



MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

October 19, 2021

Chuck Schumer  
Senate Majority Leader  
322 Hart Senate Office Building  
Washington, D.C. 20510

Nancy Pelosi  
Speaker of the House  
1236 Longworth H.O.B  
Washington, D.C. 20515

Mitch McConnell  
Senate Republican Leader  
317 Russell Senate Office  
Washington, D.C. 20510

Kevin McCarthy  
House of Representatives Republican Leader  
2468 Rayburn House Office Building  
Washington, D.C. 20515

Dear Leader Schumer, Speaker Pelosi, Leader McConnell, and Leader McCarthy,

The Biden Administration has proposed a radical policy that would give the federal government access to the majority of Americans' bank account information through mandatory reporting by financial institutions. If enacted into law, the Internal Revenue Service (IRS) would be entitled to receive reporting data on all financial transactions in an account with more than a de minimis gross flow threshold of \$600 or fair market value of \$600, according to the Administration's Fiscal Year 2022 Revenue Proposals. Therefore, on behalf of countless Arizonans I serve as Attorney General, I request that you reject the policy, regardless of a threshold of \$600 or \$10,000.

Should this policy be codified into law, it would be yet another dangerous, unfettered power grab by the federal government. It would also add a higher cost of doing business for financial institutions, especially community banks. Just last month, over 40 banking institutions wrote to U.S. House leadership with some of these concerns, that "*it would create tremendous liability for all affected parties by requiring the collection of financial information for nearly every American without proper explanation of how the IRS will store, protect, and use this enormous trove of personal financial information.*" Congress should consider and address these institutional concerns before moving forward with any such law.

The Administration's suggested policy change would also give the Secretary of the Treasury "*broad authority to issue regulations necessary to implement this proposal.*" This means that the Treasury Department would not be obligated to seek approval from Congress for

the final version of the policy as it is actually implemented. This would be another gross abdication of the Legislative Branch's constitutional role and responsibility. Many of us well remember the Obama-Biden Administration, where the IRS was used to attack and undermine political opponents. This policy is reminiscent of those efforts and could be easily coerced into similar endeavors.

Most importantly, there is no reason for the federal government to have complete access to this information or for Congress to empower the IRS to interfere in Americans' bank accounts any more than it already has. The Constitution gives no authority to the federal government to enact and enforce this policy, even if a growing number of legislators and bureaucrats pay no mind to these constraints.

I trust you, our congressional leaders, are adhering to the Constitution when debating significant policies within these massive pieces of legislation, and I hope you will oppose any attempts to give the IRS this information.

Sincerely,

A handwritten signature in blue ink that reads "Mark Brnovich". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Mark Brnovich