

105TH CONGRESS  
1ST SESSION

# H. R. 2507

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.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 1997

Mr. NADLER introduced the following bill; which was referred to the Committee on Banking and 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

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## 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**  
7 **DEPOSITORY 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 540B(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  
5 Federal Credit Union Act (12 U.S.C. 1785(e)) is  
6 amended—

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

9           (2) by inserting after paragraph (2), the follow-  
10 ing new paragraph:

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

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

9 **“§ 540B. 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, Unit-  
5 ed 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 540B(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 540A the  
6 following new item:

“540B. 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 540B(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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