

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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January 17, 2024

Mr. Noah Bishoff
AML Officer
Plaid Inc.
1098 Harrison St.
San Francisco, CA 94103

Dear Mr. Bishoff:

The Committee on the Judiciary and the Select Subcommittee on the Weaponization of the Federal Government are conducting oversight of federal law enforcement's receipt of information about American citizens without legal process and its engagement with the private sector. Based upon documents obtained by the Committee and Select Subcommittee, we believe that you, as the former Director of the Office of Stakeholder Integration and Engagement in the Strategic Operations Division of the Financial Crimes Enforcement Network (FinCEN), possess information necessary for our oversight. We ask that you appear for a transcribed interview.

The Committee and Select Subcommittee have obtained documents indicating that following January 6, 2021, FinCEN distributed materials to financial institutions that, among other things, outline the "typologies" of various persons of interest and provide financial institutions with suggested search terms and Merchant Category Codes (MCCs) for identifying transactions on behalf of federal law enforcement.¹ These materials included a document recommending the use of generic terms like "TRUMP" and "MAGA" to "search Zelle payment messages" as well as a "prior FinCEN analysis" of "Lone Actor/Homegrown Violent Extremism Indicators."² According to this analysis, FinCEN warned financial institutions of "extremism" indicators that include "transportation charges, such as bus tickets, rental cars, or plane tickets, for travel to areas with no apparent purpose," or "the purchase of books (including religious texts) and subscriptions to other media containing extremist views."³ In other words, FinCEN urged large financial institutions to comb through the private transactions of their customers for suspicious charges on the basis of protected political and religious expression.

¹ HJC118_00000005.

² HJC118_00000006.

³ HJC118_00000007.

In addition, the Committee and Select Subcommittee have obtained documents showing that FinCEN distributed slides, prepared by a financial institution, explaining how other financial institutions can use MCC codes to detect customers whose transactions may reflect “potential active shooters, [and] who may include dangerous International Terrorists / Domestic Terrorists / Homegrown Violent Extremists (‘Lone Wolves’).”⁴ For example, the slides instruct financial institutions to query for transactions using certain MCC codes such as “3484: Small Arms,” “5091: Sporting and Recreational Goods and Supplies,” and the keywords “Cabela’s,” and “Dick’s Sporting Goods,” among several others.⁵ Despite these transactions having no apparent criminal nexus—and, in fact, relate to Americans exercising their Second Amendment rights—FinCEN seems to have adopted a characterization of these Americans as potential threat actors. This kind of pervasive financial surveillance, carried out in coordination with and at the request of federal law enforcement, into Americans’ private transactions is alarming and raises serious doubts about FinCEN’s respect for fundamental civil liberties.

Active Shooter Detection – Methodology 2 – Keyword INCLUSION (Narrow Focus)

- **Transaction Population:** Query for credit / debit card purchases involving any of the following MCC codes:
 - **3484:** Small Arms (includes businesses generally manufacturing small arms and accessories having a bore less than 30 mm)*
 - **3489:** Ordnance and Accessories, Not Elsewhere Classified (includes businesses manufacturing firearms and accessories having a bore more than 30 mm)*
 - **5091:** Sporting and Recreational Goods and Supplies (includes retail ammunition and retail guns sales)⁵
 - * Not universally recognized MCC code
 - **5099:** Durable Goods, Not Elsewhere Classified
 - **5933:** Pawn Shops
 - **5941:** Sporting Goods Stores (largest sellers of firearms and ammunition)
 - **5999:** Miscellaneous and Specialty Retail Shops (includes firearms and ammunition dealers)
 - **7999:** Recreation Services, Not Elsewhere Classified (includes shooting facilities or shooting ranges)
- **Keyword INCLUSION (Above transactions must INCLUDE one of these keywords / Not exhaustive list):**

<ul style="list-style-type: none"> • Academy.com • Aero Precision • AimSurplus • AnarchyOutdoors.com • Anderson Manufacturing • AR-15.co • AR15.com • B & T Industries • backcountry world • Bass Pro Shop • Blade HQ • BladeOps.com • BladePlay • Blotach.com • BoydsGunstocks.com • BravoCompanyUSA.com • Brownells • Browning 	<ul style="list-style-type: none"> • Cabela's • CalLegalMags.com • CarrierComp.com • ChattanoogaShooting.com • CheaperThanDirt.com • ClassicCollectionFirearms.com • CopesDistributing.com • DawsonPrecision.com • DeltaDefense.com • DeltaTeamTactical.com • Dick's Sporting Goods • DillonPrecision.com • DLTrading.com • DSG (Dick's Sporting Goods) • Dunkelbergers.com • E-Sarcolnc.com 	<ul style="list-style-type: none"> • Edge Works Manufacturing • EKKnife Supply • EKKnifeWorks.com • EliteDefense.com • FreedomMunitions.com • Gander Mountain • Geissele.com • GhostGuns.com • GhostRunner.com • Glock • Govx.com • GRMag.com • GrabAGun.com • Grindworkx.com • GunBroker.com • GunPartsCorp.com • GunSprings.com 	<ul style="list-style-type: none"> • HarrisBipods.com • ImpactGuns.com • JP Enterprises • JPRifles.com • JSESurplus.com • KAKIIndustry.com • Karambit.com • KingsFirearmsAndMore.com • GhostGuns.com • KingsFirearmsOnline.com • MidwayUSA.com • MDMTTargets.com • Mike Gibson Manufacturing • MikesGunShop.net • Mike's Gun and Pawn • MileHighShooting.com • NewFrontierArmory.com 	<ul style="list-style-type: none"> • NorthShoreFirearms.com • Noweske.com • NTCTrading.net • Numrich Gun Parts • OpticsPlanet.com • OregonRifeworks.com • ParkerMountainMachine.com • RobertsonTradingPost.com • Ruger • Sarcolnc.com • ShootingTargets7.com • SIG Sauer • SilencerShop.com • Silent Precision • SMKW.com • SniperCentral.com 	<ul style="list-style-type: none"> • SOG International • SouthernOhioGun.com • SpikesTactical.com • SportsmansGuide.com • STIGuns.com • STI International • Taccom • Taccom3G.com • RobertsonTradingPost.com • TargetSportUSA.com • WC Wolff Co. • WideOpenSpaces.com • WinthropHolsters.com • WittMachine.net
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- **During the 60-Day Rolling Lookback Period, Query Run Periodically (SME Adjustable Parameters):**
 - Involves 5 or more distinct and different merchants / vendors of the above population set by the customer, **AND**
 - Aggregate purchase transactions totaling \$2,500 or more from the above MCC codes by the customer, **AND**
 - Number of transactions at the above MCC codes > 50% of total number of transactions by the customer, **AND**
 - Aggregate purchase amount at the above MCC codes > 50% of total purchases by the customer.

Classification: KeyCorp Confidential 4

As the former Director of the Office of Stakeholder Integration and Engagement in the Strategic Operations Division, you engaged regularly with financial institutions following the events of January 6, 2021, including the distribution of material about how financial institutions could use private customer information to assist federal law enforcement. As such, your testimony will aid our oversight. In particular, your testimony will help to inform the Committee and Select Subcommittee about federal law enforcement’s mass accumulation and use of Americans’ private information without legal process; FinCEN’s protocols, if any, to safeguard Americans’ privacy and constitutional rights in the receipt and use of such information; and

⁴ HJCSWFG_0000411.PPTX.
⁵ *Id.*

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FinCEN's general engagement with the private sector on law-enforcement matters. We ask that you appear for a transcribed interview with the Committee promptly. Please contact Committee staff as soon as possible but no later than 5:00 p.m. on January 31, 2024, to schedule your transcribed interview.

The Committee on the Judiciary is authorized to conduct oversight of FinCEN pursuant to the Rules of the House of Representatives.⁶ 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."⁷ 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."⁸

Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

⁶ Rules of the U.S. House of Representatives, R. X (2023).

⁷ H. Res. 12 § 1(b)(1).

⁸ *Id.*