



GOVERNOR GREG ABBOTT

April 25, 2016

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, D.C. 20515

Dear Majority Leader McConnell:

The Senate should defend our Second Amendment rights and protect law-abiding business owners from illegal persecution by passing the Financial Institution Customer Protection Act. Similar legislation has already passed the House with bipartisan support, and the bill was recently introduced in the Senate by Senators Cruz and Lee.

The Financial Institution Customer Protection Act would explicitly outlaw the U.S. Department of Justice's (DOJ) already lawless practice of pressuring banks to cancel accounts held by businesses the DOJ deems "risky." This abusive practice, known as Operation Choke Point, has been used to target lawful firearm sellers for exclusion from the banking system. The sole justification for these actions is the baseless notion that affiliation with businesses that sell firearms harms a bank's reputation. Congress has never enacted this view into law. The American people do not support it. Yet the DOJ believes it has the power, in its sole discretion, to target firearm sellers and other law-abiding business owners for exclusion from the American economy.

To make matters worse, the business owners targeted by Operation Choke Point have no ability to challenge the action taken against them. Their businesses' very existence can be threatened by the government without any finding that they have acted illegally. This plainly violates the Constitution's guarantee of due process. If unchecked, it would make the federal bureaucracy — not Congress, the States, or the American people — the sole arbiter of whether a business can participate in our economy. And it would empower the executive branch to trample Second Amendment rights by targeting businesses that legally buy and sell firearms.

The Act makes changes to law to preserve the government's ability to use banking regulation to combat illegal activity, including terrorism. While preserving this legitimate and necessary authority, the Act prohibits the DOJ and other regulators from treating law-abiding business owners exercising their Second Amendment rights as if they are terrorists.

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The executive-branch bureaucracy in Washington, D.C., is too large, is too expensive and wields too much power. Congress must consistently and decisively take action to control — and if necessary to punish — executive agencies that seek to impose their will on the American people without the consent of our elected representatives. Unfortunately, Operation Choke Point is just one of many disturbing examples in recent history of abusive and unlawful behavior by federal agencies. Passing the Financial Institution Customer Protect Act would defend the Second Amendment and preserve the rights of law-abiding business owners. Yet just as important, it would send the vital message to the federal bureaucracy that the people's representatives in Congress are watching and will hold federal agencies accountable when they abuse their power. I urge you to pass this legislation as soon as possible.

Sincerely,

A handwritten signature in black ink that reads "Greg Abbott". The signature is written in a cursive, flowing style.

Greg Abbott
Governor