CLINE, LISA (CD)(FBI); WALSH, DANIEL P (CD) (FBI); PEREZ-MIRANDA, LUIS A. (CD) (FBI)
Cc: SINTON, ROBERT STUART (OGC) (FBI); BLUMENFELD, LAURA ROSS (OGC) (FBI); BELOTE, CAROLYN D. (WMD) (FBI)
Subject: RE: DoJ/NSD guidance --- UNCLASSIFIED

Classification: UNCLASSIFIED
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Lisa, it would make sense that Carrie's group would put out guidance in similar (updated) fashion to the Fact Sheet she submitted on or about July 27, 2015. The FACT SHEET also was intended for BU-wide dissemination. Has that idea been brought to Randy's attention?

I need to check with Bob, but I'm not certain that NSLB has been given enough time and opportunity to digest CES' guidance (however, straight forward it might appear -which it does), fact check it, and determine the JCPOA's impact ourselves.



<< File: Fact Sheet JCPOA_20150727.docx >>

From: CLINE, LISA (CD)(FBI)
Sent: Thursday, October 08, 2015 11:24 AM
To: WALSH, DANIEL P (CD) (FBI); PEREZ-MIRANDA, LUIS A. (CD) (FBI); YUSTEIN, JACQUELINE A. (OGC) (FBI)
Subject: FW: DoJ/NSD guidance -- UNCLASSIFIED

Classification: UNCLASSIFIED

=====

The AD would like to send an email to all the SACs as he has been doing with his photo at the top to bring this document to their attention. This is my proposed language for the email, but I need CPC and NSLB approval. The AD needs this done by COB today.

Thank you.

Good afternoon.

Attached is the newly issued Guidance from US Department of Justice regarding the nuclear deal with Iran as it relates to criminal investigations and prosecutions. While the United States, Iran, the European Union and five other nations reached a Joint Comprehensive Plan of Action (JCPOA) in July 2015, sanctions are still in effect and to be enforced by the US Government.

Some key takeaways to DOJ's guidance are:

1. Sanctions relief will not begin until Iran fulfills outlined, nuclear-related actions set forth in the agreement and verified by the International Atomic Energy Agency. This will take an indefinite amount of time and sanctions relief would go into effect on Implementation Day.
2. The agreement does not "terminate, suspend or relieve" prohibitions in the Iranian Transactions Sanctions Regulations. Therefore, the export or re-export of US goods/services to Iran will remain prohibited (unless specifically excepted). It is important to note however the (future) export of commercial aircraft parts for civil end use to Iran will be reviewed/licensed by OFAC on case by case basis.
3. US and Foreign persons involved in such transactions are still subject to prosecution.
4. US Munitions List defense articles subject to Export Administration Regulations are not affected.

If you have any questions, please contact your AUSAs and CDCs.

<< File: Iran_guidance_-_PDF_2015_10_07.pdf >>

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Exhibit G

[REDACTED]

From: Moy, Stacey R. (CD) (FBI)
Sent: Thursday, December 17, 2015 3:35 PM
To: [REDACTED]; Hardiman, Kellie M. (CD) (FBI)
Cc: Wilson, E J. (CD) (FBI); Moyer, Sally A. (OGC) (FBI)
Subject: FW: Meeting with Mr Countryman

FYI

-----Original Message-----

From: Moy, Stacey R. (CD) (FBI)
Sent: Thursday, December 17, 2015 3:34 PM
To: Bratt, Jay (NSD) (JMD)
Subject: RE: Meeting with Mr Countryman

Roger that - in interim, good news/bad news from our WMDD FO assessment as DoS did specify it was their P-side who instructed it. Our DAD will call over after Christmas to re-engage. Please advise if you know if there are other things at work as they (State) are unwilling to entertain a forum to even discuss options, timing, etc. I'd recommend our FBI-side document should there ever be a special investigation/hearing etc. on why FBI could not action law, and potentially prevent national security incident, please advise of broader DoJ guidance and this countermands what we've both put forward and potentially has impact on others in the future, thanks

R/ Stacey

-----Original Message-----

From: Bratt, Jay (NSD) [REDACTED]
Sent: Thursday, December 17, 2015 2:35 PM
To: Moy, Stacey R. (CD) (FBI)
Subject: Re: Meeting with Mr Countryman

I'm away now. I should be back around 5. Will try when I return.

On Dec 17, 2015, at 2:34 PM, Moy, Stacey R. (CD) (FBI)
<[REDACTED]> <[REDACTED]> >> wrote:

Yep, sorry - Heading back from e2c2 (totto retirement), will call you upon return

--

----- Original message -----

From: "Bratt, Jay (NSD)" <[REDACTED]> <[REDACTED]> >>
Date: 12/17/2015 1:31 PM (GMT-05:00)

█

[REDACTED]

To: "Moy, Stacey R. (CD) (FBI)" <[REDACTED]>>
Subject: RE: Meeting with Mr Countryman

I just tried calling. Are you around?

From: Moy, Stacey R. (CD) (FBI) [REDACTED]
Sent: Thursday, December 17, 2015 1:29 PM
To: Laufman, David (NSD); Bratt, Jay (NSD); [REDACTED]
Cc: Wilson, E J. (CD) (FBI)
Subject: Fwd: Meeting with Mr Countryman

Just got off the phone with our WMDD executives - looks like it is state political affairs (p) who are vetoing. Have you heard anything from NSD on this? Thanks

--

----- Original message -----

From: "SampollRamirez, Gabriel"
<[REDACTED]@fbi.gov>
Date: 12/17/2015 12:57 PM (GMT-05:00)
To: "Spencer, Charles P. (WMD) (FBI)" <[REDACTED]>>
Cc: "Moy, Stacey R. (CD) (FBI)" <[REDACTED]>>
Subject: FW: Meeting with Mr Countryman
How do you want to proceed?

See below

From: Clark, Samantha T [REDACTED]@state.gov]
Sent: Thursday, December 17, 2015 12:55 PM
To: SampollRamirez, Gabriel
Cc: Harcum, Tanya Y. (WMD) (FBI); Frantz, Amanda G; Suarez, Gonzalo O
Subject: RE: Meeting with Mr Countryman

Hi Gabe,

I'm sorry for the confusion—I've just learned that we've been instructed by Counselor Tom Shannon's office not to engage on this issue. A/S Countryman won't be able to take this meeting.

Thank you for your understanding,
Samantha

Samantha (Raddatz) Clark

O: [REDACTED]
BB: [REDACTED]

■

[REDACTED]

Bureau of International Security and Nonproliferation

This email is UNCLASSIFIED.

From: Clark, Samantha T
Sent: Thursday, December 17, 2015 12:32 PM
To: 'SampollRamirez, Gabriel'
Cc: Harcum, Tanya Y. (WMD) (FBI); Frantz, Amanda G; Suarez, Gonzalo O
Subject: RE: Meeting with Mr Countryman

Hi Gabe,

I was just able to speak with A/S Countryman about tomorrow's schedule. Unfortunately, he is not able to meet tomorrow (he's just returned from international travel and his schedule is packed). He is available on Monday, December 21 at 11:30am or 3pm. Do either of those work?

Thank you,
Samantha

This email is UNCLASSIFIED.

From: SampollRamirez, Gabriel [REDACTED]@fbi.gov]
Sent: Thursday, December 17, 2015 9:53 AM
To: Clark, Samantha T
Cc: Harcum, Tanya Y. (WMD) (FBI)
Subject: Meeting with Mr Countryman

Samantha

Friday: Dec 18
Time: TBD
Office: FBI WMD Directorate (WMDD) & Counterproliferation Center (CPC)
Topic: Counterproliferation Cases
Attendees:
FBI WMDD Deputy Assistant Director, Charles Spencer FBI WMDD Chief Scientist, Dr. Gabe Sampoll FBI CPC
Assistant Section Chief, Stacey Moy FBI CPC UC [REDACTED] Iran
DOJ: Jay Bratt

Thank you so much for your assistance.

Ms Tanya Harcum can help with more information.

■

[REDACTED]

Gabe

■

██████████

Exhibit H

From: Kollmar, Richard W. (CD) (FBI)
Sent: Thursday, December 17, 2015 8:06 PM
To: Moy, Stacey R. (CD) (FBI)
Subject: RE: Meeting with Mr Countryman

Thanks Stacey

--

----- Original message -----

From: "Moy, Stacey R. (CD) (FBI)" [REDACTED] >
Date: 12/17/2015 4:00 PM (GMT-05:00)
To: "Kollmar, Richard W. (CD) (FBI)" [REDACTED] >
Cc: "Woodbery, Paul S. (CD) (FBI)" [REDACTED] >
Subject: FW: Meeting with Mr Countryman

Sir, FYI - same results from attempts towards re-engagement at DoS, will keep you apprised, thanks

V/R Stacey

-----Original Message-----

From: Bratt, Jay (NSD) [REDACTED]
Sent: Thursday, December 17, 2015 3:49 PM
To: Moy, Stacey R. (CD) (FBI)
Subject: Re: Meeting with Mr Countryman

Thanks. David and I are also discussing whether we should elevate within DOJ.

> On Dec 17, 2015, at 3:33 PM, Moy, Stacey R. (CD) (FBI) <[REDACTED]> wrote:

>

> Roger that - in interim, good news/bad news from our WMDD FO
> assessment as DoS did specify it was their P-side who instructed it.
> Our DAD will call over after Christmas to re-engage. Please advise if
> you know if there are other things at work as they (State) are
> unwilling to entertain a forum to even discuss options, timing, etc.
> I'd recommend our FBI-side document should there ever be a special
> investigation/hearing etc. on why FBI could not action law, and
> potentially prevent national security incident, please advise of
> broader DOJ guidance and this countermands what we've both put forward
> and potentially has impact on others in the future, thanks

>

> R/ Stacey

>

> -----Original Message-----

> **From:** Bratt, Jay (NSD) [REDACTED]
> **Sent:** Thursday, December 17, 2015 2:35 PM
> **To:** Moy, Stacey R. (CD) (FBI)
> **Subject:** Re: Meeting with Mr Countryman

[REDACTED]

>
> I'm away now. I should be back around 5. Will try when I return.

>
> On Dec 17, 2015, at 2:34 PM, Moy, Stacey R. (CD) (FBI)

[REDACTED] >> wrote:

>
> Yep, sorry - Heading back from e2c2 (totto retirement), will call you
> upon return

>
>
>
> --

> ----- Original message -----

> From: "Bratt, Jay (NSD)"

> [REDACTED] >>

> Date: 12/17/2015 1:31 PM (GMT-05:00)

> To: "Moy, Stacey R. (CD) (FBI)"

> [REDACTED] >>

> Subject: RE: Meeting with Mr Countryman

> I just tried calling. Are you around?

> From: Moy, Stacey R. (CD) (FBI) [REDACTED]

> Sent: Thursday, December 17, 2015 1:29 PM

> To: Laufman, David (NSD); Bratt, Jay (NSD); [REDACTED]

> Cc: Wilson, E J. (CD) (FBI)

> Subject: Fwd: Meeting with Mr Countryman

>
> Just got off the phone with our WMDD executives - looks like it is
> state political affairs (p) who are vetoing. Have you heard anything
> from NSD on this? Thanks

> ----- Original message -----

> From: "SampollRamirez, Gabriel"

> [REDACTED]

> >>

> Date: 12/17/2015 12:57 PM (GMT-05:00)

> To: "Spencer, Charles P. (WMD) (FBI)"

> [REDACTED] >>

> Cc: "Moy, Stacey R. (CD) (FBI)"

> [REDACTED] >>

> Subject: FW: Meeting with Mr Countryman How do you want to proceed?

> See below

> From: Clark, Samantha T [REDACTED]@state.gov]

> Sent: Thursday, December 17, 2015 12:55 PM

> To: SampollRamirez, Gabriel

[REDACTED]

> Cc: Harcum, Tanya Y. (WMD) (FBI); Frantz, Amanda G; Suarez, Gonzalo O
> Subject: RE: Meeting with Mr Countryman

>
> Hi Gabe,

>
> I'm sorry for the confusion-I've just learned that we've been instructed by Counselor Tom Shannon's office not to engage on this issue. A/S Countryman won't be able to take this meeting.

>
> Thank you for your understanding,
> Samantha

>
> Samantha (Raddatz) Clark
> O: [REDACTED]
> BB: [REDACTED]
> Bureau of International Security and Nonproliferation

>
>
>
>
> This email is UNCLASSIFIED.

>
>
> From: Clark, Samantha T
> Sent: Thursday, December 17, 2015 12:32 PM
> To: 'SampollRamirez, Gabriel'
> Cc: Harcum, Tanya Y. (WMD) (FBI); Frantz, Amanda G; Suarez, Gonzalo O
> Subject: RE: Meeting with Mr Countryman

>
> Hi Gabe,

>
> I was just able to speak with A/S Countryman about tomorrow's schedule. Unfortunately, he is not able to meet tomorrow (he's just returned from international travel and his schedule is packed). He is available on Monday, December 21 at 11:30am or 3pm. Do either of those work?

>
> Thank you,
> Samantha

>
>
> This email is UNCLASSIFIED.

>
>
> From: SampollRamirez, Gabriel
> [REDACTED]@[REDACTED].bi.gov]
> Sent: Thursday, December 17, 2015 9:53 AM
> To: Clark, Samantha T
> Cc: Harcum, Tanya Y. (WMD) (FBI)
> Subject: Meeting with Mr Countryman

>
> Samantha

>
> Friday: Dec 18
> Time: TBD
> Office: FBI WMD Directorate (WMDD) & Counterproliferation Center (CPC)
> Topic: Counterproliferation Cases
> Attendees:
> FBI WMDD Deputy Assistant Director, Charles Spencer FBI WMDD Chief

[REDACTED]

- > Scientist, Dr. Gabe Sampoll FBI CPC Assistant Section Chief, Stacey
- > Moy FBI CPC UC [REDACTED], Iran
- > DOJ: Jay Bratt
- >
- > Thank you so much for your assistance.
- >
- > Ms Tanya Harcum can help with more information.
- >
- > Gabe
- >
- >

[REDACTED]

As a follow-up from the 1 PM, we have the following for EAD consideration/review, please advise if you need additional information:

(U//FOUO) On 12/17/2015, as part of an interagency outreach for the status and coordination of Iran Counterproliferation operations, FBI received the following notice from US Department of State (DoS), Bureau of International Security and Nonproliferation (ISN), indicating they were instructed not to participate in discussions with the FBI on this matter by Counselor Shannon's office, DoS Under Secretary for Political Affairs, "P" (previously occupied by Ms. Wendy Sherman), detailed e-mail correspondence attached. By way of background, FBI and DoJ/Counterintelligence and Export Control Section (CES) sought a meeting with DoJ/ISN Assistant Secretary Countryman as detailed below. WMDD DAD Spencer will attempt another meeting following the Holiday but would elevate to the EAD as appropriate on the WMDD-side. DoJ/CES advised they will meet with Ms. Mary McCord to brief AAG John Carlin, DoJ/National Security Division on the matter as DoS' failure to participate in an interagency collaboration directly impacts previous DoJ and FBI guidance towards Iran.

> From: Clark, Samantha T [REDACTED]@state.gov]

> Sent: Thursday, December 17, 2015 12:55 PM

> To: SampollRamirez, Gabriel

> Cc: Harcum, Tanya Y. (WMD) (FBI); Frantz, Amanda G; Suarez, Gonzalo O

> Subject: RE: Meeting with Mr Countryman

>

> Hi Gabe,

>

> I'm sorry for the confusion-I've just learned that we've been instructed by Counselor Tom Shannon's office not to engage on this issue. A/S Countryman won't be able to take this meeting.

>

> Thank you for your understanding,

> Samantha

>

> Samantha (Raddatz) Clark

> O: [REDACTED]

> BB: [REDACTED]

> Bureau of International Security and Nonproliferation

[REDACTED]

V/ R Stacey

Stacey R. Moy

Acting Section Chief

FBIHQ/FBI Counterproliferation Center/Rm [REDACTED]
[REDACTED]

From: MOY, STACEY R. (CD) (FBI)

Sent: Tuesday, December 15, 2015 10:44 AM

To: 'David.Laufman@[REDACTED]doj[REDACTED].gov'; 'Jay.Bratt@[REDACTED]doj[REDACTED].gov'

Subject: FW: Contact Information --- UNCLASSIFIED

Classification: UNCLASSIFIED

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David/Jay,

Hope things are well – I've been advised by my folks via DoJ/OI to reach out to Mr. Swartz (Mr. Dembosky's equivalent) for the status of our undercover/lure-ops as he would have visibility for conflicts with ongoing hostage/prisoner exchange with Iran via DoS. Our efforts would be to provide the joint FBI-interagency ops with potential actions (via indictments) as mechanisms to help inform senior policymakers on areas of leverage/strengthening positions in their negotiations should they choose to authorize. Having a broader sense of community efforts will also help us at the field-level (FBI and interagency) to continue to work our sources and other collection efforts to synch and/or daisy-chain out to keep these options alive. Please let me know if you would prefer to socialize via CES or NSD FO? Thanks

V/R Stacey

[REDACTED]

Bruce Swartz

Deputy Assistant Attorney General

[REDACTED]

[REDACTED]

Exhibit I

[REDACTED]

From: MOY, STACEY R. (CD) (FBI)
Sent: Wednesday, March 02, 2016 4:54 PM
To: JOHNSON, GORDON B (CD) (FBI)
Cc: RANKIN, CHARLES H (CD) (FBI); WILSON, E J (CD) (FBI); [REDACTED];
[REDACTED]; HARDIMAN, KELLIE M (CD) (FBI);
David.Laufman@[REDACTED]doj [REDACTED] Jay.Bratt@[REDACTED]doj [REDACTED]
CARPENTER, CHANTE L. (CD) (FBI)
Subject: FW: follow-up from yesterday --- UNCLASSIFIED//FOUO
SentinelCaseId: NON-RECORD

Classification: UNCLASSIFIED//FOUO
=====

Sir, trying to keep the peace for our other relationships through this Bureau but looks like State is attempting to continue openings to slow-roll and fundamentally disconnected on the legal aspects.

V/R Stacey

From: MOY, STACEY R. (CD) (FBI)
Sent: Wednesday, March 02, 2016 4:50 PM
To: 'Boyer, Samantha A'
Subject: RE: follow-up from yesterday --- UNCLASSIFIED//FOUO

Classification: UNCLASSIFIED//FOUO
=====

Thanks Sam – will advise when we learn more details.

As for re-adjudicating cases, outside of Iran-matters (as we discussed, deferred to senior-agency leadership), specific details for background/clarification should be permitted for coordination purposes but if there is question about a judicial outcome (signed/approved court orders), those fall outside of the executive branch and are part of official record for violations of US law(s), regardless of country-matter.

Look forward to meeting you the next time I'm over at HST, thanks

R/ Stacey

From: Boyer, Samantha A [REDACTED]@state[REDACTED].gov]
Sent: Wednesday, March 02, 2016 2:30 PM
To: MOY, STACEY R. (CD) (FBI)
Subject: RE: follow-up from yesterday --- UNCLASSIFIED//FOUO

Hi Stacey,

█

[REDACTED]

Thanks for the update. Is there a meeting planned to discuss these at the senior level? If you hear of one, can you let me know so we can get the best info to our seniors? (Ideally, we'd also work out the issues between the agencies beforehand too.) I will continue to keep you posted on what we're doing, if you like. I think the majority of these are good cases, and in general, ISN likes people who violate the law to go to jail. In that vein, we're currently working the angles on our end on the side of logic (that the JCPOA does not preclude arresting people who violate the law).

On a related note, there had been some discussion of reaching out to the Bureau/DOJ on questions as we re-adjudicate the cases. Should we no longer consider that an option?

Finally, upon further investigation, the Cuba CI thing seems to be based on the paranoia of one person, so I won't bother you/waste your time with it. ☺ But I appreciate the offer to help.

Next time you're at the Department, let me know. It would be nice to meet you in person.

Best,
Sam

Sensitive
This email is UNCLASSIFIED.

From: MOY, STACEY R. (CD) (FBI) [REDACTED]
Sent: Wednesday, March 02, 2016 2:12 PM
To: Boyer, Samantha A
Subject: RE: follow-up from yesterday --- UNCLASSIFIED//FOUO

Classification: UNCLASSIFIED//FOUO
=====

Sam,

I just received information from both FBI and DoJ executive management indicating this matter will be handled directly with your agency's senior leadership. As such, FBI will not be participating in a SVTC for the upcoming (working-level) group. I will continue to keep you apprised should I have more specific information but sincerely appreciate ISN's engagement and support towards a whole-of-government approach on these complex matters.

Please let me know if you need a Cuba CI contact and will pass along, thanks

R/ Stacey

From: MOY, STACEY R. (CD) (FBI)
Sent: Tuesday, March 01, 2016 5:19 PM
To: 'Boyer, Samantha A'
Subject: RE: follow-up from yesterday --- UNCLASSIFIED//FOUO

Classification: UNCLASSIFIED//FOUO
=====

█

[REDACTED]

Sure thing Sam – We are sourcing who will be the optimum working-level representative for the group. Aside from the subject-matter, do you have any more details on time/location, other agency attendees, etc., so we may ensure we have the right folks?

For Cuba CI with no counterproliferation equities, we do not work this but certainly can provide the Section that does to connect your side, thanks

R/ Stacey

From: Boyer, Samantha A [REDACTED]@state.[REDACTED].gov]
Sent: Tuesday, March 01, 2016 12:46 PM
To: MOY, STACEY R. (CD) (FBI)
Subject: RE: follow-up from yesterday --- UNCLASSIFIED//FOUO

Thanks, Stacey. I don't know if Leslie will be part of the senior engagement. I imagine that if it comes to that, P Staff will want to handle it. I have one follow-up and one unrelated question for you.

First, as we move forward, do you want to be the FBI POC for a SVTC with the group on this (it will be working level)? Or should it be someone else? It should be someone who can speak to the cases and answer questions about them. My understanding is that we'll try to work through them one at a time.

Second, does your shop do Cuba CI? One of my folks wants to refer a case to the interagency on that.

Thanks
Sam

Sensitive
This email is UNCLASSIFIED.

From: MOY, STACEY R. (CD) (FBI) [REDACTED]
Sent: Tuesday, March 01, 2016 9:57 AM
To: Boyer, Samantha A
Subject: RE: follow-up from yesterday --- UNCLASSIFIED//FOUO

Classification: UNCLASSIFIED//FOUO
=====

Thank you Sam – we appreciate your engagement and outreach for a way forward. While unlikely to yield additional intel on current activities, we have socialized to the relevant USIC co-partners on [REDACTED] and will advise. If Leslie is a strong voice as you opine, we would recommend she be an active participant in any senior-level discussions between State, FBI, and DoJ, which are being sought.

R/ Stacey

Stacey R. Moy

■

[REDACTED]

Acting Section Chief (SES)
FBIHQ/FBI Counterproliferation Center/Rm [REDACTED]
[REDACTED]

From: Boyer, Samantha A [REDACTED@state.REDACTED.gov]
Sent: Tuesday, March 01, 2016 9:30 AM
To: MOY, STACEY R. (CD) (FBI)
Subject: follow-up from yesterday

Hi Stacey,

I just wanted to follow up with you from my call yesterday. I know that the current state of play has been very frustrating for you and your enforcement colleagues. I am sure it's also annoying that the State guidance was that this was being handled with P, and now it's back to the working level. I just want you to know that JCPOA and post-Implementation Day issues have been a moving target, and we are/I am not trying to jerk you guys around. We're just trying to do the right thing, follow the policy, and all that. As part of this discussion, we will also find you a primary POC, so you don't have to talk to multiple parts of the Department.

On [REDACTED], I understand that this is a very solid case, he broke the law, there's an indictment, and it's a little like WTF that it's being held up (if you'll excuse the phrasing). However it is what it is.

I talked to Leslie, and though she does not make the determination (we will escalate to P because we are not in agreement –the desk doesn't want to have an arrest, and ISN supports it) she has a strong voice. Like I said yesterday, she seems to be willing to consider additional information that [REDACTED] was engaged in proliferant activity post-Implementation day OR missile procurement, since missile-related anything is still prohibited.

Let me know if you want to discuss.

Best,
Sam

Samantha Boyer
ISN/MBC
[REDACTED]
[REDACTED@state.REDACTED.gov]

Sensitive
This email is UNCLASSIFIED.

=====
Classification: UNCLASSIFIED//FOUO

Exhibit J

[REDACTED]

From: BURNHAM, CINDY R. (MP) (FBI)
Sent: Friday, April 29, 2016 11:33 AM
To: [REDACTED] (CD) (FBI)
Subject: Just between us... --- UNCLASSIFIED

SentinelCaseId: NON-RECORD

Classification: UNCLASSIFIED

=====

A few more details that I didn't want to share with Matt, our new ALAT, because I don't want this getting around the Embassy or back to the [REDACTED]...

The Thursday meeting between Secretary Kerry and the AG didn't go well for us...the read-out is that now is not a "good time" to be requesting approvals for extraditions or lures on Iran CP cases. In other words, State has no current plans to send our request to the [REDACTED]. But we don't want the [REDACTED]s to know that....since they worked hard to put together a thorough assessment of dual criminality, which stated that extradition is likely on 4 of the 7 counts in the indictment. In other words, they are willing to extradite if we just ask. The USG looks terrible if we don't even ask, at this point.

In addition, as you probably know, Interpol's General Counsel Kevin Smith has relayed the following: "We've put all Iranian sanction/embargo cases on hold since the treaty was signed and the sanctions were lifted, and we were asked to cancel approximately 12 red notices in January. We have a quite a few piled up and would need to consult with DOJ and State before doing any of them. I don't think this issue will be addressed for some time."

The small glimmer of hope is that State said we could raise the issue/request again in the future. We plan to do so in June...the indictment is dated December 8, 2015. According to case law, there is a presumption that the Government should make substantial efforts within one year to apprehend the subject. After a year, the Government must explain why it did not take steps to apprehend the subject. (This is due, in part, to the defendant's right to a speedy trial.) That might be pressure point to get State to move. Things really can't get worse for us, but *maybe* they get better??

In the meantime, we are pushing forward to lure defendant [REDACTED] to [REDACTED] (it's the same indictment, so the same dual criminality assessment would apply). [REDACTED] gave us an email address to use, and our [REDACTED] is initiating contact with [REDACTED] today. Please keep your fingers crossed for us!

Cindy

=====

Classification: UNCLASSIFIED

■

[REDACTED]

Exhibit K

[REDACTED]

From: Jay.Bratt@[REDACTED]doj[REDACTED].gov
Sent: Tuesday, May 03, 2016 5:13 PM
To: [REDACTED] (CD) (FBI)
Subject: RE: Last Thursday's meeting --- UNCLASSIFIED (FOUO)

CLASSIFICATION:FOUO

I just got back from our AAG biweekly updates and asked whether he or Mary McCord had received a read-out. According to Mary, when the PC ended, Kerry packed up his stuff and rushed out without engaging with the AG at all. The issues remain unresolved. I am going to circle back with Mary, Denise Cheung, and Bruce Swartz to see how we can get this back on the AG's agenda.

-----Original Message-----

From: [REDACTED] (CD) (FBI) [REDACTED]
Sent: Tuesday, May 03, 2016 2:14 PM
To: Bratt Jay NSD USA GOV
Subject: Last Thursday's meeting --- UNCLASSIFIED

Classification: UNCLASSIFIED

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TRANSITORY RECORD

Jay-
Did we ever hear how the meeting last Thursday went?
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Classification: UNCLASSIFIED

CLASSIFICATION:FOUO

█

[REDACTED]

Exhibit L

[REDACTED]

From: Jay.Bratt@[REDACTED]doj[REDACTED].gov
Sent: Monday, September 12, 2016 6:01 PM
To: [REDACTED] (CD) (FBI)
Subject: Cases (FOUO)

CLASSIFICATION:FOUO

[REDACTED]:

We're still working on getting the AG to press Sec. Kerry again about the stalled cases. With respect to [REDACTED], I just want to confirm that the Ambassador in [REDACTED] approved the lure subject to Main State approval. I believe that's the case, but I want to make sure our briefing memo is correct.

Thanks.

Jay

CLASSIFICATION:FOUO

[REDACTED]

Exhibit M

[REDACTED]

From: [REDACTED] (CD)(FBI)
Sent: Tuesday, January 19, 2016 12:11 PM
To: BUMA, JOHNATHAN C (CD) (FBI); CARPENTER, CHANTE L. (CD) (FBI); GLEASON, MARY F. (CD) (FBI); MARTIN, SCOTT F (CD) (FBI); SISK, TREVOR A (CD) (FBI)
Subject: Iran prisoner deal --- UNCLASSIFIED//FOUO
Importance: High
SentinelCaseId: TRANSITORY RECORD

Classification: UNCLASSIFIED//FOUO
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Attached is the list of those released or charges dropped as a result of this weekend's actions.

I want to ensure that the case agent of each of these cases has been notified. I think that has happened in many cases but please scrub through both lists and reach out to understand how this unfolded locally and offer support and clarification of the Iran program moving forward.

I just got off the phone with SA Bradley Hull from Cincy, formerly case agent of Boston's MKS case where [REDACTED] is on the list to have charges dropped. He was not told of the action and the AUSA in the case said she was under strict orders from DOJ not to tell the case agents.

[REDACTED]



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Classification: UNCLASSIFIED//FOUO

[REDACTED]

[REDACTED]

Exhibit N

[REDACTED]

From: Belote, Carolyn D. (WMD) (FBI)
Sent: Tuesday, November 29, 2016 9:03 PM
To: [REDACTED]; Sisk, Trevor A. (CD) (FBI)
Subject: Fwd: Iran

Fyi

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----- Original message -----

From: "Moffa, Jonathan C. (CD) (FBI)"
Date: 11/29/2016 8:41 PM (GMT-05:00)
To: "Hardiman, Kellie M. (CD) (FBI)", "Belote, Carolyn D. (WMD) (FBI)", "Brawley, Peter H. (CD) (FBI)", "Velekei, Virginia E. (CD) (FBI)", "Lockett, Sylvia L. (CD) (FBI)"
Subject: Fwd: Iran

FYI

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----- Original message -----

From: "Corsi, Dina M. (CD) (FBI)"
Date: 11/29/2016 8:38 PM (GMT-05:00)
To: "Paarmann, C. B. (IOD) (FBI)", "Koerner, Heather P. (DO) (FBI)"
Cc: "Moffa, Jonathan C. (CD) (FBI)"
Subject: RE: Iran

Thanks for the info.

Dina

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----- Original message -----

From: "Paarmann, C. B. (IOD) (FBI)"
Date: 11/29/2016 5:53 PM (GMT-05:00)
To: "Koerner, Heather P. (DO) (FBI)"
Cc: "Strzok, Peter P. (CD) (FBI)", "Corsi, Dina M. (CD) (FBI)"
Subject: RE: Iran

Thank you Heather - Have cc'd DAD Strzok and Corsi for their visibility.

█

[REDACTED]

C. Bryan Paarmann

Deputy Assistant Director

International Operations, FBI

(o) [REDACTED]

(c) [REDACTED]

unclass - [REDACTED]

From: Koerner, Heather P. (DO) (FBI)
Sent: Tuesday, November 29, 2016 9:51 AM
To: Paarmann, C. B. (IOD) (FBI) ; Schultz, Thomas J. (IOD) (FBI)
Cc: Brekke, Bradley (DO) (FBI) ; Korneski, Douglas M. (AT) (FBI)
Subject: FW: Iran

Hello DAD Paarmann and SC Schultz,

Passing on information and perspective from Walied Shater from Shell...

FYSA

Heather Petry Koerner

(o) [REDACTED] | (c) [REDACTED] | Time Zone: CST

From: Walied.Shater@[REDACTED]
Sent: Tuesday, November 29, 2016 2:59 AM
To: Koerner, Heather P. (DO) (FBI)
Subject: Iran

Hi Heather-

Just to pass on to your analysts. It seems Trump election win having impact on doing business in Iran. We are going to sign a small deal in Iran this week (\$5 million licensing agreement). We were in talks with a Japanese bank to handle the funds, but they have recently backed off, unofficially citing coming Trump presidency. European banks feeling the same way. Small amount of money, but having a dampening effect on doing business in Iran.

Regards,

Walied



Shell

█

[REDACTED]

Mobile [REDACTED]

[REDACTED]

[REDACTED]