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FINANCIAL SERVICES COMMITTEE  
HOUSING AND INSURANCE SUBCOMMITTEE  
RANKING MEMBER

OVERSIGHT AND INVESTIGATIONS SUBCOMMITTEE



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**Congress of the United States**  
**House of Representatives**

August 15, 2018

The Honorable Jeb Hensarling  
Chairman  
Financial Services Committee  
U.S. House of Representatives

The Honorable Maxine Waters  
Ranking Member  
Financial Services Committee  
U.S. House of Representatives

Dear Chairman Hensarling and Ranking Member Waters:

It has come to my attention that several national banks have implemented a policy requiring customers to answer a question regarding their citizenship and freezing the accounts of those who are noncompliant. This has caused a chaotic situation for customers within Missouri's Fifth Congressional District. Based on initial conversations with my local constituency, coupled with national coverage of the problem<sup>1</sup>, this issue has an exponentially expanding national impact. Thus, I am writing to request that the House Financial Services Committee conduct a congressional hearing with the Office of the Comptroller of the Currency (OCC), the Financial Crimes Enforcement Network (FinCEN), and various national banks to provide perspective, seek clarity, and identify potential solutions.

This new practice has struck fear into our country's diverse communities, including some who already struggle with challenges of being a predominately "unbanked" or "underbanked" population. Moreover, with a recent shift in immigration policy, this newly implemented protocol is causing substantial panic. Although it is necessary to implement measures to combat and counteract financial crimes, it is also imperative to understand how this policy of requesting proof of citizenship will further safeguard our national security. It is my understanding that many banks have interpreted the Bank Secrecy Act of 1970, Patriot Act of 2001, "know your customer" requirements, and general guidance from the Department of Treasury's Office of Foreign Assets Control as the justification for seeking citizenship information from customers. However, none of these policies have explicitly required such an ask.

<sup>1</sup> <http://www.kctv5.com/story/38753295/bank-of-america-questioning-customers-citizenship-freezing-accounts>;  
<http://fortune.com/2018/07/30/bank-of-america-freezing-accounts/> ;  
<https://www.cbs17.com/news/investigators/answer-desk/some-bank-of-america-customers-questioned-about-citizenship-status-had-accounts-frozen/1339083505>

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Recognizing that citizenship is not required for eligibility for banking services, Congress has a responsibility to help clarify current federal policy and provide public reassurance. Additionally, Congress should assert its role in providing oversight to this new protocol, particularly regarding privacy protections. Specifically, I'd ask the Committee to focus on the following questions:

- What quantifiable measures have banks put in place to ensure this new proof of citizenship protocol is not causing a significant invasion into a customer's individual privacy?
- Are banks voluntarily reporting non-citizen account holder information to the United States Immigration and Customs Enforcement (ICE) or other immigrant enforcement agencies, who have not requested the information as part of a criminal investigation?
- How much time are customers given to respond to citizenship questions and what happens to an account and its assets if a customer doesn't respond?
- If an individual chooses to not comply with the request, what information is reported and to whom?
- How have banks educated their customers regarding this policy change?
- What steps are banks pursuing to ensure the policy is not being enacted in a discriminatory manner?

Recently, we have seen other private entities voluntarily sharing their customers' private information with ICE<sup>2</sup>. As many immigrant communities already feel threatened, changes to banking policy should not exacerbate existing tensions. Additionally, this new policy may result in unquantifiable damage to the banking community if customers fear to even opening a bank account. The lack of defined boundaries with this new practice has cast an ominous cloud in the hearts and minds of many of my constituents. In order to investigate the answers to the above questions and clarify current federal law, I ask that the House Financial Services Committee convene a congressional hearing on this subject.

Warmest regards,



Emanuel Cleaver, II  
Member of Congress

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<sup>2</sup> <https://www.bloomberg.com/news/articles/2018-01-23/motel-6-pact-with-ice-led-to-deportation-to-mexico-guests-claim>; [https://www.washingtonpost.com/news/post-nation/wp/2018/01/03/motel-6-gave-guest-lists-to-ice-agents-looking-for-latino-sounding-names-lawsuit-alleges/?utm\\_term=.bb305e503aad](https://www.washingtonpost.com/news/post-nation/wp/2018/01/03/motel-6-gave-guest-lists-to-ice-agents-looking-for-latino-sounding-names-lawsuit-alleges/?utm_term=.bb305e503aad); <https://www.nytimes.com/2017/09/14/us/arizona-motel-6-ice.html>