

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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May 25, 2023

Mr. Brian Moynihan
Chief Executive Officer
Bank of America Corporation
100 North Tryon Street
Charlotte, NC 28255

Dear Mr. Moynihan

The Committee on the Judiciary and the Select Subcommittee on the Weaponization of the Federal Government are conducting oversight of the Federal Bureau of Investigation (FBI) and its receipt of information about American citizens from private entities. An FBI whistleblower has disclosed that shortly after the events at the Capitol on January 6, 2021, Bank of America (BoA) provided the FBI—voluntarily and without any legal process—with a list of individuals who had made transactions in the Washington, D.C., metropolitan area with a BoA credit or debit card between January 5 and January 7, 2021.¹ The Committee and Select Subcommittee have also heard testimony that individuals who had previously purchased a firearm with a BoA product were elevated to the top of the list regardless of when or where the purchase was made.² We require your cooperation in investigating these facts.

In a transcribed interview, retired FBI Supervisory Intelligence Analyst George Hill testified that:

The Bank of America, with no directive from the FBI, data-mined its customer base. And they data-mined a date range of 5 to 7 January [of 2021] any BOA customer who used a BOA product. And by ‘BOA product,’ I mean a debit card or a credit card. They compiled that list. And then, on top of that list, they put anyone who had purchased a firearm during any date. So it was a huge list³

¹ Transcribed Interview of Mr. George Hill 74-75 (Feb. 7, 2023).

² *Id.*

³ *Id.* at 74.

Mr. Hill testified that the list that BoA provided list targeted transactions in Washington D.C. and the surrounding area.⁴ For those customers who made firearm purchases with a BoA product, Mr. Hill testified that, “there was no geographic framework” and no date range.⁵

Mr. Hill’s testimony was corroborated by the testimony of his former supervisor, Special Agent-in-Charge of the Boston Field Office, Joseph Bonavolonta, who testified that Boston’s Joint Terrorism Task Force Squad Supervisor, Chief Division Counsel, and Special Agent-in-Charge of Counterterrorism brought the BoA data to his attention. Mr. Bonavolonta testified that,

[A] lead had been sent to our office from a unit within FBI Headquarters that fell under the Office of Private Sector . . . in the body of the lead, there was . . . information that was provided by Bank of America following a certain number of criteria that in essence aggregated a list of individuals that were supposedly living up in the New England area who . . . either had potentially made . . . certain credit card purchases . . . for hotel reservations or plane tickets, or potential purchases at certain gun stores in and around . . . January 6th or planned for the inauguration date.⁶

Moreover, Mr. Bonavolonta confirmed that, “one of the [list’s] criteria . . . in terms of Bank of America’s data . . . was related to purchases that had been made at either gun shops or, you know, stores that would sell firearms.”⁷ Mr. Bonavolonta continued, stating that the BoA customer data was also sent to other FBI field offices across the country, specifically the FBI Springfield, Illinois field office.⁸

This testimony is alarming. According to veteran FBI employees, BoA provided, without any legal process, private financial information of Americans to the most powerful law-enforcement entity in the country. This information appears to have had no individualized nexus to particularized criminal conduct, but was rather a data dump of BoA customers’ transactions over a three-day period. This information undoubtedly included private details about BoA customers who had nothing at all to do with the events of January 6. Even worse, BoA specifically provided information about Americans who exercised their Second Amendment right to purchase a firearm.

Congress has an important interest in ensuring that Americans’ private information is protected from collection by federal law enforcement agencies without proper due process.⁹ The

⁴ *Id.* at 74.

⁵ *Id.* at 76 (answering in the affirmative that, “You could live—you could be a resident of Iowa, be a BOA customer, purchased a shotgun in 1999, go to the District, use your credit card to pay for a hotel on January 5th and check out. You’re going to rise to the top of that list.”).

⁶ Transcribed Interview of Mr. Joseph Bonavolonta at 13 (May 4, 2023).

⁷ *Id.* at 17.

⁸ *Id.* at 13.

⁹ *See, e.g.*, 12 U.S.C. § 3403(a) (“No financial institution, or officer, employees, or agent of a financial institution, may provide to any Government authority access to or copies of, or the information contained in, the financial records of any customer except in accordance with the provisions of this chapter.”).

Committee and Select Subcommittee must understand how and to what extent financial institutions, such as BoA, worked with the FBI to collect Americans' data. As we continue our oversight, we ask that you please provide the following documents and information:

1. All documents and communications from January 1, 2021, to the present between or among BoA officials, employees, or consultants referring or relating to the provision of financial records to the FBI concerning the use of a BoA product between January 5, 2021, and January 7, 2021, in the Washington, D.C., metropolitan area.
2. All documents and communications from January 1, 2021, to the present between or among BoA officials, employees, or consultants and the FBI referring or relating to the provision of financial records to the FBI concerning the use of a BoA product between January 5, 2021, and January 7, 2021, in the Washington, D.C., metropolitan area.
3. All documents and communications from January 1, 2021, to the present between or among BoA officials, employees, or consultants and the Department of Justice referring or relating to the provision of financial records to the FBI concerning the use of a BoA product between January 5, 2021, and January 7, 2021, in the Washington, D.C., metropolitan area.
4. All documents and communications related to any internal database of firearms purchases by BoA customers.

Please produce all documents and information as soon as possible but no later than 5:00 p.m. on June 8, 2023.

This letter serves as a formal request to preserve all existing and future records and materials relating to the topics addressed in this letter. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using your official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

Pursuant to the Rules of the House of Representatives, the Committee on the Judiciary has jurisdiction to conduct oversight of matters concerning "civil liberties" to inform potential legislative reforms.¹⁰ In addition, H. Res. 12 authorized the Committee's Select Subcommittee on the Weaponization of the Federal Government to investigate "issues related to the violation of the civil liberties of citizens of the United States."¹¹ H. Res. 12 also authorized the Select Subcommittee to investigate "how executive branch agencies work with, obtain information

¹⁰ Rules of the House of Representatives R. X (2023)

¹¹ H. Res. 12 § 1(b)(1).

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from, and provide information to the private sector, non-profit entities, or other government agencies to facilitate action against American citizens.”¹²

If you have any questions about this matter, please contact Committee staff at (202) 225-6906. Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman



Thomas Massie
Chairman
Subcommittee on the Administrative State,
Regulatory Reform, and Antitrust

cc: The Honorable Jerrold L. Nadler, Ranking Member
The Honorable David N. Cicilline, Ranking Member, Subcommittee on the
Administrative State, Regulatory Reform, and Antitrust

¹² *Id.*