August 22, 2022

Mr. Michael Miebach  
Chief Executive Officer  
Mastercard, Inc.  
2000 Purchase Street  
Purchase, NY 10577

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

Mr. Miebach and Mr. Squeri:

As elected members of the New York State Legislature, we have taken important steps in recent years to stem the tide of gun violence in our state and nation. **We write to you to urge Mastercard and American Express to join us in this effort by creating a new merchant category code (MCC) for gun and ammunition retail outlets.** This would be a milestone toward allowing the financial system to deter illegal gun trafficking and potentially identify warning signs of planned mass violence.

Nearly 45,000 Americans were killed with guns in 2021, and the country experiences gun violence at rates exceptionally higher than in our peer nations. Since 2009, there have been 279 mass shootings, which have resulted in more than 1,500 gun deaths.\(^1\) The shooters in some of the worst mass shootings in recent memory used credit cards to finance the arsenals with which they perpetrated mass violence.\(^2\) For example, in a matter of six weeks, the shooter who killed 12 people at an Aurora movie theater charged $11,000 worth of guns, ammunition, and body armor to a Mastercard.\(^3\) Similarly, the killer who massacred 60 people on the Las Vegas strip used credit cards to purchase guns and ammunition totaling nearly $100,000 in the 12 months before the attack.\(^4\) The Pulse nightclub shooter racked up $26,000 in credit card charges on guns and ammunition in less than two weeks preceding the carnage that killed 49 people and wounded 53.\(^5\) As a precautionary measure, the shooter searched online to learn whether his “unusual spending” pattern could be detected by the credit card companies and flagged for law enforcement.\(^6\) After being reassured that he need not worry about detection, he completed his arsenal and irrevocably damaged countless families and the Orlando community as a whole.

Reporting from the Wall Street Journal in April 2018 explained how banks and credit card companies could help law enforcement preempt some mass shootings by identifying suspicious gun purchases through the implementation of a new MCC.\(^7\) Later that year, a Dealbook investigation into the financing

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4. Id.
5. Id.
6. Id.
of mass shootings reached the same conclusion. But four years later, the status quo has not changed, and mass shootings have continued and accelerated.

MCCs are four-digit codes maintained by the International Organization for Standardization (ISO), which classify merchants by the nature of their businesses. Financial institutions and payment networks, including MasterCard and American Express, use the ISO standard to assign MCCs to merchants in order to determine interchange rates, assess transaction risks, and generally categorize payments. The creation of a new MCC for gun and ammunition retail stores would be the first step towards facilitating the collection of valuable financial data that could help law enforcement in countering the financing of terrorism efforts. A new MCC code could make it easier for financial institutions to monitor certain types of suspicious activities including straw purchases and unlawful bulk purchases that could be used in the commission of domestic terrorist acts or gun trafficking schemes. Such coordination between financial institutions and law enforcement has been instrumental in efforts across the Federal government to identify and prevent illicit activity.

Despite the significant public safety gains that creating a new MCC for gun and ammunition sellers—and your companies’ ability to promote public safety by voting for one—recent reports indicate that “domestic and international credit card companies, including…Mastercard and American Express, pushed back on an application to create a merchant category code for firearm and ammunition sellers.” This opposition to a reasonable measure with the potential to save lives is unacceptable. Should Mastercard and American Express wish to continue profiting by supporting commerce in firearms and ammunition, your companies have a responsibility to do what you have been asked to do since at least 2018. We strongly encourage you to use your powers within the Registration and Maintenance Management Group (RMMG) to allow for the creation of a new MCC for gun and ammunition sellers, allowing for the collection of valuable data that can help save lives.

Thank you for your consideration.

Sincerely,

Zellnor Y. Myrie
New York State Senator
Senate District 20

Chantel Jackson, LMSW
New York State Assembly Member
Assembly District 79

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Senate Deputy Leader Michael Gianaris
Senate District 12

Alfred Taylor
New York State Assembly Member
Assembly District 71

Andrew Gounardes
New York State Senator
Senate District 22

Dr. Anna R. Kelles
New York State Assembly Member
Assembly District 125

Robert Jackson
New York State Senator
Senate District 31

Robert C. Carroll
New York State Assembly Member
Assembly District 44

Gustavo Rivera
New York State Senator
Senate District 33

David I. Weprin
New York State Assembly Member
Assembly District 24

Cordell Cleare
New York State Senator
Senate District 30

Jeffrey Dinowitz
New York State Assembly Member
Assembly District 81
James Gaughran  
New York State Senator  
Senate District 5

Judy Griffin  
New York State Assembly  
Assembly District 21

Luis Sepulveda  
New York State Senator  
Senate District 32

Edward Gibbs  
New York State Assembly  
Assembly District 68

Anna Kaplan  
New York State Senator  
Senate District 7

Jonathan Jacobson  
New York State Assembly  
Assembly District 104

Timothy Kennedy  
New York State Senator  
Senate District 63

Jessica González-Rojas  
New York State Assembly  
Assembly District 34

Shelley Mayer  
New York State Senator  
Senate District 37

Jo Anne Simon  
New York State Assembly  
Assembly District 52
Brad Hoylman
New York State Senator
Senate District 27

Jabari Brisport
New York State Senator
Senate District 25

Elijah Reichlin-Melnick
New York State Senator
Senate District 38

Neil Breslin
New York State Senator
Senate District 44

John Liu
New York State Senator
Senate District 11

Kenny Burgos
New York State Assembly
Assembly District 85

Linda B. Rosenthal
New York State Assembly
Assembly District 67

Maritza Davila
New York State Assembly
Assembly District 53

Sandy Galef
New York State Assembly
Assembly District 95

Sarah Clark
New York State Assembly
Assembly District 136
Kevin Thomas  
New York State Senator  
Senate District 6

Yudelka Tapia  
New York State Assembly  
Assembly District 86

Julia Salazar  
New York State Senator  
Senate District 18

Kenneth Zebrowski  
New York State Assembly  
Assembly District 96

Kevin Parker  
New York State Senator  
Senate District 21

Roxanne Persaud  
New York State Senator  
Senate District 19

Peter Harckham  
New York State Senator  
Senate District 40
Alessandra Biaggi  
New York State Senator  
Senate District 34

Rachel May  
New York State Senator  
Senate District 53

Jamaal T. Bailey  
New York State Senator  
Senate District 36

Leroy Comrie  
New York State Senator  
Senate District 14

Jessica Ramos  
New York State Senator  
Senate District 13
Sean M. Ryan
New York State Senator
Senate District 60

John E. Brooks
New York State Senator
Senate District 8

Samra Brouk
New York State Senator
Senate District 55

Toby Ann Stavisky
New York State Senator
Senate District 16

Liz Krueger
New York State Senator
Senate District 28
Brian Kavanagh
New York State Senator
Senate District 26