

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1181  
OFFERED BY MR. MOORE OF WEST VIRGINIA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Protecting Privacy in  
3 Purchases Act”.

**4 SEC. 2. DISTINGUISHING FIREARM RETAILERS PROHIB-  
5 ITED.**

6       (a) PROHIBITIONS RELATING TO MERCHANT CAT-  
7 EGORY CODES.—

8           (1) FOR PAYMENT CARD NETWORKS.—A pay-  
9 ment card network may not require—

10               (A) a firearms retailer to use a merchant  
11 category code that—

12                       (i) is used only or primarily for fire-  
13 arms retailers; or

14                       (ii) identifies such retailer as engaged  
15 in the business of selling firearms, ammu-  
16 nition, accessories of firearms, or compo-  
17 nents of firearms; or

1 (B) a covered entity to assign a merchant  
2 category code that is used only or primarily for  
3 firearms retailers or that identifies a firearms  
4 retailer as engaged in the business of selling  
5 firearms.

6 (2) FOR COVERED ENTITIES.—A covered entity  
7 may not assign to a firearms retailer any merchant  
8 category code that is used only or primarily for fire-  
9 arms retailers or that identifies such retailer as en-  
10 engaged in the business of selling firearms, ammuni-  
11 tion, accessories of firearms, or components of fire-  
12 arms.

13 (b) ENFORCEMENT.—

14 (1) IN GENERAL.—The Attorney General shall  
15 enforce this section and shall, not later than 90 days  
16 after the date of the enactment of this section, es-  
17 tablish a process for individuals, including firearms  
18 retailers, to submit complaints relating to alleged  
19 violations of this section.

20 (2) INVESTIGATION.—The Attorney General  
21 shall investigate any complaint received through the  
22 processes established by the Attorney General under  
23 paragraph (1).

24 (3) WRITTEN NOTICE.—If the Attorney General  
25 determines, after conducting an investigation under

1 paragraph (2), that a payment card network or cov-  
2 ered entity has violated this section, the Attorney  
3 General shall send a written notice of such violation  
4 to such payment card network or covered entity that  
5 requires the payment card network or covered entity  
6 to remedy the violation not later than 30 days after  
7 the date on which the payment card network or cov-  
8 ered entity receives such notice.

9 (4) INJUNCTION.—

10 (A) IN GENERAL.—If a payment card net-  
11 work or covered entity does not remedy a viola-  
12 tion within 30 days of receiving a written notice  
13 under paragraph (3), the Attorney General may  
14 bring an action in Federal court to enjoin the  
15 violating behavior.

16 (B) NO PRIVATE RIGHT OF ACTION.—This  
17 Act does not create a private right of action.

18 (c) PREEMPTION.—

19 (1) IN GENERAL.—Any law of a State or local  
20 government regulating the assignment, use, or dis-  
21 closure of merchant category codes that are used  
22 only or primarily for firearms retailers or that iden-  
23 tifies a retailer as engaged in the business of selling  
24 firearms, ammunition, accessories of firearms, or  
25 components of firearms is hereby preempted.

1           (2) LIMITATION.—Notwithstanding paragraph  
2           (1), nothing in this Act may be construed to prevent  
3           a payment card network or a covered entity from  
4           complying with any Federal, State, or local law or  
5           regulations related to dispute processing, fraud,  
6           compliance management, or protecting transaction  
7           integrity from concerns related to illegal or sus-  
8           picious activities, data breaches, or cyber risks.

9           (d) REPORT.—The Attorney General shall, each year,  
10          submit a report to the Congress that—

11           (1) identifies the number of investigations un-  
12          dertaken by the Attorney General under subsection  
13          (b);

14           (2) includes a summary of such investigations  
15          and their disposition; and

16           (3) provides any available data and analysis  
17          that relates to the effectiveness of this Act.

18          (e) DEFINITIONS.—In this Act:

19           (1) AMMUNITION.—The term “ammunition”  
20          has the meaning given the term in section  
21          921(a)(17)(A) of title 18, United States Code.

22           (2) COVERED ENTITY.—The term “covered en-  
23          tity” means any entity that—

24           (A) has on the date of the enactment of  
25          this section, or establishes after the date of the

1 enactment of this section, a relationship with a  
2 merchant for the purposes of processing credit,  
3 debit, or prepaid transactions; or

4 (B) has on the date of the enactment of  
5 this section, or establishes after the date of the  
6 enactment of this section, a relationship with an  
7 entity that establishes a relationship with a  
8 merchant for the purposes of processing credit  
9 transactions, debit transactions, or prepaid  
10 transactions.

11 (3) FIREARM.—The term “firearm” means—

12 (A) a “firearm” as such term is defined in  
13 section 921(a)(3) of title 18, United States  
14 Code;

15 (B) a “shotgun” as such term is defined in  
16 section 921(a)(5) of title 18, United States  
17 Code;

18 (C) a “rifle” as such term is defined in  
19 section 921(a)(7) of title 18, United States  
20 Code;

21 (D) an “antique firearm” as such term is  
22 defined in section 921(a)(16) of title 18, United  
23 States Code;

1 (E) a “semiautomatic rifle” as such term  
2 is defined in section 921(a)(29) of title 18,  
3 United States Code; and

4 (F) a “handgun” as such term is defined  
5 in section 921(a)(30) of title 18, United States  
6 Code.

7 (4) FIREARMS RETAILER.—The term “firearms  
8 retailer” means a person, entity, or retail location  
9 physically located in the United States that is en-  
10 gaged in the business of selling or trading—

11 (A) firearms;

12 (B) ammunition;

13 (C) accessories of firearms; or

14 (D) components of firearms.

15 (5) MERCHANT CATEGORY CODE.—The term  
16 “merchant category code” means a multi-digit code,  
17 issued by the International Organization for Stand-  
18 ardization, for the purposes of enabling the classi-  
19 fication of merchants into specific categories based  
20 on the type of business, trade, or services supplied.

21 (6) PAYMENT CARD NETWORK.—The term  
22 “payment card network” means an entity that di-  
23 rectly or through a network participant, processor,  
24 or agent provides proprietary services, infrastruc-

- 1        ture, software, or hardware used to authorize, clear
- 2        and settle credit, debit, or prepaid transactions.

