



March 29, 2022

To The Members of the United States Congress:

Communities and businesses large and small across the United States are facing a significant increase in retail theft and organized retail crime that requires the swift response of policymakers.

A recent survey of small business owners finds that a majority (54%) experienced an increase in shoplifting in 2021. According to a survey of larger retailers by the National Retail Federation, organized retail crime cost stores an average of over \$700,000 per \$1 billion in sales in 2020, up more than 50% in the last five years.

These crimes are not victimless. In addition to the growing number of thefts that turn violent, innocent consumers, employees, local communities, and business owners and shareholders bear the costs of rising retail theft. Twenty-five percent of small businesses report raising prices as a result of shoplifting. Some retailers have been forced to shutter locations in response to rampant theft.

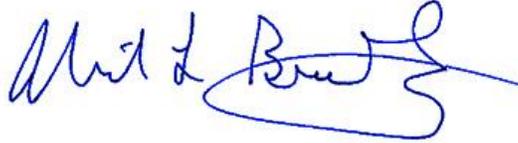
As this problem continues to grow, we urge you to take the following steps:

- **Congress should pass legislation to stop the sale of stolen goods on online marketplaces:** The bipartisan H.R. 5502, “Integrity, Notification, and Fairness in Online Retail Marketplaces for (INFORM) Consumers Act,” would increase transparency and identity verification of high-volume third-party sellers in online retail marketplaces while protecting the privacy of small sellers and establishing a uniform federal standard that would provide certainty and consistency for the business community. This legislation would deter retail crime by closing off a prominent avenue by which criminals seek to profit by selling stolen goods, often to unsuspecting customers.
- **Update the definition of organized retail crime and increase criminal penalties:** States should act to define the crime of “organized retail theft” in criminal law to specify those thefts involving two or more participants and an intention of resale and include increased penalties for those specific violations.
- **The law and prosecutors must hold those who engage in organized and significant retail theft accountable:** Since 2000, at least 40 states have raised the thresholds for the value of stolen goods to trigger a felony charge. In some instances, criminals are taking advantage of these increased higher thresholds to engage in repeated thefts and avoid

prosecution. States should reconsider these thresholds and prosecutors should avoid adopting broad non-prosecution policies.

With a coordinated and focused effort among lawmakers, law enforcement, and the business community, we can stop the rise of organized retail crime.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil L. Bradley". The signature is fluid and cursive, with a large loop at the end.

Neil L. Bradley
Executive Vice President, Chief Policy Officer
and Head of Strategic Advocacy
U.S. Chamber of Commerce

cc: The Honorable Asa Hutchinson, Governor of the State of Arkansas; Chair, National
Governors Association
Bill McBride, Executive Director, National Governors Association

The Honorable Robin Vos, Representative, Wisconsin District 63; President, National
Conference of State Legislatures
Tim Storey, Executive Director, National Conference of State Legislatures

The Honorable Billy West, District Attorney of Cumberland County, NC; President, National
District Attorneys Association
Nelson Bunn, Executive Director, National District Attorneys Association