

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

April 24, 2024

Mr. Timothy H. Wennes
Chief Executive Officer
Santander Bank, N.A.
75 State Street
Boston, MA 02109

Dear Mr. Wennes:

The Committee on the Judiciary and the Select Subcommittee on the Weaponization of the Federal Government are continuing to conduct oversight of federal law enforcement's receipt of financial information about American citizens without legal process and its engagement with the private sector. Documents obtained by the Committee and Select Subcommittee show that the Financial Crimes Enforcement Network (FinCEN) circulated concerning materials to Santander Bank, N.A. (Santander) and we believe that Santander possesses information necessary for our oversight.¹

After receiving documents and information from several entities, the Committee and Select Subcommittee learned that the financial surveillance occurring in the United States is much broader than the Federal Bureau of Investigation (FBI) simply requesting, without any legal process, a list of customers' transactions from Bank of America. On March 6, 2024, the Committee and Select Subcommittee released an interim staff report detailing its findings to date on how federal law enforcement is using private banks to pry into the private transactions of American customers.² That report highlighted how, following January 6, 2021, federal law enforcement commandeered financial institutions' databases, sought to treat sweeping classes of otherwise lawful transactions as potentially "suspicious," and profiled Americans using Merchant Category Codes (MCCs), "typologies," and "indicators" that treated protected political and religious expression as indicative of domestic violent extremism.³

¹ See STAFF OF H. COMM. ON THE JUDICIARY, 118TH CONG., REP. ON FINANCIAL SURVEILLANCE IN THE UNITED STATES: HOW FEDERAL LAW ENFORCEMENT COMMANDEERED FINANCIAL INSTITUTIONS TO SPY ON AMERICANS 22 (Comm. Print 2024).

² See STAFF OF H. COMM. ON THE JUDICIARY, 118TH CONG., REP. ON FINANCIAL SURVEILLANCE IN THE UNITED STATES: HOW FEDERAL LAW ENFORCEMENT COMMANDEERED FINANCIAL INSTITUTIONS TO SPY ON AMERICANS (Comm. Print 2024).

³ See *id.*

The Committee and Select Subcommittee remain concerned about how and to what extent federal law enforcement and financial institutions continue to spy on Americans by weaponizing backdoor information sharing and casting sprawling classes of transactions, purchase behavior, and protected political or religious expression as potentially “suspicious” or indicative of “extremism.”

Given the threat that such financial surveillance presents to Americans’ civil liberties, the Committee and the Select Subcommittee are expanding our oversight of the relationship between financial institutions and federal law enforcement to better understand its nature and duration. As we continue our oversight, we ask that you please provide the following documents and information from January 1, 2021, to the present:

1. All documents and communications referring or relating to the use of typologies, or other keywords, search terms, and techniques, including documents and communications from FinCEN or any other federal agency, that may be used to identify, query, monitor, flag, target, or limit certain kinds of transactions;
2. All documents and communications referring or relating to the use of artificial intelligence or other machine learning processes used to identify, query, monitor, flag, target, or limit certain kinds of transactions;
3. All documents and communications between or among Santander and any federal agency referring or relating to domestic extremism or domestic violent extremism;
4. All documents and communications, including internal manuals, organizational structures, policies, procedures, or training materials, that are responsible for, or refer or relate to, the flagging, reporting, or sharing of transaction data, customer information, or other suspicious activity with federal law enforcement;
5. All documents and communications between or among Santander and the FBI’s Office of the Private Sector or Strategic Partner Engagement Section; and
6. All documents and communications between or among Santander and FinCEN’s Strategic Operations Division, Office of Stakeholder Integration and Engagement, Office of Operational Information and Development, or the Office of Global Threat Engagement Center.

Please produce all documents and information as soon as possible but no later than 5:00 p.m. on May 8, 2024.

Pursuant to the Rules of the House of Representatives, the Committee is authorized to conduct oversight of matters involving civil liberties and criminal law.⁴ In addition, H. Res. 12 authorized the Committee’s Select Subcommittee on the Weaponization of the Federal

⁴ Rules of the U.S. House of Representatives, R. X (2023).

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Government to investigate “issues related to the violation of the civil liberties of citizens of the United States.”⁵ H. Res. 12 also authorized the Select Subcommittee to investigate “how executive branch agencies work with, obtain information from, and provide information to the private sector, non-profit entities, or other government agencies to facilitate action against American citizens.”⁶

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,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is stylized with a large, looping "J" and a cursive "Jordan".

Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

⁵ H. Res. 12 § 1(b)(1).

⁶ *Id.*