

GOA GUN OWNERS OF AMERICA™

February 7, 2024

The Honorable Sherrod Brown
Chairman
Committee on Banking, Housing, and Urban
Affairs
United States Senate
Washington, D.C. 20510

The Honorable Tim Scott
Ranking Member
Committee on Banking, Housing, and Urban
Affairs
United States Senate
Washington, D.C. 20510

Dear Chairman Brown, Ranking Member Scott, and Honorable Members of the Senate Committee on Banking, Housing, and Urban Affairs,

I write to you today on behalf of Gun Owners of America's 2 million members and activists and our Second Amendment industry partners to request that you hold Treasury Secretary Yellen accountable to the Second Amendment and her oath to the Constitution.

Recently, the Select Subcommittee on the Weaponization of the Federal Government (Weaponization Committee) found that the Department of the Treasury's Financial Crimes Enforcement Network (FinCEN) violated the privacy rights of gun owners and indiscriminately targeted gun owners as "potential active shooters" and "International Terrorists / Domestic Terrorists / Homegrown Violent Extremists ('Lone Wolves')." ⁱ

Indeed, the Department of the Treasury's FinCEN taught banks to search Merchant Category Codes, Zelle payment notes, and other financial data for transactions with the Second Amendment industry in order to create a list of gun owners. The list of targeted companies ⁱⁱ includes many official partners ⁱⁱⁱ of Gun Owners of America and other companies which strongly support our Second Amendment rights, including but not limited to:

Aero Precision, LLC

Brownells, Inc.

Glock, Inc.

AR15.com LLC

Browning Arms Company

Optics Planet, Inc.

Anderson Manufacturing

New Frontier Armory LLC

Sig Sauer, Inc.

Dillon Precision Products,
Inc.

Smokey Mountain Knife
Works, Inc.

Sturm, Ruger & Company,
Inc.

Gun ownership is extremely private information about an individual's choice to exercise a God-given and constitutionally protected right. For this reason, Congress has placed numerous restrictions on the federal government to protect gun owners.

For example, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) is prohibited from creating "any system of registration of firearms, firearms owners, or firearms transactions or dispositions" ^{iv} and may only legally access records of gun owners during annual compliance inspections or with a warrant. ^v Similarly, Congress prohibits the Federal Bureau of Investigation

(FBI) from misusing the National Instant Criminal Background Check System for “establish[ing] any system for the registration of firearms, firearm owners, or firearm transactions or dispositions”^{vi} and records on law-abiding gun purchases must be destroyed within 24 hours of a background check’s approval.^{vii} Given Congress’ clear intent, the Department of Treasury ought to hold firearm transaction data and gun owners’ privacy sacrosanct.

Nevertheless, the Weaponization Committee has caught the Department of the Treasury teaching financial institutions how to search financial data to find gun owners by flagging potential firearm transactions.^{viii} The Weaponization Committee has also caught the FBI misusing firearm transaction data by asking Bank of America for records if the customer had made “ANY historical purchase” of a firearm.^{ix} And finally, Gun Owners of America has found ATF to be in violation of the *Firearm Owners’ Protection Act* prohibition on a gun registry.^x Indeed, ATF has amassed nearly a billion gun and gun owner records in an illegal, digital, and searchable database of firearm transactions.^{xi}

Congress cannot allow the federal government to continue establishing and expanding databases on guns and gun owners. Whether it is the misuse of gun store records and financial data by the Department of Justice or firearm transaction data by the Department of the Treasury, data collection on guns and their lawful owners must be stopped. Gun Owners of America fully agrees with the Weaponization Committee that “[d]espite these transactions having no apparent criminal nexus—and, in fact, relate to Americans exercising their Second Amendment rights—FinCEN seems to have adopted a characterization of these Americans as potential threat actors.”^{xii} This is truly “pervasive financial surveillance” of gun ownership and “raises serious doubts about FinCEN’s respect for fundamental civil liberties.”^{xiii}

To that end, gun owners would like Secretary Yellen to answer the following questions regarding the Department of the Treasury’s recent invasion of gun owners’ financial privacy:

- Does Secretary Yellen believe that all those who shop at gun stores like Cabela’s are “potential active shooters”—as the document distributed by FinCEN suggests?
- Does Secretary Yellen believe that buying something from Bass Pro Shop means the customer might be a “Domestic Terrorist” or a “Homegrown Violent Extremist”—as the document distributed by FinCEN suggests?
- Does Secretary Yellen believe the Treasury Department should be mass accumulating—or suggesting the mass accumulation of—American citizens’ potential firearm transactions?
- What protections, if any, does the Department of Treasury have in place to ensure the privacy of law-abiding Americans who choose to exercise their Second Amendment rights?

Gun Owners of America urges all Honorable Members of the Senate Committee on Banking, Housing, and Urban Affairs to hold Secretary Yellen and the Treasury Department accountable.

In Liberty,

Aidan Johnston
Director of Federal Affairs

ⁱ Jordan. “[Letter to Former FinCEN Bureaucrat Noah Bishoff](#)”. *House of Representatives, Committee on the Judiciary*. January 17th, 2024.

ⁱⁱ See:

Active Shooter Detection – Methodology 2 – Keyword INCLUSION (Narrow Focus)

- Transaction Population: Query for credit / debit card purchases involving any of the following MCC codes:
 - 3484: Small Arms (includes businesses generally manufacturing small arms and accessories having a bore less than 30 mm)[‡]
 - 3489: Ordnance and Accessories, Not Elsewhere Classified (includes businesses manufacturing firearms and accessories having a bore more than 30 mm)[‡]
 - 5091: Sporting and Recreational Goods and Supplies (includes retail ammunition and retail gun sales)[‡]
 - 5099: Durable Goods, Not Elsewhere Classified
 - 5933: Pawn Shops
 - 5941: Sporting Goods Stores (largest sellers of firearms and ammunition)
 - 5999: Miscellaneous and Specialty Retail Shops (includes firearms and ammunition dealers)
 - 7999: Recreation Services, Not Elsewhere Classified (includes shooting facilities or shooting ranges)


[‡] Not universally recognized MCC code

- Keyword INCLUSION (Above transactions must INCLUDE one of these keywords / Not exhaustive list):

Academy.com	Cabela's	Edge-Works	HarrisBipods.com	NorthShoreFirearms.com	SOG International
Aero Precision	CalLegalMags.com	Manufacturing	ImpactGuns.com	Noveske.com	SouthernOhioGun.com
AimSurplus	CarrierComp.com	EKnifeSupply	JP Enterprises	NTCTrading.net	SpikesTactical.com
AnarchyOutdoors.com	ChattanoogaShooting.com	EKnifeWorks.com	JPRifles.com	Nymrich Gun Parts	SportsmansGuide.com
Anderson Manufacturing	AR-15.co	EliteDefense.com	JSESurplus.com	OpticsPlanet.com	STIGuns.com
AR15.com	CheaperThanDirt.com	FreedomMunitions.com	KAKIIndustry.com	OregonRifleworks.com	STI International
B & T Industries	ClassicCollectionFirearms.com	Gander Mountain	Karambit.com	ParkerMountainMachine.com	Taccon
backcountry world	CopesDistributing.com	Geissele.com	KingsFirearmsAndMore.com	RobertsonTradingPost.com	Taccon3G.com
Bass Pro Shop	DawsonPrecision.com	GhostGuns.com	KingsFirearmsOnline.com	Ruger	TacconCanada.com
Blade HQ	DeltaDefense.com	GhostRunner.com	MidwayUSA.com	Sarcotnc.com	TargetSportUSA.com
BladeOps.com	DeltaTeamTactical.com	Glock	MGMTargets.com	ShootingTargets7.com	WC Wolff Co.
BlazePlay	Dick's Sporting Goods	Gow.com	Mike Gibson Manufacturing	SIG Sauer	WideOpenSpaces.com
Botack.com	DillonPrecision.com	GPKnives.com	Mike's Gun Shop.net	SilencerShop.com	WinthropHolsters.com
Boyd'sGunstocks.com	DLTTrading.com	GrabaGun.com	MileHighShooting.com	Silent Precision	WittMachine.net
BravoCompanyUSA.com	DSG (Dick's Sporting Goods)	GunBroker.com	NewFrontierArmory.com	SMKW.com	
Brownells	Dunkelbergers.com	GunPartsCorp.com		SniperCentral.com	
Browning	E-Sarcon.com	GunSprings.com			

- During the 60-Day Rolling Lookback Period, Query Run Periodically (SME Adjustable Parameters):
 - Involves 5 or more distinct and different merchants / vendors of the above population set by the customer, AND
 - Aggregate purchase transactions totaling \$2,500 or more from the above MCC codes by the customer, AND
 - Number of transactions at the above MCC codes > 50% of total number of transactions by the customer, AND
 - Aggregate purchase amount at the above MCC codes > 50% of total purchases by the customer.

Classification: KeyCorp Confidential



ⁱⁱⁱ “[Industry Partners](#)”. *Gun Owners of America*.

^{iv} 18 U.S.C. 926.

^v 18 U.S.C. 923.

^{vi} 34 U.S.C. 40901(i).

^{vii} Public Law 112–55, Division B, Title V, Section 511. 125 Stat. 632. November 18th, 2011.

^{viii} “[Federal Government Flagged Transactions Using Terms like ‘MAGA’ and ‘TRUMP’ for Financial Institutions](#)”. *House of Representatives, Committee on the Judiciary*. January 17th, 2024.

^{ix} Jordan. “[Letter to FBI Director Christopher Wray](#)”. *House of Representatives, Committee on the Judiciary*. January 17th, 2024.

^x Johnston. “[ATF’s Illegal Gun Owner Registry](#)”. *Gun Owners of America*. May 24th, 2022.

^{xi} “[Letter from Daniel L. Board Jr., Assistant Director of Government Affairs for ATF to Rep. Michael Cloud and 51 Other Members of Congress Concerning ATF’s Gun Registry](#)”. 2021.

^{xii} Jordan. “[Letter to Former FinCEN Bureaucrat Noah Bishoff](#)”. *House of Representatives, Committee on the Judiciary*. January 17th, 2024. 2.

^{xiii} *Ibid*.