



**U.S. Department of Justice**

Office of Legislative Affairs

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Office of the Assistant Attorney General

Washington, D.C. 20530

October 21, 2015

The Honorable James P. McGovern  
U.S. House of Representatives  
Washington, DC 20515

Dear Congressman McGovern:

This responds to your letter to the Attorney General dated September 1, 2015, regarding the funds forfeited in *U.S. v. BNP Paribas S.A.* We appreciate knowing of your interest in this matter especially as it relates to the Sudanese people. We are sending identical responses to the other Members, who joined in your letter.

In connection with a guilty plea on July 9, 2014, BNP Paribas S.A. (BNPP), a global financial institution headquartered in Paris, admitted that from at least 2004 through 2012, it knowingly and willfully moved over \$8.8 billion through the U.S. financial system on behalf of Sudanese, Iranian and Cuban sanctioned entities in violation of U.S. economic sanctions.

On May 1, 2015, BNPP was sentenced for conspiring to violate the International Emergency Economic Powers Act (IEEPA) and the Trading with the Enemy Act (TWEA) by processing billions of dollars of transactions through the U.S. financial system on behalf of Sudanese, Iranian and Cuban entities subject to U.S. economic sanctions. BNPP was sentenced to a five-year term of probation, and ordered to forfeit \$8,833,600,000 to the United States and to pay a \$140,000,000 fine. Pursuant to the plea agreement, the government agreed to give BNPP credit for payments made to other entities in connection with its resolutions relating to this conduct. For that reason, the amount transferred to the federal government was approximately \$3,838,800,000.

Because BNPP's conspiracy to violate the U.S. government economic sanctions did not directly cause pecuniary harm to any individuals, the legal processes for restitution and remission to victims do not apply to the bank's sanctions violations. The Department of Justice (the Department) is nonetheless exploring ways to use these funds to compensate individuals harmed by the sanctioned regimes of Sudan, Iran and Cuba.

The first step in that process was the gathering of information from people who may have suffered harm linked to the sanctioned regimes of Sudan, Cuba and Iran from 2004 to 2012. Individuals who suffered harm linked to one of these countries outside this time frame were also invited to provide information and an explanation as to why the harm should be considered.

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The Department set up a website to provide information to, and gather information from, individuals harmed by these regimes (<http://www.usvbnpp.com>). The deadline to submit information was July 30, 2015. The volume and nature of the information gathered will help the Department identify the next steps in determining whether and how the funds can be distributed to individuals harmed by the sanctioned regimes and the most fair and equitable manner for doing so.

Submissions of information via the website were not claims and do not entitle anyone to any monies in this matter. If the Department later develops a process to use these forfeited funds to compensate individuals harmed by the sanctioned regimes, whether an individual submitted information to this website during this process will not be a prerequisite for participation.

The government is carefully considering the information provided to date as part of its deliberations regarding use of the forfeited funds. In addition, we are consulting with, and seeking input from, multiple offices within the Department and other Executive Branch agencies, including the Department of State. We also appreciate receiving your views on this matter.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Peter J. Kadzik  
Assistant Attorney General