

April 13, 2022

The Honorable Maria Cantwell  
Chairwoman  
Committee on Commerce, Science, and  
Transportation  
U.S. Senate  
Washington, DC 20510

The Honorable Frank Pallone  
Chairman  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Roger Wicker  
Ranking Member  
Committee on Commerce, Science, and  
Transportation  
U.S. Senate  
Washington, DC 20510

The Honorable Cathy McMorris Rodgers  
Ranking Member  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Richard Durbin  
Chairman  
Committee on the Judiciary  
U.S. Senate  
Washington, DC 20510

The Honorable Jerry Nadler  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Chuck Grassley  
Ranking Member  
Committee on the Judiciary  
U.S. Senate  
Washington, DC 20510

The Honorable Jim Jordan  
Ranking Member  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairwoman Cantwell, Ranking Member Wicker, Chairman Durbin, Ranking Member Grassley, Chairman Pallone, Ranking Member McMorris Rodgers, Chairman Nadler and Ranking Member Jordan:

We the undersigned, representing thousands of businesses, write today in appreciation of your bipartisan efforts to address the growing tide of fake and counterfeit products which are impacting everyday Americans. We urge you to support the inclusion in any final China competition legislative package two pieces of legislation needed to fight this problem – the SHOP SAFE Act (S. 1843 / H.R. 5374) and the INFORM Consumers Act (S. 936 / H.R. 5502).

Counterfeiting has harmed manufacturers, workers and consumers for decades, but the problem has gotten significantly worse with the explosive growth of e-commerce. Counterfeiters and other bad actors have taken advantage of these platforms to expand their reach, as was clearly seen during the COVID-19 pandemic, when bad actors abused online platforms to peddle fake tests, dangerous vaccines and ineffective personal protective equipment. Small- and medium-sized business are particularly at risk as counterfeiters target their core products. Broadly, counterfeit products harm American consumers, support criminal activity, threaten manufacturing investment, and put American jobs at risk: industry estimates show fake and counterfeiting cost the U.S. economy nearly \$131 billion and more than 325,000 jobs in 2019 alone.<sup>1</sup>

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<sup>1</sup> National Association of Manufacturers, “Countering Counterfeits: The Real Threat of Fake Products,” July 2020 available at [https://www.nam.org/wp-content/uploads/2020/07/CounteringCounterfeits.vF\\_.pdf](https://www.nam.org/wp-content/uploads/2020/07/CounteringCounterfeits.vF_.pdf).

Fighting this growing epidemic requires strong, practical solutions that curb the availability of counterfeit goods available on online platforms and provide better information to consumers and businesses to protect themselves. Bipartisan groups of lawmakers in both chambers of Congress have spent years crafting two pieces of legislation which provide important new tools in the fight against counterfeiting, the SHOP SAFE Act and the INFORM Consumers Act. These pieces of legislation were included in the America COMPETES Act of 2022 passed by the House of Representatives on Feb. 4, 2022, and we respectfully urge you to include these provisions in any final legislative package.

- The **SHOP SAFE Act** would hold e-commerce platforms liable for counterfeit products sold on their platforms—just like their brick-and-mortar retail counterparts—unless they take a specific set of common-sense, preventative measures. Specific provisions include requirements for platforms to quickly take down bad listings and terminate repeat offenders, use technology to screen for counterfeit goods and ensure that sellers have a U.S. address or agent to ensure they cannot avoid litigation.
- The **INFORM Consumers Act** would require online marketplaces to verify annually the identity of high-volume sellers, collecting basic identification information and providing it to consumers who have purchased products via the platform. Additionally, the bill establishes a regulatory mechanism enforced by the Federal Trade Commission and state attorneys general.

These two pieces of legislation work in tandem to seek out bad actors and protect Americans from harmful and dangerous goods, with new tools which allow all parties, including platforms, businesses and consumers, to fight against counterfeiters. Both pieces of legislation have been crafted on a bipartisan and bicameral basis and reflect input from a wide range of stakeholders. These proposals have been the subject of extensive Congressional consideration and extensive discussions between committee leadership and bill sponsors, with a majority of both parties voting in strong favor of both bills in committee mark-ups in the House.

The threats posed by fake, dangerous and counterfeit goods underscore the need for swift action. We look forward to working with you to advance these important provisions, as well as to pursue additional legislative actions that can effectively tackle the growing tide of online counterfeit products.

Signed,

A. O. Smith

Abicor Binzel USA, Inc.

Actron Entities, Inc.

African American Chamber of Commerce Foundation Western Pennsylvania

Alliance for Automotive Innovation

AlphaGary

American Cleaning Institute

American Coatings Association

American Composites Manufacturers Association

American Foundry Society

American Honda Motor

Arizona Bioindustry Association, Inc.

Arizona Small Business Association

Arkansas State Chamber

Associated Industries of Missouri  
Associated Industries of Vermont  
Association of Home Appliance Manufacturers  
Aubin Industries Inc.  
Auto Care Association  
Automotive Anti-Counterfeiting Council  
Barrow County Chamber of Commerce  
Bayer Corporation  
Berkeley Chamber  
Brick Industry Association  
Buffalo Niagara Manufacturers Alliance  
Business + Institutional Furniture Manufacturers Association  
California Manufacturers & Technology Association  
Capital Area Manufacturing Council  
Coalition for Online Accountability  
Colorado Advanced Manufacturing Association  
Colorado Chamber of Commerce  
Communications Cable & Connectivity Association  
Council Bluffs Area Chamber of Commerce  
Council of Industry of Southeastern New York  
CropLife America  
Daktronics, Inc.  
Delaware County Chamber of Commerce  
Dental Trade Alliance  
Eaton  
Electronic Components Industry Association  
Electronic Theatre Controls, Inc.  
Eli Lilly & Company  
Engis Corporation  
Fender Musical Instruments Corporation  
Footwear Distributors & Retailers of America  
Forging Industry Association  
GE Appliances, a Haier company  
Georgia Association of Manufacturers  
Greater Brighton Chamber of Commerce & Tourism Bureau  
Greater Spokane Valley Chamber of Commerce  
Gwinnett Chamber of Commerce  
Hampton Roads Chamber of Commerce  
Household & Commercial Products Association  
Illinois Manufacturers' Association  
INDA Association of the Nonwoven Fabrics Industry  
Independent Lubricant Manufacturers Association  
Industrial Packaging Alliance of North America  
Innova Electronics Corporation

International Anti-Counterfeiting Coalition  
JPM Advanced Manufacturing  
Juniata River Valley Chamber of Commerce  
Juvenile Products Manufacturers Association  
Kansas Chamber and the Kansas Manufacturing Council  
Kentucky Association of Manufacturers  
Lakeland Industries, Inc.  
Leggett & Platt, Inc.  
Leviton Manufacturing Co., Inc.  
Lodge Cast Iron  
Loudoun County Chamber of Commerce  
Lutron Electronics  
Manufacturing Alliance of Philadelphia  
Mattel, Inc.  
Metal Powder Industries Federation  
Michigan Manufacturers Association  
Miles Fiberglass & Composites Inc.  
Mississippi Manufacturers Association  
Montana Chamber of Commerce  
Motor & Equipment Manufacturers Association  
National Association of Electrical Manufacturers  
National Association of Manufacturers  
National Tooling and Machining Association  
Nebraska Chamber of Commerce & Industry  
New Mexico Business Coalition  
Next Generation Manufacturing  
Nite Ize, Inc.  
North American Association of Food Equipment Manufacturers  
Northeast PA Manufacturers & Employers Association  
Pavon and Busch Truck Sales, LLC  
Pennsylvania Manufacturers' Association  
Pernod Ricard USA  
Personal Care Products Council  
Philip Morris International  
Phoenix Closures  
Pinnacle West  
Plastics Pipe Institute  
Plumbing Manufacturers International  
Power Tool Institute  
Precision Machined Products Association  
PRINTING United Alliance  
Rapid Stream Guide Service  
REELEX Packaging Solutions, Inc.  
Reshoring Institute

Rhode Island Manufacturers Association  
Robert Bosch LLC  
Roberts Automatic Products, Inc.  
Sazerac  
Schuylkill Chamber of Commerce  
Sight Machine, Inc.  
South Carolina Chamber of Commerce  
Specialty Equipment Market Association  
Sports & Fitness Industry Association  
Steel Manufacturers Association  
STIHL Incorporated  
Technology & Manufacturing Association  
Texas Association of Manufacturers  
The American Apparel & Footwear Association  
The Association for Manufacturing Technology  
The Carpet and Rug Institute  
The Independent Packaging Association  
The L. S. Starrett Co.  
The Ohio Manufacturers' Association  
The Toy Association  
TIC Council Americas  
Transnational Alliance to Combat Illicit Trade  
United Veterinary Services Association  
Uniweld Products, Inc.  
Utah Manufacturers Association  
Vail Valley Partnership  
Valley Industrial Association  
West Virginia Manufacturers Association  
Wire Experts Group  
Wisconsin Manufacturers & Commerce  
Xuron Corporation

CC: Speaker of the House Nancy Pelosi  
House Minority Leader Kevin McCarthy  
Senate Majority Leader Chuck Schumer  
Senate Minority Leader Mitch McConnell