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June 6, 2018

The Honorable Jeff Merkley
United States Senate
Washington, D.C. 20510

Dear Senator Merkley:

On behalf of the nearly 5,700 community banks represented by ICBA, I write to thank you and Senators Rand Paul, Michael Bennet, Ron Wyden, Elizabeth Warren, Patty Murray, Catherine Cortez Masto, Brian Schatz, and Cory Gardner for introducing the Secure and Fair Enforcement Banking Act (S. 1152), which would create a safe harbor from federal sanctions for financial institutions that serve cannabis-related businesses (CRBs) in states where cannabis is legal.

While cannabis remains illegal at the federal level, an increased number of states have legalized it for medical and/or recreational use. As these businesses continue to mature they require access to the traditional banking system. The conflict between state and federal law has created increasingly significant legal and compliance concerns for banks that wish to provide banking services to CRBs in states where it is currently legal. Legal and regulatory uncertainty has curtailed access to the traditional banking system for CRBs and forced them to operate mostly in cash. Cash-only businesses, especially those with a high volume of revenue, pose a significant risk to public safety.

ICBA does not advocate for legalization of cannabis at the federal level or otherwise, but we do support the creation of an effective safe harbor from federal sanctions for banks that choose to serve CRBs in states where these businesses are legal under state law. S. 1152 would create such a safe harbor by providing that in states where cannabis is legal federal banking regulators may not threaten or limit a bank's deposit insurance, downgrade a loan, prohibit or discourage the provision of banking services, or take any other prejudicial action solely because a bank customer is a CRB.

Thank you for introducing S. 1152. We look forward to working with you to advance this important legislation.

Sincerely,

/s/

Rebeca Romero Rainey
President & CEO

The Nation's Voice for Community Banks.®

WASHINGTON, DC
1615 L Street NW
Suite 900
Washington, DC 20036

SAUK CENTRE, MN
518 Lincoln Road
PO Box 267
Sauk Centre, MN 56378

866-843-4222
www.icba.org

CC: Members of the Senate Committee on Banking, Housing, and Urban Affairs