



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

AUG 16 2017

The Honorable Thom Tillis
United States Senate
Washington, DC 20510

The Honorable Mike Crapo
United States Senate
Washington, DC 20510

Dear Senator Tillis and Senator Crapo:

This responds to your letter to the Attorney General dated July 6, 2017, regarding Operation Chokepoint, an initiative conducted during the previous administration. We share your view that law abiding businesses should not be targeted simply for operating in an industry that a particular administration might disfavor. Enforcement decisions should always be made based on the facts and the applicable law.

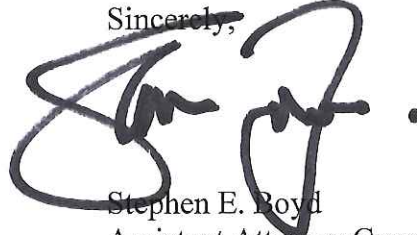
Operation Chokepoint entailed the issuance of a set of subpoenas in 2013. Attached to some of those subpoenas was a guidance document issued by the Federal Deposit Insurance Corporation (FDIC). That FDIC guidance included a footnote listing certain "elevated-risk" merchants, including short-term lenders and firearms dealers. The FDIC subsequently rescinded its list of purportedly "high-risk" merchants. The Department of Justice (Department) strongly agrees with that withdrawal. All of the Department's bank investigations conducted as part of Operation Chokepoint are now over, the initiative is no longer in effect, and it will not be undertaken again. Some of the responses to those subpoenas led to the discovery of other criminal activity involving certain individuals and non-bank entities. To the extent the Department continues to pursue those ancillary investigations, none relates to or seeks to deter lawful conduct.

The Department is committed to bringing enforcement actions only where warranted by the facts and the applicable law, without regard to political preferences. This approach honors the Department's fundamental obligation to focus on the lawbreakers that deserve our undivided attention, and thereby protect the American public from fraud and other criminal activity. We reiterate that the Department will not discourage the provision of financial services to lawful industries, including businesses engaged in short-term lending and firearms-related activities.

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The Honorable Mike Crapo
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We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Boyd", with a period at the end. The signature is written in a cursive, somewhat stylized font.

Stephen E. Boyd
Assistant Attorney General