



April 20, 2022

The Honorable Chuck Schumer  
Majority Leader  
United States Senate  
Washington, DC 20510

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

The Honorable Mitch McConnell  
Republican Leader  
United States Senate  
Washington, DC 20510

The Honorable Kevin McCarthy  
Minority Leader  
United States House of Representatives  
Washington, DC 20515

**Re: Concerns with INFORM Consumers Act**

Dear Majority Leader Schumer, Republican Leader McConnell, Speaker Pelosi, and Republican Leader McCarthy:

On behalf of the payments processing industry in the United States, we write to you today regarding the INFORM Consumers Act as part of the America COMPETES Act of 2022 (H.R. 4521). The American Transaction Processors Coalition (ATPC) commends Congress' efforts to promote domestic innovation and give U.S. businesses a competitive edge in the global market. In particular, we applaud the inclusion of a \$52 billion investment in domestic semiconductor chip manufacturing. However, we would like to express our concerns with the INFORM Consumers Act as it currently stands and offer a reasonable solution.

The payments processing industry goes to great lengths to protect our consumers from fraud and bad actors. We are pleased that Congress shares our concerns for protecting consumers and we welcome efforts to develop anti-counterfeit legislation. However, the INFORM Consumers Act as it stands now would place undue burdens on our industry and could increase fraud by requiring payment processors to provide sensitive information to online marketplaces within an unreasonable timeframe. Processors rely on a tokenization system to keep sensitive information secure, but an on-demand information sharing requirement would disrupt this system and may require them to open tokenization services to be able to comply with a request for information at any time. Further, the timing of the reporting requirements may put our companies at odds with their already established contracts with customers.

To prevent potential fraud and alleviate this extreme burden on our companies, the ATPC proposes the following changes to the existing language:



PROVISION OF INFORMATION. —The bank account or payee information required under subclause (I) may be provided by the seller in the following ways:

(aa) To the online marketplace.

(bb) To a payment processor or other third party contracted by the online marketplace to maintain such information, provided that the online marketplace ensures that it can obtain such information on-demand within a reasonable time frame from such payment processor or other third party if the payment processor or other third party is able to attain consent from the seller.

This language will help to alleviate the undue burden on the payments industry without eliminating the important efforts of Congress to mitigate fraud and prevent counterfeiting on online marketplaces. We ask that you please consider these changes to the INFORM Consumers Act prior to its inclusion in the final China competition bill. We stand ready to be of assistance should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "H. West Richards", is written over a horizontal line.

**H. West Richards**  
Executive Director