

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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March 20, 2024

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Attorney General Garland:

The Committee on the Judiciary and the Select Subcommittee on the Weaponization of the Federal Government are conducting oversight of the federal government's use of artificial intelligence (AI) technology to surveil American citizens' financial information. Based on recent reporting and other information obtained by the Committee and Select Subcommittee, we believe that the Department of Justice (DOJ) possesses information necessary for our oversight, and we request your full cooperation.

In September 2023, the Internal Revenue Service (IRS) announced that it was using AI to "help IRS compliance teams better detect tax cheating, identify emerging compliance threats and improve case selection tools."¹ According to the announcement, "the IRS is deploying new resources towards cutting-edge technology to improve our visibility on where the wealthy shield their income and focus staff attention on the areas of greatest abuse," including "cutting-edge machine learning technology."² On February 28, 2024, the Treasury Department publicly acknowledged that it has "implemented an enhanced process using AI to mitigate check fraud in near real-time by strengthening and expediting processes to recover potentially fraudulent payments from financial institutions" since late 2022.³ As noted in a Treasury Department press

¹ *IRS announces sweeping effort to restore fairness to tax system with Inflation Reduction Act funding; new compliance efforts focused on increasing scrutiny on high-income, partnerships, corporations and promoters abusing tax rules on the books*, INTERNAL REV. SERVICE (Sept. 8, 2023); see also Matt Egan, *AI is Uncle Sam's new secret weapon to fight fraud*, CNN (Feb. 28, 2024); Alan Rappeport, *I.R.S. Deploys Artificial Intelligence to Catch Tax Evasion*, N.Y. TIMES (Sept. 8, 2023).

² *IRS announces sweeping effort to restore fairness to tax system with Inflation Reduction Act funding; new compliance efforts focused on increasing scrutiny on high-income, partnerships, corporations and promoters abusing tax rules on the books*, INTERNAL REV. SERVICE (Sept. 8, 2023).

³ Press Release, Treasury Announces Enhanced Fraud Detection Process Using AI Recovers \$375M in Fiscal Year 2023, U.S. Department of the Treasury (Feb. 28, 2024); see also Matt Egan, *AI is Uncle Sam's new secret weapon to fight fraud*, CNN (Feb. 28, 2024).

release, “[t]he enhanced AI process and OPI’s [Office of Payment Integrity] strong partnership with federal law enforcement agencies have led to multiple active cases and arrests with law enforcement” and the recovery of \$375 million in Fiscal Year (FY) 2023 alone.⁴

However, recent reporting alleges that the IRS’s use of AI has also included actively monitoring American citizens’ bank accounts en masse and without legal process.⁵ Video footage obtained by an investigative media outlet appears to capture Alex Mena, an IRS official working in the agency’s Criminal Investigations Unit, admitting that the IRS has “a new system” that uses AI to target “potential abusers” by examining all returns, bank statements, and related financial information for “potential for fraud.”⁶ Mena asserted that the new AI system has the ability to access and monitor “all the information from all the companies in the world.”⁷ In the video, Mena suggested that the AI-powered system can “see the amount” in every American’s bank account, adding that this “invasive” system is “working really well” “nationwide.”⁸ Mena also noted that IRS agents “have no problem, like, going after the small people, you know, putting people in prison. Like destroying people’s lives, they have no problem doing that.”⁹ When asked whether the system is constitutional, Mena replied, “I doubt it.”¹⁰

The Committee and Select Subcommittee have reason to believe that the IRS is working with the DOJ to conduct this AI-powered warrantless financial surveillance. In the video, Mena stated that the DOJ and “Inspector General” control this AI-powered warrantless surveillance system, “not the IRS.”¹¹ Additionally, the Treasury Department’s February 28, 2024 press release makes clear that the Treasury Department’s Office of Payment Integrity (OPI) has a “strong partnership with federal law enforcement agencies,” which has “led to multiple active cases and arrests.”¹² These allegations are particularly concerning given the IRS’s track record of targeting, harassing, and intimidating American taxpayers and journalists and history of ignoring due process requirements when investigating taxpayers.¹³

Congress has an important interest in protecting Americans’ privacy, and the Committee and Select Subcommittee have been conducting oversight of the Executive Branch’s financial

⁴ *Id.*

⁵ James O’Keefe (@JamesOKeefeIII), X (Feb. 21, 2024, 3:57 PM), <https://twitter.com/JamesOKeefeIII/status/1760408473630916988>.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Press Release, Treasury Announces Enhanced Fraud Detection Process Using AI Recovers \$375M in Fiscal Year 2023, U.S. Department of the Treasury (Feb. 28, 2024).

¹³ See, e.g., Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Daniel Werfel, Commissioner, Internal Rev. Service (May 24, 2023); STAFF OF SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., FIGHTING THE WEAPONIZATION OF THE INTERNAL REVENUE SERVICE: THE END OF ABUSIVE UNANNOUNCED FIELD VISITS (Comm. Print Oct. 27, 2023); Alex Hendrie, *From bank accounts to facial recognition, the IRS is digging into our personal data*, THE HILL (Feb. 7, 2022).

surveillance of American citizens.¹⁴ The use of AI technology to actively monitor millions of Americans' private transactions, bank accounts, and related financial information—without any legal process—is highly concerning. This kind of pervasive financial surveillance, carried out in coordination with federal law enforcement, into Americans' private financial records raises serious doubts about the DOJ's—and the federal government's—respect for Americans' fundamental civil liberties.

Thus, in furtherance of the Committee's oversight efforts, we ask that you please provide the following documents and information for the period January 1, 2021, to the present:

1. All documents and communications referring or relating to the use of artificial intelligence, including machine learning and large language models, to track, monitor, surveil, investigate, audit, or otherwise view the financial information of American citizens, including:
 - a. All documents and communications between the DOJ and any other federal agency; and
 - b. All documents and communications between the DOJ and any bank or financial institution.
2. All documents and communications referring or relating to the control of any artificial intelligence system described in Request 1.

Please produce all documents and information as soon as possible but no later than 5:00 p.m. on April 3, 2024.

This letter serves as a formal request to preserve all existing and future records and materials relating to the topics addressed in this letter. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this

¹⁴ See, e.g., Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Brian Moynihan, Chief Exec. Officer of Bank of Am. Corp. (May 25, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Jane Fraser, CEO, Citigroup (June 12, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to William H. Rogers Jr., CEO, Truist Financial Corp. (June 12, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Jamie Dimon, CEO, JPMorgan Chase & Co. (June 12, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to William S. Demchak, CEO, PNC Financial Services (June 12, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Andrew Cecere, CEO, U.S. Bancorp (June 12, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Charles W. Scharf, CEO, Wells Fargo (June 12, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Janet Yellen, Secretary, Dept. of the Treasury (Feb. 16, 2024); 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 Mar. 6, 2024); *Hearing on the Weaponization of the Fed. Gov. Before the Select Subcomm. on the Weaponization of the Fed. Gov. of the H. Comm. on the Judiciary*, 118th Cong. (Mar. 7, 2024).

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congressional inquiry. This instruction includes all electronic messages sent using your official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.


The Committee on the Judiciary has jurisdiction to conduct oversight of matters concerning “civil liberties” to inform potential legislative reforms.¹⁵ 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.”¹⁶ 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.”¹⁷

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



Harriet M. Hageman
Member of Congress

cc: The Honorable Jerrold L. Nadler, Ranking Member

¹⁵ Rules of the U.S. House of Representatives, R. X (2023).

¹⁶ H. Res. 12 § 1(b)(1).

¹⁷ *Id.*