



June 29, 2026

The Honorable John Thune
Senate Majority Leader
The Capitol
Washington, DC 20515

The Honorable Chuck Schumer
Senate Minority Leader
The Capitol
Washington, DC 20510

Re: H.R. 2853/S.1404, The Combating Organized Retail Crime Act (“CORCA”)

Dear Majority Leader Thune and Minority Leader Schumer:

On behalf of The Leadership Conference on Civil and Human Rights, American Civil Liberties Union, Legal Defense Fund, Hispanic Federation, and the undersigned organizations, **we write to express our strong opposition to H.R. 2853/S.1404, the Combating Organized Retail Crime Act of 2025 (CORCA)** and its potential inclusion in the National Defense Authorization Act (NDAA). This legislation would federalize low-level shoplifting crimes and would extend the reach of federal criminal enforcement. CORCA lacks a meaningful definition for ‘organized retail crime’, and allows the federal government to prosecute low-level and individual shoplifting without proof of any nexus to organized retail theft. It encourages surveillance by retail entities and merges it with the expansive surveillance network of the Department of Homeland Security (DHS), which will disproportionately impact Black and Brown communities and immigrants, and has far reaching privacy implications for anyone visiting a retail center or public space.

CORCA Federalizes Shoplifting Crimes, Which States are Better Equipped to Address

CORCA makes several changes to federal law that would allow federal prosecutors to sweep up individual and low-level shoplifting offenses into the federal system for disproportionate sentencing and would expand the criminalization of poverty. Currently, criminal charges for violating 18 USC § 2314 (transportation of stolen goods) or § 2315 (sale or receipt of stolen goods) require the value of stolen goods in one incident to be \$5000 or more. CORCA lowers this threshold significantly by allowing prosecutors to utilize an aggregate total value of \$5000 or more over a 12-month period and it does not require any of the theft incidents to have a connection to organized retail theft or require a certain number of people to be involved in theft incidents. This provision in CORCA allows federal prosecutors to sweep shoplifting cases involving a single person into the federal system for prosecution. These defects in the design and text of CORCA are flaws which will have unwanted and unwarranted consequences on people at the lowest income levels in communities that have been historically underserved.

Federalizing shoplifting will only exacerbate the economic insecurity at the root of these incidents. Placing people in federal prison far from their communities, with limited opportunities

for rehabilitation and job training will only create a cycle of incarceration. Because of structural bias and barriers to employment and opportunity, poverty in many cases correlates with race.¹ Black and Brown Americans are disproportionately represented in poverty measures.² CORCA's over federalization places these same communities in increasing jeopardy for surveillance, false arrest, prosecution, and incarceration in dangerous and failing federal prisons.³ Retail centers should not become scenes of confrontation and death⁴, false arrest⁵, and government surveillance.

CORCA Expands DHS Surveillance in Retail Spaces

CORCA would greatly expand DHS's surveillance authority through a new Organized Retail Crime Coordination Center (the Center), which is essentially a new fusion center, nominally for the purpose of addressing retail theft. For decades, the fusion of information in joint operations like this has promoted targeting of Black and Latino communities, immigrants, and people exercising their First Amendment rights.⁶ This is particularly concerning as the bill allows the federal government to share otherwise protected confidential information, requiring only approval from the director of the Center to do so.

The bill grants the Director of ICE the authority to appoint the head of the Center. Congress has never debated or authorized ICE to lead domestic law enforcement efforts against retail theft, and DHS was never intended to act as a national police force. The Federal Bureau of Investigation and Department of Justice already lead major theft and transnational organized

¹ See, E-16. unemployment rates by age, sex, race, and Hispanic or Latino ethnicity, U.S. Bureau of Labor Statistics, *Labor Force Statistics from the Current Population Survey* (2026), https://www.bls.gov/web/empsit/cpsee_e16.htm (last visited June 25, 2026). According to the Bureau of Labor Statistics 2026 data, unemployment rates for Black, Asian, and Hispanic or Latino people 16 and over are all higher than the national average or unemployment rate for white people in the U.S.

² Emily Shrider & Christina Bijou, *Poverty in the United States: 2024*, U.S. Census Bureau (2025), <https://www2.census.gov/library/publications/2025/demo/p60-287.pdf> (last visited June 25, 2026). In 2024, Black, Hispanic, and people of two races were overrepresented in the poverty population relative to the total population of people of those respective racial or ethnic categories.

³ Walter Pavlo, *The Federal Bureau Of Prisons: A Case Study In Repeated Failure*, Forbes (2026), <https://www.forbes.com/sites/walterpavlo/2026/01/26/the-federal-bureau-of-prisons-a-case-study-in-repeated-failure/> (last visited Jun 25, 2026).

⁴ Eduardo Medina, *1-year-old boy killed after officer fires at vehicle in Mississippi*, New York Times (2026), <https://www.nytimes.com/2026/06/16/us/mississippi-shooting-shoplifting.html> (last visited June 25, 2026).

⁵ Lauren Yu & Nathan Freed Wessler, *More than a dozen wrongful arrests due to police reliance on facial recognition technology*, American Civil Liberties Union (2026), <https://www.aclu.org/news/privacy-technology/more-than-a-dozen-wrongful-arrests-due-to-police-reliance-on-facial-recognition-technology> (last visited June 25, 2026).

⁶ Nashwah Akhtar, *Why Oakland cut its ties with a racist FBI program*, Asian Law Caucus (2022), <https://www.asianlawcaucus.org/news-resources/perspectives/why-oakland-cut-ties-with-jtff> (last visited Jun 25, 2026). Dan Neumann, *Maine's Police Intelligence Center sent reports on activists to corporations*, Maine Beacon (2020), <https://mainebeacon.com/maines-police-intelligence-center-sent-reports-on-activists-to-corporations/> (last visited Jun 25, 2026). Activists have pushed several jurisdictions to abandon terrorism task forces because instead of promoting safety, they fostered racial and ethnic bias (at times fusion centers work closely with business interests, including to target their opposition).

crime work that the bill purportedly targets.⁷ There is no stated law enforcement rationale for preferring Homeland Security Investigations over the Department of Justice as the coordinating entity for these centers. The only discernable purpose is for the creation of an information and surveillance pipeline that would feed directly into immigration enforcement operations.

Using one of the most expansive and invasive surveillance operations in the federal government to capture data about people in retail settings is federal overreach and undermines the privacy rights of every person. CORCA greenlights the use of facial recognition technology that taps into a massive biometrics library, automatic license plate readers like FLOCK cameras, and data integration, all for local retail theft. The scale and integration of these surveillance activities have expanded dramatically in the past year as the One Big Beautiful Bill appropriated billions in surveillance technology, including \$6.2 billion for border technology and surveillance.⁸ CORCA would justify turning this vast arsenal on consumers around the country.

DHS agents from ICE Homeland Security Investigations, which is named specifically in CORCA, routinely deploy facial recognition technology via a smartphone application called Mobile Fortify. The app enables DHS agents to perform facial recognition searches against a dataset reportedly containing over 200 million images and to conduct fingerprint scans directly from government-issued mobile devices.⁹ The dangers of this technology are profound. Facial recognition systems have well-documented accuracy problems, particularly in identifying people with darker skin and for features associated with Black people, Asian people, women, and transgender or nonbinary people, leading to false matches and wrongful detentions.¹⁰ Even if those problems were resolved, in the hands of ICE, the tools still promote racialized policing practices.

DHS has also built a system of automated license plate readers to carry out dragnet surveillance of millions of people in the U.S. by tracking their cars from the southern border to

⁷ U.S. Attorney's Office Northern District of California, *Multiple Defendants Charged In Organized Retail Theft Conspiracy Involving Returns Of Counterfeit Electronic Goods* (2025), <https://www.justice.gov/usao-ndca/pr/multiple-defendants-charged-organized-retail-theft-conspiracy-involving-returns> (last visited Jun. 25, 2026).

⁸ Heidi Altman, Tanya Broder, and Ben D'Avanzo, *The Anti-Immigrant Policies in Trump's Final "Big Beautiful Bill," Explained*, National Immigration Law Center (Aug. 20, 2025), <https://www.nilc.org/resources/the-anti-immigrant-policies-in-trumps-final-big-beautiful-bill-explained/>

⁹ Joseph Cox, Inside ICE's Supercharged Facial Recognition App of 200 Million Images, 404 Media (July 17, 2025), <https://www.404media.co/inside-ices-supercharged-facial-recognition-app-of-200-million-images/>.

¹⁰ Tom Simonite, The Best Algorithms Struggle to Recognize Black Faces Equally, WIRED (July 22, 2019), <https://www.wired.com/story/best-algorithms-struggle-recognize-black-faces-equally/>; Jacob Snow, Amazon's Face Recognition Falsely Matched 28 Members of Congress with Mugshots, ACLU (July 26, 2018), <https://www.aclu.org/news/privacy-technology/amazons-face-recognition-falsely-matched-28>; Joy Buolamwini & Timnit Gebru, Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification, 81 Proceedings Mach. Learning Rsch. 1 (2018), <http://proceedings.mlr.press/v81/buolamwini18a/buolamwini18a.pdf>; Facial Recognition: Analyzing Gender and Intersectionality in Machine Learning, Gendered Innovations, <https://genderedinnovations.stanford.edu/case-studies/facial.html#tabs-2> (last visited Jan. 18, 2024).

Illinois and Michigan.¹¹ DHS also accesses similar nationwide networks of plate readers run by the DEA. The program is secretive: DHS has hidden from the public the full extent of these cameras' placement, what agents consider suspicious, or the algorithms they deploy.¹² The retail industry has itself adopted license plate readers. Some big box retailers have deployed them throughout their parking lots, feeding information into a system of tens of thousands of commercial cameras nationwide, such as FLOCK cameras, that ICE can access indirectly through willing local police.¹³ DHS has systematically integrated data and resources including vehicle and driver information,¹⁴ racially biased gang databases,¹⁵ healthcare data,¹⁶ utility bills,¹⁷ and more into a vast surveillance apparatus. By bringing all of this data and personnel together, CORCA would only speed up and facilitate the overreach of federal government surveillance.

In conclusion, CORCA is a continuation of the harmful and ineffective strategies that have led to the shameful mass incarceration of Black and Brown people and perpetuates a history of

¹¹ Jay Stanley, *New Report Highlights How CBP and Border Patrol are Becoming a Repressive Internal Intelligence Agency*, American Civil Liberties Union (Nov. 24, 2025), <https://www.aclu.org/news/privacy-technology/border-patrol-alpr-dragnet>.

¹² Steven T. Keener, John C. Finn, and Andrew F. Baird, *Surveillance Inequality: Race, Poverty, and the Geography of Automatic License Plate Reader Deployment*, 2 Christopher Newport University (Jan. 17, 2026), https://osf.io/preprints/socarxiv/5ckqv_v1. One study from Virginia unmasked the location of 614 plate reader cameras and found that they were predominantly in Black and poor neighborhoods, subjecting them to increased scrutiny and constant real-time vehicle tracking.

¹³ Whitney Curry Wimbish, *Home Depot and Lowe's Downplay Customers Surveillance Threats*, The American Prospect (May 21, 2026), <https://prospect.org/2026/05/21/home-depot-lowes-downplay-customer-surveillance-threats-flock-camera-s-immigration/>; Joseph Cox, *The FBI Wants to Buy Nationwide Access to License Plate Readers*, 404 Media (May 18, 2026), <https://www.404media.co/the-fbi-wants-to-buy-nationwide-access-to-license-plate-readers/> (the FBI has pursued buying direct access, which it could then also easily share with ICE and other DHS units).

¹⁴ *How U.S. Immigration & Customs Enforcement and State Motor Vehicle Departments Share Information*, National Immigration Law Ctr (May 25, 2016), <https://www.nilc.org/resources/ice-dmvs-share-information/>; Jake Goldstein-Street, ICE searched WA driver's license data into November, report finds, Wash. State Standard (Jan. 8, 2026), <https://washingtonstatestandard.com/2026/01/08/ice-searched-wa-drivers-license-data-into-november-report-finds/>; Spencer Woodman, *Despite their liberal politics, Connecticut and California are sharing immigrant data with ICE*, Everge (Feb. 22, 2026), <https://www.theverge.com/2017/2/22/14692842/ice-immigration-trump-data-connecticut-california>.

¹⁵ See Dell Cameron, *DHS Kept Chicago Police Records for Months in Violation of Espionage Rules*, WIRED (Nov. 12, 2025), <https://www.wired.com/story/dhs-kept-chicago-police-records-for-months-in-violation-of-domestic-espionage-rules/>; also Mick Dumke, *Chicago's Gang Database is Full of Errors – And Record We Have Prove It*, ProPublica (Apr. 19, 2018), <https://www.propublica.org/article/politic-il-insider-chicago-gang-database> (finding that this particular database was so unreliable that it was shuttered by city government—after DHS had acquired part of it).

¹⁶ Vittoria Elliott, *The DHS Data Grab is Putting US Citizens at Risk*, WIRED (Dec. 10, 2025), <https://www.wired.com/story/dhs-data-grab-putting-us-citizens-at-risk/>.

¹⁷ Drew Harwell, *Ice investigators used a private utility database covering millions to pursue immigration violations*, Wash. Post. (Feb. 26, 2021), <https://www.washingtonpost.com/technology/2021/02/26/ice-private-utility-data/>.

structural racism and anti-Blackness in this country.¹⁸ This approach has failed the nation. Congress should endeavor to create public safety by investing in the actual communities suffering from violence, implementing proven crime prevention strategies, and investing in the resources and systems that make all communities thrive. True safety comes from equitable access to quality education, health care, affordable housing, and economic opportunities.

We call upon the Senate to reject this legislation, and any other federal criminalization legislation that would expand surveillance and incarceration rates and instead, pass legislation that protects civil rights and civil liberties. CORCA should not be included in the National Defense Authorization Act because it does not have any national security nexus and states and local communities are actually leading the way to create local systems that simultaneously reduce crime and incarceration. We look forward to working with Congress to serve the national interest and create a more just and equitable society.

If you have any questions, please feel free to contact Kristina Roth (kroth@naacpldf.org) and Spencer Reynolds (sreynolds@naacpldf.org) at Legal Defense Fund, Nina Patel (npatel@aclu.org) and Jina John (JJohn@aclu.org) at American Civil Liberties Union, Jonathan Walter (walter@civilrights.org) and Ivanley Noisette (Noisette@civilrights.org) at The Leadership Conference for Civil and Human Rights, and Samuel Boehms (sboehms@hispanicfederation.org) at Hispanic Federation.

Sincerely,

The Leadership Conference on Civil and Human Rights
American Civil Liberties Union
Legal Defense Fund
Hispanic Federation
Lawyers' Committee for Civil Rights Under Law
NAACP
National Action Network (NAN)
National Council of Negro Women
National Urban League

¹⁸ See Wendy Sawyer & Peter Wagner, *Mass Incarceration: The Whole Pie 2023*, Prison Policy Initiative (Mar. 14, 2023), <https://www.prisonpolicy.org/reports/pie2023.html>; *Race and Ethnicity*, Prison Policy Initiative, https://www.prisonpolicy.org/research/racial_and_ethnic_disparities/#:~:text=Percent%20of%20people%20in%20prison,who%20%20are%20Black%3A%2048%25%20%2Blicy%20Initiative (noting that while Black people make up only 13 percent of the population of the United States, they comprise 40 percent of people in jails and prisons, and 48 percent of people serving life, life without parole, or “virtual life” sentences).