

118TH CONGRESS  
1ST SESSION

# H. R. 895

To combat organized crime involving the illegal acquisition of retail goods for the purpose of selling those illegally obtained goods through physical and online retail marketplaces.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2023

Mr. BUCK (for himself, Mr. JOYCE of Ohio, Mrs. LEE of Nevada, and Ms. TITUS) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To combat organized crime involving the illegal acquisition of retail goods for the purpose of selling those illegally obtained goods through physical and online retail marketplaces.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Combating Organized  
5 Retail Crime Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 It is the sense of Congress that—

1           (1) organized retail crime, a crime involving  
2 groups of individuals specifically targeting retail  
3 stores, often by using violence or threats of violence  
4 to subdue employees and shoppers while robbing  
5 stores of their most valuable and easily diverted  
6 merchandise, has been a growing concern to retail-  
7 ers, industry, and law enforcement;

8           (2) retailers have seen a dramatic increase in  
9 occurrences of organized retail crime, costing retail-  
10 ers approximately \$720,000 per every  
11 \$1,000,000,000 in sales in 2019, representing more  
12 than a 50-percent increase in such losses since 2015.  
13 Further, according to the National Retail Federa-  
14 tion, the use of violence or aggression is increasing  
15 in the commission of these crimes, with  $\frac{2}{3}$  of retail-  
16 ers reporting an increase of violence during the com-  
17 mission of retail theft;

18           (3) organized retail crime—

19               (A) threatens the safety and liberty of in-  
20 dividuals in the United States when those indi-  
21 viduals engage in commerce;

22               (B) erodes the retail economy for cus-  
23 tomers and businesses alike; and

24               (C) finances transnational criminal organi-  
25 zations that use the proceeds of those thefts to

1 support the criminal goals of the criminal orga-  
2 nizations; and

3 (4) it has become necessary for Congress—

4 (A) to amend title 18, United States Code,  
5 to ensure that law enforcement has the legal  
6 tools necessary to combat organized retail crime  
7 in the same capacity as law enforcement is able  
8 to combat theft and diversion from other por-  
9 tions of the supply chain; and

10 (B) to direct the executive branch to create  
11 a central coordination center to align Federal,  
12 State, local, territorial, and Tribal efforts to  
13 combat organized retail crime.

14 **SEC. 3. AMENDMENTS TO TITLE 18, UNITED STATES CODE.**

15 Part I of title 18, United States Code, is amended—

16 (1) in section 982(a)(5)—

17 (A) by redesignating subparagraphs (C),  
18 (D), and (E) as subparagraphs (D), (E), and  
19 (F), respectively;

20 (B) by inserting after subparagraph (B)  
21 the following:

22 “(C) section 659 (interstate or foreign ship-  
23 ments by carrier; State prosecutions);”;

1 (C) in subparagraph (E), as so redesignig-  
2 nated, by striking “; or” and inserting a semi-  
3 colon;

4 (D) in subparagraph (F), as so redesignig-  
5 nated, by striking the period at the end and in-  
6 serting a semicolon; and

7 (E) by inserting after subparagraph (F),  
8 as so redesignated, the following:

9 “(G) section 2314 (transportation of stolen  
10 goods, securities, moneys, fraudulent State tax  
11 stamps, or articles used in counterfeiting); or

12 “(H) section 2315 (sale or receipt of stolen  
13 goods, securities, moneys, or fraudulent State tax  
14 stamps).”;

15 (2) in section 1956(c)(7)(D)—

16 (A) by inserting “section 659 (interstate or  
17 foreign shipments by carrier; State prosecu-  
18 tions),” after “section 658 (relating to property  
19 mortgaged or pledged to farm credit agen-  
20 cies),”; and

21 (B) by inserting “section 2314 (transpor-  
22 tation of stolen goods, securities, moneys,  
23 fraudulent State tax stamps, or articles used in  
24 counterfeiting), section 2315 (sale or receipt of  
25 stolen goods, securities, moneys, or fraudulent

1 State tax stamps),” after “section 2281 (relat-  
2 ing to violence against maritime fixed plat-  
3 forms),”;

4 (3) in section 2314, in the first paragraph—

5 (A) by inserting “or by using any facility  
6 of interstate or foreign commerce,” after “com-  
7 merce”;

8 (B) by inserting “or of an aggregate value  
9 of \$5,000 or more during any 12-month pe-  
10 riod,” after “more,”;

11 (C) by inserting “, embezzled,” after “sto-  
12 len”;

13 (D) by inserting “, false pretense, or other  
14 illegal means” after “fraud”;

15 (4) in section 2315, in the first paragraph—

16 (A) by inserting “or of an aggregate value  
17 of \$5,000 or more during any 12-month pe-  
18 riod,” after “\$5,000 or more,”; and

19 (B) by striking “; or” and inserting “, or  
20 have been stolen, unlawfully converted, or taken  
21 by the use of any facility of interstate or foreign  
22 commerce in the commission of said act; or”.

1 **SEC. 4. ESTABLISHMENT OF A CENTER TO COMBAT ORGA-**  
2 **NIZED RETAIL CRIME.**

3 (a) IN GENERAL.—Title III of the Trade Facilitation  
4 and Trade Enforcement Act of 2015 (19 U.S.C. 4341 et  
5 seq.) is amended by inserting after section 305 the fol-  
6 lowing:

7 **“SEC. 305A. ORGANIZED RETAIL CRIME COORDINATION**  
8 **CENTER.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) CENTER.—The term ‘Center’ means the  
11 Organized Retail Crime Coordination Center estab-  
12 lished pursuant to subsection (b)(1).

13 “(2) ORGANIZED RETAIL CRIME.—The term  
14 ‘organized retail crime’ includes—

15 “(A) any crime described in section 2314  
16 or 2315 of title 18, United States Code; and

17 “(B) aiding or abetting the commission of,  
18 or conspiring to commit, any act that is in fur-  
19 therance of a violation of a crime referred to in  
20 paragraph (1).

21 “(b) ORGANIZED RETAIL CRIME COORDINATION  
22 CENTER.—

23 “(1) ESTABLISHMENT.—Not later than 90 days  
24 after the date of the enactment of the Combating  
25 Organized Retail Crime Act of 2023, the Secretary  
26 of Homeland Security shall direct the Executive As-

1 sociate Director of Homeland Security Investigations  
2 to establish the Organized Retail Crime Coordina-  
3 tion Center.

4 “(2) DUTIES.—The duties of the Center shall  
5 include—

6 “(A) coordinating Federal law enforcement  
7 activities related to organized retail crime, in-  
8 cluding investigations of national and  
9 transnational criminal organizations that are  
10 engaged in organized retail crime;

11 “(B) establishing relationships with State  
12 and local law enforcement agencies and organi-  
13 zations, including organized retail crime asso-  
14 ciations, and sharing information regarding or-  
15 ganized retail crime threats with such agencies  
16 and organizations;

17 “(C) assisting State and local law enforce-  
18 ment agencies with their investigations of orga-  
19 nized retail crime groups;

20 “(D) establishing relationships with retail  
21 companies, sharing information with such com-  
22 panies regarding organized retail crime threats,  
23 and providing mechanisms for the receipt of in-  
24 vestigative information on such threats;

1           “(E) establishing a secure system for shar-  
2           ing information regarding organized retail  
3           crime threats by leveraging existing information  
4           systems at the Department of Homeland Secu-  
5           rity and the Department of Justice;

6           “(F) tracking trends with respect to orga-  
7           nized retail crime and releasing annual public  
8           reports on such trends; and

9           “(G) supporting the provision of training  
10          and technical assistance in accordance with sub-  
11          section (c).

12          “(3) LEADERSHIP; STAFFING.—

13           “(A) DIRECTOR.—The Center shall be  
14          headed by a Director, who shall be—

15                  “(i) an experienced law enforcement  
16                  officer;

17                  “(ii) appointed by the Director of  
18                  U.S. Immigration and Customs Enforce-  
19                  ment; and

20                  “(iii) in the Senior Executive Service  
21                  (as defined in section 3132 of title 5,  
22                  United States Code).

23           “(B) DEPUTY DIRECTOR.—The Director of  
24          the Center shall be assisted by a Deputy Direc-  
25          tor, who shall be appointed, on a 2-year rota-



1 tional basis, upon request from the Executive  
2 Associate Director of Homeland Security Inves-  
3 tigations, by—

4 “(i) the Director of the Federal Bu-  
5 reau of Investigation;

6 “(ii) the Director of the United States  
7 Secret Service; or

8 “(iii) the Chief Postal Inspector.

9 “(C) FEDERAL STAFF.—The staff of the  
10 Center shall include—

11 “(i) Special Agents and Analysts from  
12 Homeland Security Investigations; and

13 “(ii) detailed criminal investigators,  
14 analysts, and liaisons from other Federal  
15 agencies who have responsibilities related  
16 to organized retail crime, including  
17 detailees from—

18 “(I) U.S. Customs and Border  
19 Protection;

20 “(II) the United States Secret  
21 Service;

22 “(III) the United States Postal  
23 Inspection Service;

24 “(IV) the Bureau of Alcohol, To-  
25 bacco, Firearms and Explosives; and

1                   “(V) the Drug Enforcement Ad-  
2                   ministration.

3                   “(D) STATE AND LOCAL STAFF.—The  
4                   staff of the Center may include detailees from  
5                   State and local law enforcement agencies, who  
6                   shall serve at the Center on a nonreimbursable  
7                   basis.

8                   “(4) COORDINATION.—

9                   “(A) IN GENERAL.—The Center shall co-  
10                  ordinate its activities, as appropriate, with  
11                  other Federal agencies and centers responsible  
12                  for countering transnational organized crime  
13                  threats.

14                  “(B) SHARED RESOURCES.—In estab-  
15                  lishing the Center, the Executive Associate Di-  
16                  rector of Homeland Security Investigations may  
17                  co-locate or otherwise share resources and per-  
18                  sonnel, including detailees and agency liaisons,  
19                  with—

20                         “(i) the National Intellectual Property  
21                         Rights Coordination Center established  
22                         pursuant to section 305(a)(1); or

23                         “(ii) other existing interagency cen-  
24                         ters within the Department of Homeland  
25                         Security.

1           “(C) AGREEMENTS.—The Director of the  
2 Center, or his or her designee, may enter into  
3 agreements with Federal, State, local, and Trib-  
4 al agencies and private sector entities to facili-  
5 tate carrying out the duties described in para-  
6 graph (2).

7           “(D) INFORMATION SHARING.—Subject to  
8 the approval of the Director of the Center, in-  
9 formation that would otherwise be subject to  
10 the limitation on the disclosure of confidential  
11 information set forth in section 1905 of title  
12 18, United States Code, may be shared if such  
13 disclosure is operationally necessary. The Direc-  
14 tor may not delegate his or her authority under  
15 this subparagraph.

16           “(5) REPORTING REQUIREMENTS.—

17           “(A) INITIAL REPORT.—

18           “(i) IN GENERAL.—Not later than 1  
19 year after the date of the enactment of the  
20 Combating Organized Retail Crime Act of  
21 2023, the Secretary of Homeland Security  
22 shall submit a report regarding the estab-  
23 lishment of the Center to—

24                           “(I) the Committee on the Judi-  
25 ciary of the Senate;

1                   “(II) the Committee on Home-  
2                   land Security and Governmental Af-  
3                   fairs of the Senate;

4                   “(III) the Committee on the Ju-  
5                   diciary of the House of Representa-  
6                   tives; and

7                   “(IV) the Committee on Home-  
8                   land Security of the House of Rep-  
9                   resentatives.

10                  “(ii) CONTENTS.—The report required  
11                  under clause (i) should include a descrip-  
12                  tion of—

13                         “(I) the organizational structure  
14                         of the Center;

15                         “(II) the agencies and partner  
16                         organizations that are represented  
17                         within the Center;

18                         “(III) any challenges that had to  
19                         be addressed while establishing the  
20                         Center;

21                         “(IV) any lessons learned from  
22                         establishing the Center, including suc-  
23                         cessful prosecutions resulting from the  
24                         activities of the Center;

1           “(V) recommendations for ways  
2           to strengthen the enforcement of laws  
3           involving organized retail crime;

4           “(VI) recommendations for ways  
5           to include organized retail crime with-  
6           in a holistic supply chain security en-  
7           forcement framework;

8           “(VII) the intersections and com-  
9           monalities between organized retail  
10          crime organizations and other orga-  
11          nized theft groups, including supply  
12          chain diversion and theft; and

13          “(VIII) the impact of organized  
14          theft groups on the scarcity of vital  
15          products, including medicines, per-  
16          sonal protective equipment, and infant  
17          formula.

18          “(B) ANNUAL REPORT.—Beginning on the  
19          date that is 1 year after the submission of the  
20          report required under subparagraph (A), the  
21          Director shall submit an annual report that de-  
22          scribes the activities of the Center during the  
23          previous year to the congressional committees  
24          listed in subparagraph (A)(i).

25          “(c) TRAINING AND TECHNICAL ASSISTANCE.—

1           “(1) EVALUATION.—Not later than 180 days  
2 after the date of the enactment of the Combating  
3 Organized Retail Crime Act of 2023, the Secretary  
4 of Homeland Security and the Attorney General  
5 shall conduct an evaluation of existing Federal pro-  
6 grams that provide grants, training, and technical  
7 support to State, local, and Tribal law enforcement  
8 to assist in countering organized retail crime.

9           “(2) EVALUATION SCOPE.—The evaluation re-  
10 quired under paragraph (1) shall evaluate, at a min-  
11 imum—

12                   “(A) the Homeland Security Grant Pro-  
13 gram at the Federal Emergency Management  
14 Agency;

15                   “(B) grant programs at the Office of Jus-  
16 tice Programs within the Department of Jus-  
17 tice; and

18                   “(C) relevant training programs at the  
19 Federal Law Enforcement Training Center.

20           “(3) REPORT.—Not later than 45 days after  
21 the completion of the evaluation required under  
22 paragraph (1), the Secretary of Homeland Security  
23 and the Attorney General shall jointly submit a re-  
24 port to the congressional committees listed in sub-  
25 section (b)(5)(A)(i) that—

1           “(A) describes the results of such evalua-  
2           tion; and

3           “(B) includes recommendations on ways to  
4           expand grants, training, and technical assist-  
5           ance for combating organized retail crime.

6           “(4) ENHANCING OR MODIFYING TRAINING AND  
7           TECHNICAL ASSISTANCE.—Not later than 45 days  
8           after submitting the report required under para-  
9           graph (3), the Secretary of Homeland Security and  
10          the Attorney General shall jointly issue formal guid-  
11          ance to relevant agencies and offices within the De-  
12          partment of Homeland Security and the Department  
13          of Justice for modifying or expanding, as appro-  
14          priate, the prioritization of training and technical as-  
15          sistance designed to counter organized retail crime.”.

16          (b) CLERICAL AMENDMENT.—The table of contents  
17          for the Trade Facilitation and Trade Enforcement Act of  
18          2015 (Public Law 107–296) is amended by inserting after  
19          the item relating to section 305 the following:

“Sec. 305A. Organized Retail Crime Coordination Center.”.

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