

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515

January 26, 2021

President Joseph R. Biden, Jr.  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

President Biden,

Congratulations on your election to the highest office in the land. I look forward to working with you and your administration to defeat the coronavirus pandemic and bolster the economic recovery. As you have stated numerous times, a strong economic recovery is a top priority of your administration. As the Ranking Member of the House Committee on Small Business and the Ranking Member of the Subcommittee on Consumer Protection and Financial Institutions, I share your goal of a robust economic recovery and cannot stress enough the importance of getting small businesses and their employees back to work.

To ensure a strong economic recovery, I urge you and your administration to commit to a consistent, transparent, and fair regulatory framework. Under the Obama administration I witnessed financial regulators repeatedly enforce regulatory guidance as law and recklessly use enforcement actions to intimidate and harass businesses, and state and local governments. Unfortunately, the Obama administration even used the financial supervisory regime to try and blacklist entire industries they disagreed with politically.

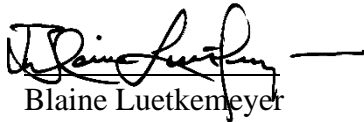
Of the many instances of regulatory overreach during the Obama administration, none were so egregious as Operation Choke Point, an initiative conceived by administration officials to eliminate legally operating businesses by pressuring financial institutions to close their accounts. Operation Choke Point willfully put law-abiding Americans out of business and created a toxic relationship between regulators, the financial institutions they oversee, and American consumers, which still has not wholly mended.

As your administration begins to take shape, it is imperative that you draw a distinct line between the practices of the Obama administration and the actions of your current financial regulators. Consumers and financial institutions need clear rules of the road. Regulators should use the appropriate procedures outlined by the *Administrative Procedures Act* to initiate policy, not “regulation by enforcement”. Wavering from the established procedures to achieve administrative goals is not only outside of administrative authority but will force institutions to become more risk-averse and ultimately decrease capital investment, harming American businesses and consumers

particularly in low and moderate-income areas. These actions would be in direct conflict with the economic recovery your administration wants, and the American people need.

As you begin to fill key positions in your administration, I am hopeful you will take this into consideration and ensure your administration, specifically the financial regulators, adhere to the appropriate rules outlining effective governance and maintaining the balance of power between the executive and legislative branch. In my positions on the committees of jurisdiction, I will be closely watching all regulators to ensure they do not abuse the power you bestow upon them, and I will diligently fulfill my responsibility to conduct proper oversight of the executive branch.

Sincerely,

A handwritten signature in black ink, appearing to read "Blaine Luetkemeyer", followed by a horizontal line.

Blaine Luetkemeyer  
Member of Congress