

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.**

**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.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. CRUZ

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Access to Cash  
5 Act of 2026”.

6 **SEC. 2. OFFENSES RELATED TO ATM ROBBERY AND INCI-  
7 DENTAL CRIMES.**

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

1 **“§ 2113A. ATM robbery and incidental crimes**

2       “(a) OFFENSES AGAINST ATM USERS AND  
3 SERVICERS.—Whoever, by force or violence, or by intimi-  
4 dation, takes, or attempts to take, any property or money  
5 or any other thing of value from any person using or serv-  
6 icing, or attempting to use or service, an ATM, or who  
7 extorts or attempts to obtain by extortion, any property  
8 or money or any other thing of value from any such per-  
9 son, where the offense is committed in direct and imme-  
10 diate connection with such use or service, or from any  
11 owner or operator of any ATM, while knowing that such  
12 person is engaged in transporting or delivering property  
13 to be loaded into such ATM, or from any person, knowing  
14 such person to be engaged in the transport or delivery of  
15 property to be loaded into such ATM, pursuant to a con-  
16 tract with, or employment by, such owner or operator,  
17 shall be fined under this title or imprisoned not more than  
18 20 years, or both.

19       “(b) OFFENSES AGAINST PROPERTY.—

20               “(1) OFFENSES EXCEEDING \$1,000.—Whoever  
21 breaks into, tampers with, damages, removes, or  
22 steals any ATM without authorization of the owner  
23 or operator of any such ATM, and removes, with in-  
24 tent to steal or purloin, any property or money from  
25 any such ATM exceeding \$1,000, shall be fined

1 under this title or imprisoned not more than 10  
2 years, or both.

3 “(2) OFFENSES NOT EXCEEDING \$1,000.—Who-  
4 ever breaks into, tampers with, damages, removes,  
5 or steals any ATM without authorization of the  
6 owner or operator of any such ATM, and removes,  
7 with intent to steal or purloin, any property or  
8 money from any such ATM not exceeding \$1,000,  
9 shall be fined under this title or imprisoned not  
10 more than 1 year, or both.

11 “(c) RECEIPT, POSSESSION, CONCEALMENT, STOR-  
12 AGE, BARTER, SALE, OR DISPOSAL OF PROPERTY AC-  
13 QUIRED UNLAWFULLY UNDER THIS SECTION.—Whoever  
14 receives, possesses, conceals, stores, barter, sells, or dis-  
15 poses of, any property or money or other thing of value  
16 that has been taken in violation of subsection (b), knowing  
17 the same to be property that has been unlawfully taken,  
18 shall be subject to the punishment provided in subsection  
19 (b), as applicable, for the taker.

20 “(d) ASSAULT IN CONNECTION WITH OFFENSES.—  
21 Whoever, in committing, or in attempting to commit, any  
22 offense defined in subsection (a) or (b), forcibly assaults  
23 any person, or puts in jeopardy the life of any person by  
24 the use of a dangerous weapon or device, shall be fined

1 under this title or imprisoned not more than 25 years, or  
2 both.

3 “(e) KILLING OR FORCED ACCOMPANIMENT IN CON-  
4 NECTION WITH OFFENSES.—Whoever, in committing any  
5 offense defined in this section, or in avoiding or attempt-  
6 ing to avoid apprehension for the commission of such of-  
7 fense, or in freeing himself or attempting to free himself  
8 from arrest or confinement for such offense, kills any per-  
9 son, or forces any person to accompany the offender with-  
10 out the consent of such person, shall be imprisoned not  
11 more than 30 years, or, if death results, shall be impris-  
12 oned for any term of years or life.

13 “(f) DEFINITIONS.—In this section:

14 “(1) ATM.—The term ‘ATM’—

15 “(A) means any network-connected auto-  
16 mated teller machine terminal that is connected  
17 to 1 or more of the global, national, or regional  
18 electronic financial networks that allow a de-  
19 positor of any bank, credit union, or savings  
20 and loan association, by use at such automated  
21 teller machine of a card or other access device,  
22 as defined in section 1029(e)(1), issued or au-  
23 thorized by such depository institution, to ac-  
24 cess the account of the depositor for the pur-  
25 pose of making withdrawals from or deposits to

1           such account, or making inquiry as to the bal-  
2           ance in such account; and

3           “(B) includes any automated teller ma-  
4           chine owned, operated, or sponsored by a bank,  
5           credit union, or any savings and loan associa-  
6           tion, regardless of whether—

7                   “(i) the automated teller machine is  
8                   located on the physical premises of such an  
9                   institution; or

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

12           “(2) BANK; CREDIT UNION; SAVINGS AND LOAN  
13           ASSOCIATION.—The terms ‘bank’, ‘credit union’, and  
14           ‘savings and loan association’ have the meanings  
15           given those terms in section 2113.”.

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

          “2113A. ATM robbery and incidental crimes.”.