

March 25, 2020

Re: Designation of “Critical Infrastructure” in COVID-19 Response

To Whom It May Concern:

If you are considering issuing a “stay-at-home” or “reduction in force” order in response to COVID-19, on behalf of the Electronic Transactions Association (ETA), we appreciate the opportunity to offer a recommendation. For the reasons that follow, we recommend that you consider designating the payments industry as “critical” or “essential.” This is the same designation the Cybersecurity and Infrastructure Security Agency (CISA) gave in its *Guidance to State and Local Governments on COVID-19*<sup>1</sup>.

ETA has over 500 member companies, representing the complete payments technology ecosystem. Its membership includes financial institutions, payments processors, merchant acquirers and payments sales organizations, FinTechs, technology companies, security companies, software developers, and hundreds of other organizations in the business of powering digital commerce online and across the world.

As an industry that powers \$21 trillion in commerce annually worldwide, we are concerned about the spread of COVID-19 and the effect it has on individuals and businesses, especially small businesses, across the globe – including consumers, merchants, and our colleagues. The best way to serve and protect those businesses, consumers, and citizens is to ensure they continue to have the power they need to engage in commerce without endangering themselves or others.

The essential financial infrastructure necessary for that commerce extends far beyond banks themselves, and any exemption for “essential services” should include the entities that make credit and debit cards, online shopping, mobile wallets, money transmission, customer service, and critical technology support possible in a time where those innovative payments solutions and service are a vital part of maintaining the public health.

**ELECTRONIC PAYMENTS ARE CRITICAL INFRASTRUCTURE**

In challenging times like these when governments and private institutions are attempting to offer rapid response to a national emergency and reassure citizens, the electronic payments industry is a foundational part of maintaining public security and well-being.

When a citizen following CDC guidelines to maintain social distancing or personal quarantine needs to purchase food or medication, they may use a credit / debit card or a mobile app – both of those solutions require systems extending far beyond the bank itself: The card brand network who enables the credit card infrastructure to work, the payment processor actually managing the

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<sup>1</sup> <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>

citizen's account and transferring the money from one bank to the other, the merchant processor who enables the small business to accept payments, the mobile app that allows person-to-person funds transfers, the money transmitter enabling the free flow of currency, the service providers offering citizens technical support if payments problems arise, the innovative payments solutions serving the unbanked – who are even more deeply impacted – all of these separate entities are a critical part of the national financial infrastructure and must be maintained at their full workforce capacity.

To that end, on March 19, 2020, CISA issued its *Guidance to State and Local Governments on COVID-19*. Among the 16 critical infrastructure sectors is the Financial Services Sector, which is defined to include “thousands of depository institutions, providers of investment products, insurance companies, other credit and financing organizations, and the providers of the critical financial utilities and services that support these functions.”<sup>2</sup>

The definition used by CISA is shared by the Federal Financial Institutions Examination Council (FFIEC) and Nation Institute of Standards and Technology (NIST) who also define “critical infrastructure” as “Systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.”<sup>34</sup> These determinations were made in recognition that the high standards of security and the maintenance of all parts of the nation's financial infrastructure present a public concern of the highest order even in times free from crisis – so that we are all prepared to serve the public without faltering when moments of emergency arise.

In 2019 alone, ETA members processed over \$21 trillion in worldwide payments. That payment facilitation capacity is essential to providing citizens the spending access that will allow them to maintain the best health practices and wellness guidelines recommended by the CDC and the medical community. The best way we as an industry can preserve that vital capacity is by maintaining the workforce resources that support the infrastructure and agile responses consumers need.

Right now, citizens are counting on the reliability and soundness of the payments industry like never before. The rapid, seamless services offered by ETA members and the electronic payments industry help all citizens by providing fast access to spending power and capital – a critical function at any time, but an absolute necessity as we work to combat the economic and societal challenges posed by COVID-19.

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<sup>2</sup> <https://www.cisa.gov/financial-services-sector>

<sup>3</sup> FFIEC IT Examination Handbook Infobase, <https://ithandbook.ffiec.gov/glossary.aspx>

<sup>4</sup> [NIST SP 800-30 Rev. 1](#)

## KEEPING EMPLOYEES HEALTHY

ETA member company employees are the industry's strongest asset, and we are working to ensure their health and safety while recognizing that certain workers must be able to access facilities in order to maintain critical functions and avoid disruptions of services to the public. ETA members are taking the following steps to help protect them:

- Banning travel and prohibiting large or outside meetings.
- Following hygiene recommendations from the CDC, including installing hand sanitizer inside the office.
- Allowing employees to work remotely and securely.

## CONCLUSION

We encourage your state and any local municipalities to adopt the *Guidance to State and Local Governments on COVID-19* when issuing any orders restricting non-essential functions and designate the payments system as “critical” or “essential”. The electronic payments industry is an essential service, and we must maintain the workforce capacity to provide the seamless, reliable services citizens trust every day, even more so in times of crisis. The industry provides many options for merchants, small businesses, and consumers to stay safe and still engage in commerce - both during these uncertain times, and in the future. In this way, ETA and its members are doing our part to mitigate the impact of COVID-19 on the health of individuals and the growth of commerce around the world. Designation as “essential services” is critical to the electronic payments industry preserving the capacity, functionality, and reliability that serves citizens best. If we can be of any assistance, please contact me or Scott Talbott, SVP of Government Affairs.

Sincerely,



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