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.

IN THE SENATE OF THE UNITED STATES

Mr. Grassley (for himself and Ms. Cortez Masto) introduced the following bill; which was read twice and referred to the Committee on

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Organized Retail Crime Center Authorization Act of 2023”.

SEC. 2. FINDINGS.

It is the sense of Congress that—
(1) organized retail crime, a crime involving groups of individuals specifically targeting retail stores, often by using violence or threats of violence to subdue employees and shoppers while robbing stores of their most valuable and easily diverted merchandise, has been a growing concern to retailers, industry, and law enforcement;

(2) retailers have seen a dramatic increase in occurrences of organized retail crime, costing retailers approximately $720,000 per every $1,000,000,000 in sales in 2019, representing more than a 50-percent increase in such losses since 2015. Further, according to the National Retail Federation, the use of violence or aggression is increasing in the commission of these crimes, with 2/3 of retailers reporting an increase of violence during the commission of retail theft;

(3) organized retail crime—

(A) threatens the safety and liberty of individuals in the United States when those individuals engage in commerce;

(B) erodes the retail economy for customers and businesses alike; and

(C) finances transnational criminal organizations that use the proceeds of those thefts to
support the criminal goals of the criminal organizations; and

(4) it has become necessary for Congress to direct the executive branch to create a central coordination center to align Federal, State, local, territorial, and Tribal efforts to combat organized retail crime.

SEC. 3. ESTABLISHMENT OF A CENTER TO COMBAT ORGANIZED RETAIL CRIME.

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

“SEC. 305A. ORGANIZED RETAIL CRIME COORDINATION CENTER.

“(a) DEFINITIONS.—In this section:

“(1) CENTER.—The term ‘Center’ means the Organized Retail Crime Coordination Center established pursuant to subsection (b)(1).

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

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

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

“(b) ORGANIZED RETAIL CRIME COORDINATION CENTER.—

“(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of the Organized Retail Crime Center Authorization Act of 2023, the Secretary of Homeland Security shall direct the Executive Associate Director of Homeland Security Investigations to establish the Organized Retail Crime Coordination Center.

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

“(A) coordinating Federal law enforcement activities related to organized retail crime, including investigations of national and transnational criminal organizations that are engaged in organized retail crime;

“(B) establishing relationships with State and local law enforcement agencies and organizations, including organized retail crime associations, and sharing information regarding organized retail crime threats with such agencies and organizations;
“(C) assisting State and local law enforce-
ment agencies with their investigations of orga-
nized retail crime groups;

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

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

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

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

“(3) LEADERSHIP; STAFFING.—

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

“(i) an experienced law enforcement
officer;
“(ii) appointed by the Director of
U.S. Immigration and Customs Enforce-
ment; and

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

“(B) Deputy Director.—The Director of
the Center shall be assisted by a Deputy Direc-
tor, who shall be appointed, on a 2-year rota-
tional basis, upon request from the Executive
Associate Director of Homeland Security Inves-
tigations, by—

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

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

“(iii) the Chief Postal Inspector.

“(C) Federal Staff.—The staff of the
Center shall include—

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

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

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

“(II) the United States Secret
Service;

“(III) the United States Postal
Inspection Service;

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

“(V) the Drug Enforcement Ad-
ministration.

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

“(4) COORDINATION.—

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

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

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

“(ii) other existing interagency centers within the Department of Homeland Security.

“(C) AGREEMENTS.—The Director of the Center, or his or her designee, may enter into agreements with Federal, State, local, and Tribal agencies and private sector entities to facilitate carrying out the duties described in paragraph (2).

“(D) INFORMATION SHARING.—Subject to the approval of the Director of the Center, information that would otherwise be subject to the limitation on the disclosure of confidential information set forth in section 1905 of title 18, United States Code, may be shared if such disclosure is operationally necessary. The Director may not delegate his or her authority under this subparagraph.
“(5) Reporting requirements.—

“(A) Initial report.—

“(i) In general.—Not later than 1 year after the date of the enactment of the Organized Retail Crime Center Authorization Act of 2023, the Secretary of Homeland Security shall submit a report regarding the establishment of the Center to—

“(I) the Committee on the Judiciary of the Senate;

“(II) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(III) the Committee on the Judiciary of the House of Representatives; and

“(IV) the Committee on Homeland Security of the House of Representatives.

“(ii) Contents.—The report required under clause (i) should include a description of—

“(I) the organizational structure of the Center;
“(II) the agencies and partner organizations that are represented within the Center;

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

“(IV) any lessons learned from establishing the Center, including successful prosecutions resulting from the activities of the Center;

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

“(VI) recommendations for ways to include organized retail crime within a holistic supply chain security enforcement framework;

“(VII) the intersections and commonalities between organized retail crime organizations and other organized theft groups, including supply chain diversion and theft; and

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

“(B) ANNUAL REPORT.—Beginning on the date that is 1 year after the submission of the report required under subparagraph (A), the Director shall submit an annual report that describes the activities of the Center during the previous year to the congressional committees listed in subparagraph (A)(i).

“(c) TRAINING AND TECHNICAL ASSISTANCE.—

“(1) EVALUATION.—Not later than 180 days after the date of the enactment of the Organized Retail Crime Center Authorization Act of 2023, the Secretary of Homeland Security and the Attorney General shall conduct an evaluation of existing Federal programs that provide grants, training, and technical support to State, local, and Tribal law enforcement to assist in countering organized retail crime.

“(2) EVALUATION SCOPE.—The evaluation required under paragraph (1) shall evaluate, at a minimum—

“(A) the Homeland Security Grant Program at the Federal Emergency Management Agency;
“(B) grant programs at the Office of Justice Programs within the Department of Justice;

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

“(3) REPORT.—Not later than 45 days after the completion of the evaluation required under paragraph (1), the Secretary of Homeland Security and the Attorney General shall jointly submit a report to the congressional committees listed in subsection (b)(5)(A)(i) that—

“(A) describes the results of such evaluation; and

“(B) includes recommendations on ways to expand grants, training, and technical assistance for combating organized retail crime.

“(4) ENHANCING OR MODIFYING TRAINING AND TECHNICAL ASSISTANCE.—Not later than 45 days after submitting the report required under paragraph (3), the Secretary of Homeland Security and the Attorney General shall jointly issue formal guidance to relevant agencies and offices within the Department of Homeland Security and the Department of Justice for modifying or expanding, as appro-
appropriate, the prioritization of training and technical assistance designed to counter organized retail crime.”.

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

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