



June 8, 2022

Dear Honorable Conferees:

As the Conference moves forward with its consideration of competitiveness legislation, we urge you include key provisions to expand U.S. Customs and Border Protection's authority to partner with relevant stakeholders in carrying out its IP enforcement mission.

The urgent need for this legislation is driven, in part, by the fact that so many around the world have no interest in competing fairly with manufacturers and retailers here in the United States. Legitimate businesses are under siege by the illegal importation of counterfeit goods; and while this trafficking has been a significant concern for decades, cheaply produced knockoffs continue to flood the U.S. market, to the detriment of legitimate manufacturers, retailers, and unwitting consumers. If we hope to ensure our competitiveness, we must take greater steps to deny counterfeiters access to the American market and consumers. This monumental task has fallen largely upon the shoulders of CBP, but the agency's efforts remain constrained by ambiguities related to its authority to share intelligence with, and to seek assistance from, relevant stakeholders.

Recognizing that effectively combatting illicit trade requires robust cooperation between the public and private sectors; last year, Senator Grassley introduced S. 1159, aimed at clarifying the scope of CBP's information-sharing authority. That legislation was subsequently adopted as part of the Senate-passed U.S. Innovation and Competition Act<sup>1</sup>, and if enacted, would enable CBP to share a broader range of enforcement data with a broader range of stakeholders, and to more fully benefit from the private sector's own expertise and intelligence. Facilitating this exchange of information will likewise aid responsible stakeholders in identifying and pursuing the bad actors who seek to exploit legitimate commercial platforms and services in furtherance of their unlawful activity.

The effective enforcement of intellectual property rights is vital to American competitiveness in the global marketplace, and adopting Senator Grassley's language would provide a significant, and immediate, benefit to legitimate manufacturers and retailers in the United States, and to American workers and consumers. We thank you for your continuing work on these issues, and urge you to include this measure as part of the final Conference package.

Sincerely,

American Apparel & Footwear Association (AAFA)  
International AntiCounterfeiting Coalition (IACC)  
Motor & Equipment Manufacturers Association (MEMA)

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<sup>1</sup> See, S.1260 at Sec. 71022(d).