



September 30, 2022

Stephen J. Squeri
Chairman and CEO
American Express, Inc.
200 Vesey Street
New York, NY 10285

Michael Miebach
President and CEO
Mastercard Inc.
2000 Purchase Street
Purchase, NY 10577

Alfred F. Kelly Jr.
Chairman and CEO
Visa Inc.
P.O. Box 8999
San Francisco, CA 94128

RE: Merchant Category Code for Gun Sales

Dear Mr. Squeri, Mr. Miebach, and Mr. Kelly:

We write to express our strong support of your companies' recent decision to adopt the International Organization for Standardization's new merchant category code for gun and ammunition sales. As the chief law enforcement officials in our respective jurisdictions, ensuring public safety is our top priority and the deadly scourge of senseless gun violence stands as one of our primary areas of concern. Accordingly, we are encouraged by your companies' decision and applaud your leadership in assisting us to keep our states and country safe.

Gun violence—including mass shootings—continues to pose a significant threat to public safety across the country. There have been 500 mass shootings in 2022 alone, but we need look no further than Buffalo, Uvalde, Charleston, or Las Vegas to understand that gun violence is a national crisis. As such, it will take a collective effort—not isolated acts—to turn the tide on gun-related violence and crime.

Recent mass shootings have exposed significant gaps in the systems in place to prevent mass casualty events. This new code will begin to fill one of those gaps, offering an additional tool that local, state, and federal entities can use to thwart mass shooting events before they occur. Indeed, data shows that the new code could have been a substantial tool to prevent several tragic incidents over the last decade. For example, the shooter in at least four previous mass shootings purchased guns, ammunition, and gear from retailers and those transactions would have been covered by the new code.

Going forward, the code will help curb the sale of illegal guns that has become prevalent across the United States, in several respects. *First*, the code will increase the likelihood of producing actionable information to fill gaps caused by consumer and retailer non-compliance with multiple sales reports by providing sales information from financial institutions to law enforcement agencies. Critically, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

identifies retailers' failure to report the sale of two or more firearms to the same person at one time as one of the most common violations found during ATF inspections.¹ *Second*, the code would enable financial institutions to track multiple sales to an individual who seeks to skirt the threshold for reporting purchases by purchasing firearms at multiple outlets. Preventing these types of purchases is a major step toward ensuring compliance with a variety of federal and state laws. *Third*, the code will enable financial institutions and law enforcement to analyze transaction patterns associated with mass shootings by individuals who have rapidly acquired weapons and large caches of ammunition. And *finally*, the code will supplement red flag laws that states have enacted to curb domestic terrorism and keep communities safe.

Contrary to the arguments advanced by the firearm industry and its activists, the new code is aimed at preventing mass shootings—not preventing lawful events where responsible gun owners exercise their Second Amendment rights. The code does not prohibit firearm sales, regulate such sales, or otherwise prevent a consumer from making a gun purchase. Consumers can still purchase firearms lawfully, in accordance with applicable laws and regulations. The new code is merely an administrative tool to gather data that would enhance law enforcement's ability to do its job. Any suggestion that the code creates a chilling effect on firearm sales is nothing more than political fearmongering.

Nor will the information gathered be used for nefarious purposes, such as infringing on consumer privacy or collecting data to create a database of firearm owners, as opponents claim. Merchant codes are applied regularly to a wide variety of consumer transactions, ranging from purchases at supermarkets, florists, and bike shops, as well as, many other retailers, without raising consumer concerns. These straw man arguments muddy the fact that merchant codes are routine tools used to assist financial institutions in operating their businesses and meeting their legal obligations. In fact, the new merchant code is narrowly tailored so that it only applies to standalone gun and ammunition establishments that are independently owned and serve local markets. Importantly, the new code would further promote cooperation and information sharing between retail outlets and law enforcement that is already routine and encouraged across the federal government.

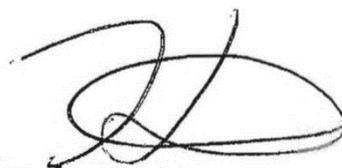
We applaud the new code and commend the credit card industry's willingness to step up and do its part to protect communities and eradicate gun violence across the United States. Curbing gun violence should not be a political issue—saving lives is of critical importance and core to our missions as Attorneys General. This effort is merely another tool to allow law enforcement to enhance its ability to keep the public safe. Please know that our offices stand ready to work with you, federal and state law enforcement agencies, and our communities to put this new reporting asset to work to strengthen our efforts to combat the epidemic of gun violence that continues to plague our country.

¹ Wally Nelson, "Best Business Practices for the Timely Submission of Multiple Handgun Sales Reports," National Shooting Sports Foundation, [October 6, 2020](#).

Sincerely,



MATTHEW J. PLATKIN
New Jersey Attorney General



KARL A. RACINE
District of Columbia Attorney
General



KATHLEEN JENNINGS
Delaware Attorney General



LETITIA JAMES
New York Attorney General



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ROB BONTA
California Attorney General



WILLIAM TONG
Connecticut Attorney General



KEITH ELLISON
Minnesota Attorney General



KWAME RAOUL
Illinois Attorney General

A handwritten signature in blue ink, appearing to read 'Maura Healey', with a large, sweeping flourish at the end.

MAURA HEALEY
Massachusetts Attorney General