

United States Senate

WASHINGTON, DC 20510

October 1, 2018

Brian T. Moynihan, CEO
Bank of America
100 North Tryon Street
Charlotte, NC 28255

Dear Mr. Moynihan:

We are alarmed by recent reports that Bank of America is requesting customers' citizenship status, and unjustly freezing customers' accounts.¹ In our current climate, where immigrant communities face severe consequences for disclosing their citizenship status, Bank of America's practice of inquiring about account holders' citizenship status is especially troubling and we respectfully request information about the bank's policy.

According to several reports from Bank of America customers, the bank is demanding their customers provide information about their citizenship status and is freezing their accounts if the account holder fails to respond.² Consumers are understandably surprised by the request for citizenship information since they provided all personally identifiable information required by Bank of America at the time the account was initially opened. Reportedly, if Bank of America determines that customers have not promptly or adequately responded to the inquiry, they lose access to their funds and are consequently left with only the amount of cash they have on hand. Without access to their bank accounts, many consumers are unable to complete essential transactions such as making rent and utility payments or paying for childcare and medical costs.

Bank of America has stated that the citizenship information is needed to meet "anti-money laundering, economic sanctions restrictions" requirements.³ However, we are aware of no federal law that prohibits institutions from providing financial services, including maintaining open accounts, to noncitizens. Additionally, according to the Office of the Comptroller of the Currency, a consumer is not required to show proof of citizenship to open a bank account.⁴ Furthermore, it is deeply concerning that a private institution is choosing to ask about the citizenship status of their customers, and cataloging such information without reason, in this current anti-immigrant environment. As you know, this Administration is targeting immigrants by launching a denaturalization task force, ending Temporary Protected Status for a number of countries, halting protections for Dreamers by rescinding the Deferred Action for Childhood

¹ Rob Wile, *He's been studying in the U.S. legally for 7 years. Bank of America froze his account anyway*, MIAMI HERALD, August 30, 2018, <https://www.miamiherald.com/news/business/article217095125.html>.

² Rachel Siegel, *Are you a U.S. citizen? This question locked a Kansas couple out of a bank account*, WASH. POST, July 31, 2018, https://www.washingtonpost.com/business/2018/08/01/are-you-us-citizen-this-question-locked-kansas-couple-out-bank-account/?utm_term=.b8423b186494.

³ *Id.*

⁴ Rob Wile, *He's been studying in the U.S. legally for 7 years. Bank of America froze his account anyway*, MIAMI HERALD, August 30, 2018, <https://www.miamiherald.com/news/business/article217095125.html>.

Arrivals Program, curtailing refugee admissions, and harming immigrant families through its failed zero tolerance policy that resulted in the separation of thousands of children from their parents. Bank of America's actions, intentionally or not, have added to the environment of fear in the immigrant community and may create a resource for further targeting of immigrant communities by this Administration.

To fully understand Bank of America's policy and the reasoning behind pursuing the citizenship inquiries, we respectfully request responses to the following questions:

- 1) How does the bank identify which customers to ask for citizenship information?
- 2) When did Bank of America begin requesting citizenship information from existing account holders?
- 3) What specific type of information is Bank of America asking for in their inquiries? Please provide copies of letters, emails, or other correspondence of the requests that Bank of America has sent to its customers. In addition, please provide any screenshots or similar representation of online account pages that request such information.
- 4) From how many account holders has Bank of America sought citizenship information? Please provide state-by-state numbers.
- 5) Has the Department of Treasury, FinCEN, the Office of the Comptroller of the Currency or any other government agency directed Bank of America to initiate inquiries regarding customers' citizenship status?
- 6) Please cite the specific statutes or regulations that such citizenship information is designed to respond to? Please specify if such requirements apply to new or existing accounts.
- 7) What does Bank of America deem to be a satisfactory answer when it inquires about an account holder's citizenship status? What specific documents does the bank accept for these inquiries?
- 8) Under what circumstances would Bank of America refuse to unfreeze accounts of customers who have attempted to respond to their inquiries?
- 9) What is the protocol for customers who respond and inform Bank of America that they are noncitizens? Does the bank ask for further information, flag their accounts, and/or close their accounts?
- 10) For consumers whose accounts were frozen and may have incurred late fees, bounced checks, or any fees associated with losing access to their accounts, does Bank of America plan on making these consumers whole again?

- 11) How many accounts have been frozen or closed as a result of this policy? Of such accounts, how many have been reinstated? Please provide state-by-state numbers.
- 12) Has Bank of America shared the citizenship information of their consumers with outside entities, including any state or federal government agencies? If so with what outside entities, under what conditions, and with what frequency?
- 13) Has any government entity asked Bank of America for its customers' citizenship information?

We appreciate your attention to this matter and look forward to your response by October 19, 2018.

Sincerely,


Robert Menendez


Catherine Cortez Masto