

United States Senate
WASHINGTON, DC 20510

August 20, 2025

The Honorable Andrew Ferguson
Chair
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chair Ferguson:

It has been just over two years since the bipartisan Integrity, Notification, and Fairness in Online Retail Marketplaces for Consumers Act (INFORM Consumers Act) went into effect on June 27, 2023. We write to request information regarding the Federal Trade Commission's (FTC) ongoing implementation and enforcement of the Act.

As you know, the INFORM Consumers Act requires online marketplaces to collect, verify, and disclose certain information about high-volume third-party sellers who offer new or unused consumer products for sale on the platform. By doing so, the Act is designed to add more transparency and accountability to online transactions and deter criminals from acquiring stolen, counterfeit, or unsafe items and selling them through these marketplaces. The sale of these goods continues to be an issue of national importance, as evidenced by the recent U.S. Senate Committee on the Judiciary hearing, "Beyond the Smash and Grab: Criminal Networks and Organized Theft."

The FTC is tasked with implementing and, along with state attorneys general, enforcing the INFORM Consumers Act. If the Act's goals are to be fully realized, online marketplaces and high-volume third-party sellers must know that they will be held accountable for violations of the Act's requirements. While we recognize and commend the FTC's efforts to raise awareness of the INFORM Consumers Act and its requirements in June and August 2023, we are concerned by the apparent lack of action taken by the FTC since then.

Since the INFORM Consumers Act took effect, there has been no indication that the FTC has commenced any investigations or enforcement actions under the Act. Federal or state prosecutors do not appear to have brought any cases against third-party sellers for engaging in illegal activity, such as stealing or counterfeiting goods and selling or attempting to sell them on online marketplaces, that was identified through the consumer reporting mechanisms that the Act requires online marketplaces to set up. The FTC also has not yet used its authority under the INFORM Consumers Act to promulgate regulations with respect to the collection, verification, or disclosure of information under the Act.

The implementation and enforcement of the INFORM Consumers Act continues to be a priority for Congress, and we urge the FTC to use the authorities we granted to the agency under the Act. In order to ensure that the Act is achieving its legislative purpose, we request the FTC's responses to the following questions by September 5, 2025:

1. What FTC resources have been dedicated to INFORM Consumers Act investigations and/or enforcement?
 - a. Approximately how many FTC personnel have been assigned to these tasks?
2. Since the FTC sent letters to 50 online marketplaces about the Act in June 2023, has the agency had further direct correspondence with any online marketplaces, either about the general provisions of the Act or about a marketplace's specific conduct in relation to the Act's requirements?
3. What types of information has the FTC requested from online marketplaces to ensure their compliance with the law?
 - a. Has the FTC requested, and have marketplaces provided, information about the marketplaces' policies and procedures that demonstrate that the marketplaces are in fact complying with the Act's requirements?
 - b. If so, please provide this information.
 - c. If the FTC has not requested such information, please explain why the agency has not done so.
4. Has the FTC asked for, or received, information from online marketplaces about sellers who have been suspended from the marketplace because of non-compliance with the INFORM Consumers Act's requirements?
 - a. If so, have marketplaces identified the types of violations that prompted the suspension?
 - b. How many marketplaces have proactively provided the FTC with this information?
 - c. How many marketplaces has the FTC sought this information from?
 - d. If the FTC has not sought such information, please explain why the agency has not done so.
5. Has the FTC seen fluctuations in the overall number of third-party sellers on particular online marketplaces since the law took effect? For example, did a large number of sellers leave a particular marketplace, perhaps because the marketplace was vigorously enforcing the law's requirements?
 - a. How many marketplaces are proactively providing the FTC with this type of information?
 - b. How many marketplaces has the FTC sought this information from?
 - c. If the FTC has not sought such information, please explain why the agency has not done so.

6. Has the FTC asked for, or received, information collected by a marketplace through the marketplace's reporting mechanism about suspicious marketplace activity (such as sellers offering stolen or counterfeit goods for sale)?
 - a. How many marketplaces are proactively providing the FTC with this information?
 - b. How many marketplaces has FTC sought this information from?
 - c. If the FTC has not sought such information, please explain why the agency has not done so.
7. Has the FTC requested, or received, information from marketplaces to verify that marketplaces are collecting and verifying required information from high-volume third-party sellers located overseas?
 - a. If the FTC has not sought such information, please explain why the agency has not done so.
8. Has the FTC requested, or received, information demonstrating that marketplaces are suspending such overseas sellers if they are not complying with the INFORM Consumers Act's requirements?
 - a. If the FTC has not sought such information, please explain why the agency has not done so.
9. What quality assurance mechanisms does the FTC have in place to help ensure that online marketplaces are providing the FTC with accurate information in response to requests?
10. The INFORM Consumers Act has been in effect for over two years. The FTC has not used its authority under the Act to promulgate regulations, and the last substantive guidance that the FTC provided on the Act appears to have occurred in 2023.
 - a. Given the amount of time since the Act's implementation, why has the FTC not yet issued regulations?
 - b. Is the FTC contemplating any further guidance or regulations to ensure the Act's success? If not, please explain why not.
 - c. Is the FTC considering issuing regulations or guidance regarding sellers who may be structuring in order to stay below the Act's thresholds, e.g., by establishing an umbrella company that uses multiple sellers to sidestep the thresholds for high-volume third-party sellers? If not, please explain why not.
11. Since the INFORM Consumers Act took effect, has the FTC coordinated with individuals or businesses that have been victimized by counterfeiting or retail theft to help identify when sellers on online marketplaces may be attempting to sell counterfeit or stolen goods?

- a. If so, what types of coordination has the FTC engaged in?
 - b. If not, please explain why the FTC is not engaging in such coordination.
12. The FTC has created on its website what it describes as a “dedicated link designed especially for the reporting of possible INFORM Consumers Act violations.” The link can be accessed by clicking on a banner that appears as follows:



When this banner is clicked, it sends the person to the FTC’s “reportfraud.ftc.gov” website to fill out a report.

It would be problematic if the FTC was only passively relying on this resource to obtain information about potential INFORM Consumers Act violations, because: (1) most consumers have not seen the link; and (2) consumers are far more likely to use the reporting mechanisms that the law requires online marketplaces to have in place to report potential violations. It is important for the FTC to seek information from the online marketplaces about reports they have received, rather than just relying on this banner and “reportfraud.ftc.gov.”

- a. How many reports has the FTC received through this dedicated link since the INFORM Consumers Act took effect on June 27, 2023? Please provide copies of these reports.
- b. When a person submits a report through this website, a “What Happens Next” screen says: “We can’t resolve your individual report, but we use reports to investigate and bring cases against fraud, scams, and bad business practices.”
 - i. Without discussing the details of any ongoing investigations, how many investigations have been initiated based on INFORM Consumers Act reports?
 - ii. How many cases have been brought?
- c. The “What Happens Next” screen also says: “We share your report with our law enforcement partners who also use reports to investigate and bring cases against fraud, scams, and bad business practices.”
 - i. How many INFORM Consumers Act reports have been shared with law enforcement partners?
 - ii. How many of those partners are federal agencies?
 - iii. How many of those partners are state or local agencies?

13. State attorneys general have civil enforcement authority under the INFORM Consumers Act. What specific steps has the FTC taken to coordinate with state attorneys general on investigating or enforcing compliance with the Act?

a. Have any state attorneys general notified the FTC about civil enforcement actions that an attorney general plans to bring under the Act? If so, please provide details on each of these actions.

14. Will the FTC publish a report or otherwise make information available to the public about actions the FTC has taken since the INFORM Consumers Act took effect to implement and enforce the law and to protect consumers and safeguard the integrity of online marketplaces?

15. Has the FTC identified any problems or loopholes with the INFORM Consumers Act that require a legislative fix?

Thank you for your attention to this important matter. We look forward to receiving your prompt responses and working with you to ensure that INFORM Consumers Act continues to deter criminals from acquiring stolen, counterfeit, or unsafe items and selling them through online marketplaces.

Sincerely,



Richard J. Durbin
United States Senator



Bill Cassidy, M.D.
United States Senator

cc: Hon. Melissa Holyoak, Commissioner, Federal Trade Commission
Hon. Mark R. Meador, Commissioner, Federal Trade Commission