

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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August 17, 2023

Mr. Sunil Garg
Chief Executive Officer, Citibank N.A.
c/o Mark G. Eliades
Director & Associate General Counsel
Compliance & Investigations
388 Greenwich Street, 17th Floor
New York, NY 10013

Dear Mr. Garg:

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. On June 12, 2023, we requested your voluntary cooperation with our oversight to determine the extent to which financial institutions, such as Citibank, have worked with the FBI to collect Americans' financial data.¹ To date, Citibank has declined to comply with our request voluntarily, and counsel has represented that it will only comply pursuant to a subpoena.

The Committee and Select Subcommittee have obtained evidence showing that at least one major financial institution provided the FBI with private financial data without legal process. As first noted in our June 12 letter, testimony from current and former FBI officials shows that Bank of America (BoA) provided the FBI—voluntarily and without any legal process—with a list of individuals who made transactions in the Washington, D.C., metropolitan area with a BoA credit or debit card between January 5 and January 7, 2021.² The Committee has also learned that individuals who had previously purchased a firearm with a BoA product were elevated to the

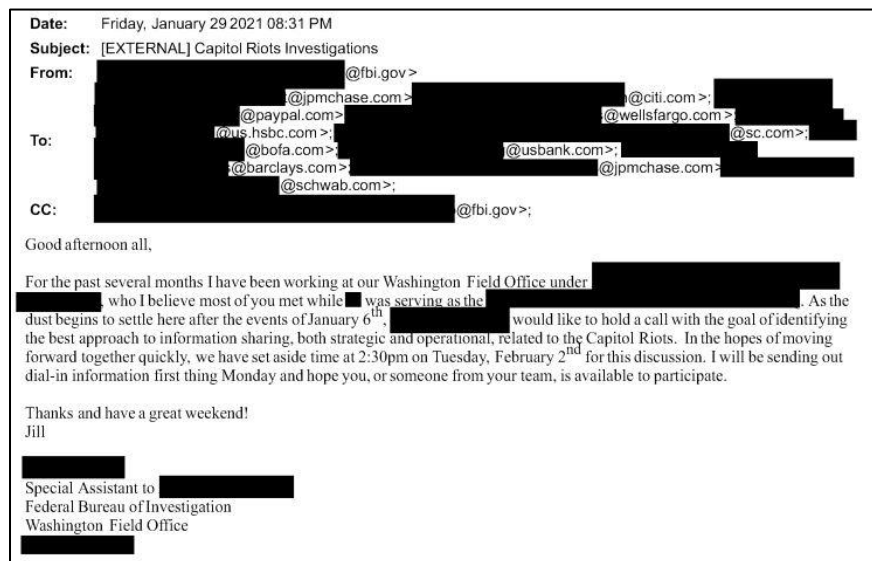
¹ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Jane Fraser, CEO, Citigroup (Jun. 12, 2023).

² Transcribed Interview of Mr. George Hill 74-75 (Feb. 7, 2023) (describing that “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 any BOA customer who used a BOA product”); Transcribed Interview of Mr. Steve Jensen 146 (May 19, 2023) (stating that “one of my unit chiefs . . . advised that a number of leads had gone out regarding Bank of America information of subjects”); Transcribed Interview with Mr. Joseph Bonavolonta 11 (May 4, 2023) (“I am aware of information that was forwarded to us related to a Bank of America lead, yes”); Transcribed Interview of Mr. Steven D’Antuono (Jun. 7, 2023) (recalling that “[he learned that Bank of America provided information] probably through the course of the investigation at some point.”).

top of that list, regardless of the time or place of the firearm purchase.³ Given this concerning testimony, the Committee has written to other major financial institutions, including Citibank, to determine whether those entities were involved in similar conduct.

Documents recently obtained by the Committee and Select Subcommittee have reinforced our concerns. These documents show that the FBI supplied BoA with specific search query terms, indicating that the FBI was “interested in all financial relationships” of BoA customers transacting in Washington D.C. and those customers who had made “ANY historical purchase” of a firearm, or that had purchased a hotel, Airbnb, or airline travel within a given date range.⁴

In addition, the Committee and Select Subcommittee have recently obtained documents that raise new concerns regarding the extent to which financial institutions, including Citibank, may have shared customer information with federal law enforcement despite the customers having no individualized nexus to criminal conduct. In particular, these documents indicate that a Citibank representative was included on emails and Zoom discussions organized by the FBI and the Financial Crimes Enforcement Network (FinCEN) focused on “identifying the best approach to information sharing, both strategic and operational,” in the wake of the events of January 6.⁵ These documents suggest that the executive branch was brainstorming informal methods—outside of legal process—for obtaining private customer information from financial institutions.



Federal law enforcement’s use of back-channel discussions with financial institutions as a method to investigate and obtain private financial data of Americans is alarming. The documents received to date only bolsters our need for all materials responsive to our request. The

³ Hill, *supra* note 1 (observing that, “on top of that list, they put anyone who had purchased a firearm during any date.”).

⁴ BofA-HJUD-0000002 (on file with Committee).

⁵ USBANK_HJC_00032 (on file with Committee).

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Committee and Select Subcommittee must understand how and to what extent financial institutions, such as Citibank, worked with the FBI—and potentially other executive branch entities—to collect Americans’ data without an individualized nexus to criminal conduct.

The Supreme Court has recognized that Congress has a “broad and indispensable” power to conduct oversight, which “encompasses inquiries into the administration of existing laws, studies of proposed laws, and surveys in our social, economic or political system for the purpose of enabling Congress to remedy them.”⁶ Pursuant to the Rules of the House of Representatives, the Committee is authorized to conduct oversight of matters involving civil liberties and criminal law to inform potential legislative reforms.⁷ In addition, H. Res. 12 authorizes the Select Subcommittee to examine “how executive branch agencies work with, obtain information from, and provide information to the private sector . . . to facilitate action against American citizens.”⁸ The potential legislative reforms could include, among other proposals, legislation to prescribe how federal law-enforcement entities collect or receive private consumer data, legislation to enhance the protections of civil liberties for customers of financial institutions, or legislation to prevent the misuse of Americans’ private financial information. The documents and information we have requested from Citibank are necessary to inform such potential legislation.

Accordingly, and in light of your lack of compliance with our earlier voluntary request and the representation from your counsel that Citibank requires a subpoena to comply with our oversight, please find attached a subpoena from the Committee on the Judiciary to compel the production of the requested documents.

Sincerely,



Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member
Mr. Reginald J. Brown, Kirkland & Ellis LLP

Enclosure

⁶ See, e.g., *Trump v. Mazars LLP*, No. 19-715 at 11 (U.S. slip op. July 9, 2020) (internal quotation marks and citations omitted).

⁷ Rules of the U.S. House of Representatives, R. X (2023).

⁸ H. Res. 12, 118th Cong. (2023).