

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

June 21, 2024

The Honorable Andrea Gacki
Director
Financial Crimes Enforcement Network
2070 Chain Bridge Road
Vienna, VA 22182

Dear Director Gacki:

The Committee on the Judiciary and the Select Subcommittee on the Weaponization of the Federal Government are continuing to conduct oversight over the Financial Crimes Enforcement Network's (FinCEN) coordination with federal law enforcement and financial institutions to surveil Americans in the aftermath of the events that occurred at the Capitol on January 6, 2021. To assist with our oversight, we write to request certain documents and information.

On March 6, 2024, the Committee and Select Subcommittee released a report showing how federal law enforcement has used banks to pry into the private transactions of American customers.¹ Following the events of January 6, 2021, federal law enforcement directed financial institutions to broadly search their customers' transactions; appeared to baselessly treat classes of lawful transactions as potentially "suspicious"; and profiled Americans using Merchant Category Codes (MCCs), "typologies," and "indicators" that treated protected political and religious expression as potentially indicative of domestic violent extremism.²

We are continuing to investigate how and to what extent federal law enforcement has access to Americans' financial data and its weaponization of backdoor information-sharing practices that cast 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 must examine federal law enforcement's access to and use of Americans' financial data, as well as its coordination with financial institutions.

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 (Comm. Print 2024).

² See *id.*

Accordingly, as we continue our oversight, we ask that you please provide the following documents and information for the period January 1, 2021, to March 1, 2021:

1. All documents and communications referring or relating to FinCEN's assessment or analysis of Bank Secrecy Act data or the decision to share any assessment or analysis, including the development of typologies, red flags, transaction references, or other keywords and search terms that may be used to identify, query, monitor, flag, target, or limit certain kinds of transactions;
2. All documents and communications between or among FinCEN employees and employees or representatives of Bank of America (BoA), MUFG Bank, KeyBank, Standard Chartered, Wells Fargo, PayPal, Citibank, Santander, JPMorgan Chase, HSBC, U.S. Bancorp, Union Bank, Truist, and/or Western Union referring or relating to typologies, red flags, transaction references, or other keywords and search terms that may be used to identify, query, monitor, flag, target, or limit certain kinds of transactions;
3. All documents and communications between or among FinCEN employees and employees of the Federal Bureau of Investigation (FBI) or any other federal agency referring or relating to typologies, red flags, transaction references, or other keywords and search terms that may be used to identify, query, monitor, flag, target, or limit certain kinds of transactions;
4. All documents and communications referring or relating to the FinCEN Exchange, FinCEN Exchange Events, or the Bank Secrecy Act Advisory Group; and
5. All documents and communications, including internal reports and memoranda, referring or relating to audits or examinations of law enforcement entities' use of and access to Bank Secrecy Act data, including access to and use of the FinCEN portal.

Please produce all documents and information as soon as possible but no later than 10:00 a.m. on July 5, 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.³ 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."⁴ H. Res. 12 also authorized the Select Subcommittee to investigate "how executive branch agencies work with, obtain information from, and provide information to the

³ Rules of the U.S. House of Representatives, R. X (2023).

⁴ H. Res. 12 § 1(b)(1).

The Honorable Andrea Gacki

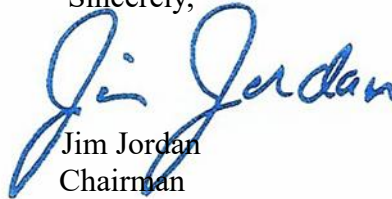
June 21, 2024

Page 3

private sector, non-profit entities, or other government agencies to facilitate action against American citizens.”⁵

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

cc: The Honorable Jerrold L. Nadler, Ranking Member

⁵ *Id.*