



January 19, 2022

The Honorable Nancy Pelosi
Speaker of the House
Washington, DC 20515

The Honorable Kevin McCarthy
Minority Leader
Washington, DC 20515

The Honorable Jerrold Nadler
Chairman
House Committee on the Judiciary
Washington, DC 20515

The Honorable Jim Jordan
Ranking Member
House Committee on the Judiciary
Washington, DC 20515

Re: Opposition to SHOP SAFE in USICA

Dear Speaker Pelosi, Minority Leader McCarthy, Chairman Nadler, and Ranking Member Jordan:

On behalf of the Computer & Communications Industry Association (“CCIA”),¹ I write to express concerns with the inclusion of H.R. 5374, the Stopping Harmful Offers on Platforms by Screening Against Fakes in E-Commerce (“SHOP SAFE”) Act, in the United States Innovation and Competition Act (“USICA”). USICA is critically important legislation that will aid the U.S. technology sector well into the future. Because of our both substantive and procedural concerns, we respectfully request that H.R. 5374, SHOP SAFE, not be included in USICA and jeopardize this much-needed legislation, as inclusion of H.R. 5374 may introduce legislative concepts that have not been sufficiently vetted and may ultimately endanger final passage of USICA.

As the House Judiciary Committee (“the Committee”) may recall, CCIA and other stakeholders shared extensive concerns in advance of the September 29, 2021 markup and submitted them to the record.² At the markup, members of the Committee indicated in their statements that the legislation would be worked upon before additional consideration. We invite you to review our prior letter for our substantive concerns with H.R. 5374.³

Additionally, CCIA has serious process concerns with the inclusion of H.R. 5374 in USICA given that the Committee agreed to address these issues before final passage. Legislation that is included in necessary and important legislation, such as USICA, should be noncontroversial and germane. H.R. 5374 has problems that are widely agreed upon by an array of stakeholders, including academics, industry, civil rights groups, and various nonprofits.

Because of industry’s many substantive and procedural concerns, we respectfully request that H.R. 5374, SHOP SAFE, not be included in USICA legislation that is critical to the advancement of the U.S. technology industry.

Sincerely,

Arthur D. Sidney
VP Public Policy, CCIA

¹ CCIA is an international, not-for-profit trade association representing a broad cross section of communications and technology firms. For 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. For more, visit www.ccianet.org.

² Available at <https://judiciary.house.gov/calendar/eventsingle.aspx?EventID=4720>.

³ Available at <https://www.ccianet.org/wp-content/uploads/2021/09/2021-09-28-CCIA-Statement-for-the-Record-for-the-Markup-of-H.R.-5374.pdf>.