

United States Senate

WASHINGTON, DC 20510-4805

September 20, 2022

Alfred F. Kelly, Jr.
Chairman, Chief Executive Officer
Visa Inc.
P.O. Box 8999
San Francisco, CA 94128-8999

Michael Miebach
Chief Executive Officer
Mastercard
2000 Purchase St.
Purchase, NY 10577

Stephen Squeri
Chief Executive Officer
American Express, Inc.
200 Vesey Street
New York, NY 10285

Dear Messrs. Kelly, Miebach, and Squeri,

I write to express my apprehension regarding the decision to implement new, separate, merchant category codes (MCCs) for firearms sales under the International Organization for Standardizations (ISO) guidelines. I am concerned that these efforts will undermine the ability of lawful Americans to exercise their constitutional Second Amendment rights, and seek reassurance that you will not participate in activist efforts to impede free exercise of these rights.

The ISO's internal committee (Registration and Maintenance Management Group (RMMG)) approved the creation of a new MCC for gun retailers on September 9, 2022. This decision was made at the request of Amalgamated Bank, a financial institution who proudly and publicly supports "progressive causes" and engages in discriminatory lending practices.^{1 2} Amalgamated Bank's request and appeal were previously denied by the ISO in 2021.

According to documents obtained by CBS News, representatives from each of your companies serve as representatives and/or voting parties on the ISO committee that considers new merchant category codes³.

Under both our federal constitution, and West Virginia's state constitution, law-abiding citizens have the right to keep and bear arms responsibly. However, in recent years we have seen liberal activists seek to undermine these rights, and impose a social agenda that does not follow constitutional principles that have guided our nation since its inception.

The implementation of new merchant codes for firearms purchases is a worrying signal to legal sellers and buyers of firearms that their purchases can be monitored, disclosed, or even prevented from occurring. This prompts serious constitutional concerns, and sets a troubling precedent wherein gun owners can be impeded in their free exercise of constitutional rights through fear of reprisal, or even the threat of their privacy being invaded. Visa, Mastercard, and American Express

¹ <https://www.amalgamatedbank.com/who-we-are>

² <https://www.amalgamatedbank.com/firearms>

³ <https://www.cbsnews.com/news/bank-credit-cards-suspect-gun-ammo-sales/>

are under no legal obligation to implement this new MCC and I urge you to change course immediately.

Should you choose to move forward with these merchant code changes, I seek answers to the following questions:

- (1) Can you confirm that individuals acting on behalf of your respective companies serve as voting members on the committee that initially denied the request for the new MCC in 2021 and ultimately confirmed the request in September 2022?
- (2) What actors influenced your decision to implement new merchant codes for firearms-related transactions?
- (3) Was there a formal process that allowed for the public comment on the decision for your institutions to use the aforementioned MCC once it was approved by the ISO?
- (4) When does your company intend to publish guidance on the use of the MCC?
- (5) Will you be storing and tracking individual purchases of firearms, and if so, what are your plans to share this information externally, including with government agencies?
- (6) How will you ensure that the privacy of law-abiding firearms owners is maintained?
- (7) What proactive steps and guidelines will you provide to ensure that constitutional protections are not violated?
- (8) Is there a clear standard of practice for merchants and/or individuals to opt-out of being assigned as a firearm seller under the MCC outside of submitting a request to your companies?

I appreciate your timely response, and will continue to closely follow any efforts to harm law-abiding citizens of my state.

Sincerely,



Shelley Moore Capito
United States Senator