

107TH CONGRESS
2D SESSION

H. R. 5536

To amend the Bank Protection Act of 1968 and the Federal Credit Union Act to require enhanced security measures at depository institutions and automated teller machines sufficient to provide surveillance pictures which can be used effectively as evidence in criminal prosecutions, to amend title 28, United States Code, to require the Federal Bureau of Investigation to make technical recommendations with regard to such security measures, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2002

Mr. NADLER introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Bank Protection Act of 1968 and the Federal Credit Union Act to require enhanced security measures at depository institutions and automated teller machines sufficient to provide surveillance pictures which can be used effectively as evidence in criminal prosecutions, to amend title 28, United States Code, to require the Federal Bureau of Investigation to make technical recommendations with regard to such security measures, and for other purposes.

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 “ATM Public Safety
5 and Crime Control Act”.

6 **SEC. 2. ENHANCED SECURITY MEASURES REQUIRED AT DE-**
7 **POSITORY INSTITUTIONS.**

8 (a) BANKS AND SAVINGS ASSOCIATIONS.—Section 3
9 of the Bank Protection Act of 1968 (12 U.S.C. 1882) is
10 amended by adding at the end the following new sub-
11 section:

12 “(c) ENHANCED SURVEILLANCE REQUIREMENTS.—
13 With respect to each surveillance camera which a deposi-
14 tory institution is required to maintain under the regula-
15 tions prescribed under subsection (a), each Federal super-
16 visory agency shall prescribe, on the basis of recommenda-
17 tions made by the Director of the Federal Bureau of In-
18 vestigation pursuant to section 540C(c) of title 28, United
19 States Code, regulations which require the depository in-
20 stitution to—

21 “(1) provide lighting and a surveillance camera
22 of sufficient quality to produce surveillance pictures
23 which can be used effectively as evidence in a crimi-
24 nal prosecution of illegal activities at the location
25 monitored by the camera; and

1 “(2) operate such camera in a manner which
2 does not compromise the quality of the surveillance
3 pictures.”.

4 (b) CREDIT UNIONS.—Section 205(e) of the Federal
5 Credit Union Act (12 U.S.C. 1785(e)) is amended—

6 (1) by redesignating paragraph (3) as para-
7 graph (4); and

8 (2) by inserting after paragraph (2), the fol-
9 lowing new paragraph:

10 “(3) ENHANCED SURVEILLANCE REQUIRE-
11 MENTS.—With respect to each surveillance camera
12 which an insured credit union is required to main-
13 tain under the regulations prescribed under para-
14 graph (1), the Board shall prescribe, on the basis of
15 recommendations made by the Director of the Fed-
16 eral Bureau of Investigation pursuant to section
17 540C(c) of title 28, United States Code, regulations
18 which require the credit union to—

19 “(A) provide lighting and a surveillance
20 camera of sufficient quality to produce surveil-
21 lance pictures which can be used effectively as
22 evidence in a criminal prosecution of illegal ac-
23 tivities at the location monitored by the camera;
24 and

1 “(B) operate such camera in a manner
2 which does not compromise the quality of the
3 surveillance pictures.”.

4 **SEC. 3. STUDY AND TECHNICAL RECOMMENDATIONS BY**
5 **FBI.**

6 (a) IN GENERAL.—Chapter 33 of title 28, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 **“§ 540C. Technical recommendations on surveillance**
10 **equipment**

11 “(a) REVIEW OF CRIME PREVENTION STANDARDS
12 AND PROCEDURES.—In order to reduce the incidence of
13 crimes under section 2113 of title 18, other violations of
14 such title, and other criminal activity on the property of
15 or in the vicinity of financial institutions (as defined in
16 section 20 of such title) and to facilitate more effective
17 prosecutions of such crimes, the Director of the Federal
18 Bureau of Investigation shall periodically review the
19 standards and procedures applicable with respect to secu-
20 rity requirements established under section 3 of the Bank
21 Protection Act of 1968 and section 205(e) of the Federal
22 Credit Union Act.

23 “(b) CONSULTATION WITH ATTORNEY GENERAL.—
24 In conducting any review under subsection (a), the Direc-
25 tor of the Federal Bureau of Investigation shall consult

1 with the Attorney General to ascertain the extent to which
2 inadequate security measures, or improperly maintained
3 security equipment, at financial institutions has hindered
4 effective prosecutions under section 2113 of title 18,
5 United States Code, or other criminal provisions.

6 “(c) RECOMMENDATIONS.—Before the end of the 6-
7 month period beginning on the date of the enactment of
8 the ATM Public Safety and Crime Control Act and at
9 such times after such date as the Director of the Federal
10 Bureau of Investigation may determine to be appropriate,
11 the Director shall make technical recommendations to the
12 Federal banking agencies (as defined in section 3 of the
13 Federal Deposit Insurance Act) and the National Credit
14 Union Administration Board on standards and procedures
15 for meeting the purposes of section 3 of the Bank Protec-
16 tion Act of 1968 and section 205(e) of the Federal Credit
17 Union Act.”.

18 (b) REPORT TO JUDICIARY COMMITTEES.—The Di-
19 rector of the Federal Bureau of Investigation shall submit
20 a copy of any recommendations made in accordance with
21 section 540C(c) of title 28, United States Code, to the
22 Committee on the Judiciary of the House of Representa-
23 tives and the Committee on the Judiciary of the Senate
24 at the same time such recommendations are transmitted
25 to the Federal banking agencies and the National Credit

1 Union Administration Board in accordance with such sec-
2 tion.

3 (c) CLERICAL AMENDMENT.—The table of sections
4 for chapter 33 of title 28, United States Code, is amended
5 by inserting after the item relating to section 540B the
6 following new item:

“540C. Technical recommendations on surveillance equipment.”.

7 **SEC. 4. INITIAL IMPLEMENTATION OF REGULATIONS.**

8 (a) TIMETABLE FOR REGULATIONS.—The Federal
9 banking agencies and the National Credit Union Adminis-
10 tration Board shall prescribe final regulations pursuant to
11 section 3(c) of the Bank Protection Act of 1968 and sec-
12 tion 205(c)(3) of the Federal Credit Union Act, respec-
13 tively, before the end of the 6-month period beginning on
14 the date the technical recommendations of the Director
15 of the Federal Bureau of Investigation are received by
16 such agencies in accordance with section 540C(c) of title
17 28, United States Code.

18 (b) EFFECTIVE DATE OF REGULATIONS.—The regu-
19 lations referred to in subsection (a) shall require deposi-
20 tory institutions and credit unions to achieve compliance
21 with such regulations by the end of the 6-month period
22 beginning on the date the final regulations are published
23 in the Federal Register.

1 **SEC. 5. AMENDMENTS TO DEFINITIONS.**

2 Section 2 of the Bank Protection Act of 1968 (12
3 U.S.C. 1881) is amended to read as follows:

4 **“SEC. 2. DEFINITIONS.**

5 “The following definitions shall apply for purposes of
6 this Act:

7 “(1) DEPOSITORY INSTITUTION.—The term ‘de-
8 pository institution’ has the meaning given to such
9 term in section 3(c) of the Federal Deposit Insur-
10 ance Act.

11 “(2) FEDERAL SUPERVISORY AGENCY.—The
12 term ‘Federal supervisory agency’ has the meaning
13 given to the term ‘appropriate Federal banking
14 agency’ in section 3 of the Federal Deposit Insur-
15 ance Act.”.

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