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# Calendar No. 350

119TH CONGRESS
2D SESSION

# S. 3798

To amend title 18, United States Code, to establish criminal offenses with respect to violations involving ATMs, regardless of whether the ATM is located on the physical premises of a financial institution, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2026

Mr. CRUZ (for himself, Mr. GALLEGO, and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MARCH 5, 2026

Reported by Mr. GRASSLEY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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# A BILL

To amend title 18, United States Code, to establish criminal offenses with respect to violations involving ATMs, regardless of whether the ATM is located on the physical premises of a financial institution, and for other purposes.

*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 ''Safe Access to Cash Act of 2026''.

**SEC. 2. OFFENSES RELATED TO ATM ROBBERY AND INCIDENTAL CRIMES.**

(a) IN GENERAL.—Chapter 103 of title 18, United States Code, is amended by inserting after section 2113 the following:

**''§ 2113A. ATM robbery and incidental crimes**

''(a) OFFENSES AGAINST ATM USERS AND SERVICERS.—Whoever, by force or violence, or by intimidation, takes, or attempts to take, or conspires to take, any property or money or any other thing of value from any person using or servicing, or attempting to use or service, an ATM, or from any person having used or serviced an ATM, where the offense is committed in connection with such use or service, or from any owner or operator of any network-connected ATM while such person is engaged in transporting or delivering property that is to be inserted into any such ATM, or from any person engaged in such transport or delivery under contract with, or employment by, any such owner or operator, or who extorts or attempts or conspires to obtain by extortion, any property or money or any other thing of value from any such person described in this subsection, shall be fined

under this title or imprisoned not more than 20 years, or both.

''(b) OFFENSES AGAINST PROPERTY.—

''(1) OFFENSES EXCEEDING $1,000.—Whoever breaks into, tampers with, damages, removes, steals, or attempts to break into, tamper with, damage, remove, or steal any ATM without authorization of the owner or operator of any such ATM, and removes or attempts to remove any property or money from any such ATM exceeding $1,000, shall be fined under this title or imprisoned not more than 10 years, or both.

''(2) OFFENSES NOT EXCEEDING $1,000.—Whoever breaks into, tampers with, damages, removes, steals, or attempts to break into, tamper with, damage, remove, or steal any ATM without authorization of the owner or operator of any such ATM, and does not remove or attempt to remove any property or money from any such ATM exceeding $1,000, shall be fined under this title or imprisoned not more than 1 year, or both.

''(c) RECEIPT, POSSESSION, CONCEALMENT, STORAGE, BARTER, SALE, OR DISPOSAL OF PROPERTY ACQUIRED UNLAWFULLY UNDER THIS SECTION.—Whoever receives, possesses, conceals, stores, barters, sells, or dis-

poses of, any property or money or other thing of value that has been taken in violation of subsection (a) or (b), or conspires to do so, knowing the same to be property that has been unlawfully taken, shall be subject to the punishment provided in subsection (a) or (b), as applicable, for the taker.

''(d) ASSAULT IN CONNECTION WITH OFFENSES.—Whoever, in committing, or in attempting to commit, any offense defined in subsection (a) or (b), forcibly assaults any person, or puts in jeopardy the life of any person by the use of a dangerous weapon or device, shall be fined under this title or imprisoned not more than 25 years, or both.

''(e) KILLING OR FORCIBLE ACCOMPANIMENT IN CONNECTION WITH OFFENSES.—Whoever, in committing any offense defined in this section, or in avoiding or attempting to avoid apprehension for the commission of such offense, or in freeing himself or attempting to free himself from arrest or confinement for such offense, kills any person, or forces any person to accompany the offender without the consent of such person, shall be imprisoned not less than 10 years, or, if death results, shall be punished by life imprisonment.

''(f) DEFINITIONS.—In this section:

''(1) ATM.—The term 'ATM'—

‘‘(A) means any network-connected automated teller machine terminal that is connected to 1 or more of the global, national, or regional electronic financial networks that allow a depositor of any bank, credit union, or savings and loan association, by use at such automated teller machine of a card or other access device, as defined in section 1029(e)(1), issued or authorized by such depository institution, to access the account of the depositor for the purpose of making withdrawals from or deposits to such account, or making inquiry as to the balance in such account; and

‘‘(B) includes any automated teller machine owned, operated, or sponsored by a bank, credit union, or any savings and loan association, regardless of whether—

‘‘(i) the automated teller machine is located on the physical premises of such an institution; or

‘‘(ii) the automated teller machine is owned or operated by such an institution.

‘‘(2) BANK; CREDIT UNION; SAVINGS AND LOAN ASSOCIATION.—The terms ‘bank’, ‘credit union’, and

'savings and loan association' have the meanings given those terms in section 2113.

''(3) EXTORTION.—The term 'extortion' has the meaning given the term in section 1951(b)(2).

''(g) INCLUDED OFFENSES.—The offenses defined in subsections (a) and (b) include any such offense committed against or involving an ATM, or any person using or servicing, or attempting to use or service, or against a person having used or serviced an ATM, where the offense is committed in connection with, or by reason of, such use or service, and any such offense against any owner or operator of an ATM while such person is engaged in transporting or delivering property that is to be loaded into an ATM, or against any person engaged in such transport or delivery under contract with, or employment by, any such owner or operator.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 103 of title 18, United States Code, is amended by inserting after the item relating to section 2113 the following:

''2113A. ATM robbery and incidental crimes.''.

**SEC. 3. OFFENSES RELATED TO BANK ROBBERY AND INCIDENTAL CRIMES.**

Section 2113(a) of title 18, United States Code, is amended—

~~(1) in the first paragraph, by striking "force and violence" and inserting "force or violence"; and~~

~~(2) by inserting "or conspires to take," before "from the person or presence of another,".~~

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Safe Access to Cash Act of 2026".*

***SEC. 2. OFFENSES RELATED TO ATM ROBBERY AND INCIDENTAL CRIMES.***

*(a) IN GENERAL.—Chapter 103 of title 18, United States Code, is amended by inserting after section 2113 the following:*

***"§2113A. ATM robbery and incidental crimes***

*"(a) OFFENSES AGAINST ATM USERS AND SERVICERS.—Whoever, by force or violence, or by intimidation, takes, or attempts to take, any property or money or any other thing of value from any person using or servicing, or attempting to use or service, an ATM, or who extorts or attempts to obtain by extortion, any property or money or any other thing of value from any such person, where the offense is committed in direct and immediate connection with such use or service, or from any owner or operator of any ATM, while knowing that such person is engaged in transporting or delivering property to be loaded into such ATM, or from any person, knowing such person to be*

*engaged in the transport or delivery of property to be loaded into such ATM, pursuant to a contract with, or employment by, such owner or operator, shall be fined under this title or imprisoned not more than 20 years, or both.*

*"(b) OFFENSES AGAINST PROPERTY.—*

*"(1) OFFENSES EXCEEDING $1,000.—Whoever breaks into, tampers with, damages, removes, or steals any ATM without authorization of the owner or operator of any such ATM, and removes, with intent to steal or purloin, any property or money from any such ATM exceeding $1,000, shall be fined under this title or imprisoned not more than 10 years, or both.*

*"(2) OFFENSES NOT EXCEEDING $1,000.—Whoever breaks into, tampers with, damages, removes, or steals any ATM without authorization of the owner or operator of any such ATM, and removes, with intent to steal or purloin, any property or money from any such ATM not exceeding $1,000, shall be fined under this title or imprisoned not more than 1 year, or both.*

*"(c) RECEIPT, POSSESSION, CONCEALMENT, STORAGE, BARTER, SALE, OR DISPOSAL OF PROPERTY ACQUIRED UNLAWFULLY UNDER THIS SECTION.—Whoever receives, possesses, conceals, stores, barters, sells, or disposes of, any property or money or other thing of value that has been taken in violation of subsection (b), knowing the same to*

*be property that has been unlawfully taken, shall be subject to the punishment provided in subsection (b), as applicable, for the taker.*

*"(d) ASSAULT IN CONNECTION WITH OFFENSES.—Whoever, in committing, or in attempting to commit, any offense defined in subsection (a) or (b), forcibly assaults any person, or puts in jeopardy the life of any person by the use of a dangerous weapon or device, shall be fined under this title or imprisoned not more than 25 years, or both.*

*"(e) KILLING OR FORCED ACCOMPANIMENT IN CONNECTION WITH OFFENSES.—Whoever, in committing any offense defined in this section, or in avoiding or attempting to avoid apprehension for the commission of such offense, or in freeing himself or attempting to free himself from arrest or confinement for such offense, kills any person, or forces any person to accompany the offender without the consent of such person, shall be imprisoned not more than 30 years, or, if death results, shall be imprisoned for any term of years or life.*

*"(f) DEFINITIONS.—In this section:*

*"(1) ATM.—The term 'ATM'—*

*"(A) means any network-connected automated teller machine terminal that is connected to 1 or more of the global, national, or regional electronic financial networks that allow a deposi-*

*tor of any bank, credit union, or savings and loan association, by use at such automated teller machine of a card or other access device, as defined in section 1029(e)(1), issued or authorized by such depository institution, to access the account of the depositor for the purpose of making withdrawals from or deposits to such account, or making inquiry as to the balance in such account; and*

*"(B) includes any automated teller machine owned, operated, or sponsored by a bank, credit union, or any savings and loan association, regardless of whether—*

*"(i) the automated teller machine is located on the physical premises of such an institution; or*

*"(ii) the automated teller machine is owned or operated by such an institution.*

*"(2) BANK; CREDIT UNION; SAVINGS AND LOAN ASSOCIATION.—The terms 'bank', 'credit union', and 'savings and loan association' have the meanings given those terms in section 2113.".*

*(b) CLERICAL AMENDMENT.—The table of sections for chapter 103 of title 18, United States Code, is amended by*

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