

115TH CONGRESS
1ST SESSION

S. 159

To terminate Operation Choke Point.

IN THE SENATE OF THE UNITED STATES

JANUARY 17, 2017

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To terminate Operation Choke Point.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Firearms Manufactur-
5 ers and Dealers Protection Act of 2017”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) Because of the actions of the Department
9 of Justice and the Federal Deposit Insurance Cor-
10 poration (referred to in this section as the “FDIC”),
11 the program known as “Operation Choke Point” has
12 become a threat to the Second Amendment to the

1 Constitution of the United States and to firearms
2 dealers and manufacturers.

3 (2) In the summer of 2011, the FDIC pub-
4 lished an article in which it designated firearms
5 sales and ammunition sales as “high-risk” indus-
6 tries.

7 (3) The article published by the FDIC thus put
8 manufacturers and dealers of firearms in the same
9 category as cable box descramblers, credit card
10 schemes, drug paraphernalia, escort services, get-
11 rich products, home-based charities, lottery sales,
12 online gambling, payday loans, Ponzi schemes, por-
13 nography, racist materials, and tobacco sales.

14 (4) Most of the businesses grouped with the
15 sale of firearms and ammunition involve activities
16 that are inherently pernicious or patently illegal.

17 (5) The obvious intent, therefore, of the inclu-
18 sion of businesses in the FDIC’s “high-risk” cat-
19 egory was the eradication of those businesses.

20 (6) The FDIC sought to achieve this eradi-
21 cation by encouraging banks to withdraw credit pro-
22 vided to targeted industries and otherwise terminate
23 financial relationships with the businesses in ques-
24 tion.

1 (7) FDIC officials discussed mechanisms for
2 guaranteeing that bank officials saw the list and
3 “[got] the message”.

4 (8) The FDIC and the Department of Justice
5 worked together to implement Operation Choke
6 Point to actively realize the objective of eradicating
7 “high-risk” industries such as the sale of firearms
8 and ammunition.

9 (9) According to the Committee on Oversight
10 and Government Reform of the House of Represent-
11 atives, the FDIC and the Department of Justice
12 “may have misled Congress about this partnership”
13 in connection with Operation Choke Point.

14 (10) Committee language in both the House of
15 Representatives and Senate versions of the Consoli-
16 dated and Further Continuing Appropriations Act,
17 2015 (Public Law 113–235) completely defunded
18 Operation Choke Point.

19 (11) In order to salvage Operation Choke Point,
20 the FDIC removed firearms sales and ammunition
21 sales from the list of “high-risk” industries.

22 (12) Even after that action, however, there is
23 evidence that the FDIC and the Department of Jus-
24 tice continue to use Operation Choke Point to target

1 firearms dealers such as Hawkins Guns LLC of
2 Hawkins, Wisconsin.

3 (13) There is evidence that the targeting of
4 Hawkins Guns LLC is far from an isolated incident.

5 (14) It has become clear that the FDIC and the
6 Department of Justice can no longer be trusted to
7 carry out Operation Choke Point without targeting
8 the Second Amendment and firearm dealers and
9 manufacturers.

10 (b) PURPOSE.—The purpose of this Act is to termi-
11 nate Operation Choke Point and any similar program that
12 attempts to infringe upon the Second Amendment to the
13 Constitution of the United States or eradicate the manu-
14 facture and sale of firearms and ammunition.

15 **SEC. 3. PROTECTION OF THE SECOND AMENDMENT.**

16 No amounts appropriated or otherwise made avail-
17 able under any provision of law enacted before, on, or after
18 the date of enactment of this Act, nor any amounts de-
19 rived from any fee or other source, may be used by the
20 Federal Deposit Insurance Corporation, the Department
21 of Justice, or any other Federal agency to carry out Oper-
22 ation Choke Point or any other program designed to dis-
23 courage the provision or continuation of credit or the proc-

- 1 essing of payments by financial institutions for dealers
- 2 and manufacturers of firearms and ammunition.

