

S 394

Metal Theft Prevention Act of 2013

Congress: 113 (2013–2015, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Feb 27, 2013

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 88.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 88. (Jun 17, 2013)

Official Text: <https://www.congress.gov/bill/113th-congress/senate-bill/394>

Sponsor

Name: Sen. Klobuchar, Amy [D-MN]

Party: Democratic • **State:** MN • **Chamber:** Senate

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Graham, Lindsey [R-SC]	R · SC		Feb 27, 2013
Sen. Hoeven, John [R-ND]	R · ND		Feb 27, 2013
Sen. Schumer, Charles E. [D-NY]	D · NY		Feb 27, 2013
Sen. Coons, Christopher A. [D-DE]	D · DE		Jun 12, 2013
Sen. Brown, Sherrod [D-OH]	D · OH		Mar 10, 2014

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	Jun 17, 2013

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
113 HR 867	Identical bill	Apr 8, 2013: Referred to the Subcommittee on Crime, Terrorism, Homeland Security, And Investigations.

Metal Theft Prevention Act of 2013 - (Sec. 3) Prohibits knowingly stealing specified metal being used in or affecting interstate or foreign commerce, the theft of which is from, and which harms, critical infrastructure.

Defines "specified metal" to include metal that is: (1) marked with the name, logo, or initials of a city, county, state, or federal government entity, a railroad, an electric, gas, or water company, a telephone company, a cable company, a retail establishment, a beer supplier or distributor, or a public utility; (2) part of certain infrastructure items, such as a street light pole, guard rail, storm water grate, or grave marker; (3) a wire or cable commonly used by communications and electrical utilities; or (4) copper, aluminum, and other metal that is valuable for recycling or reuse as raw metal (except for aluminum cans and motor vehicles, the purchases of which are reported to the National Motor Vehicle Title Information System).

(Sec. 4) Prohibits a recycling agent from purchasing specified metal: (1) unless the seller provides documentation of ownership or other proof of the authority to sell such metal and there is a reasonable basis to believe that the documentation provided is valid; or (2) that the agent knows or should know, based upon commercial experience and practice, to be stolen.

(Sec. 5) Requires a recycling agent to maintain specified written or electronic records of each purchase of specified metal for two years. Allows any information in such records to be disclosed to any federal, state, or local law enforcement authority or as otherwise directed by a court of law.

Prohibits a recycling agent from paying cash for a single purchase of such metal of more than \$100. Considers more than 1 purchase in any 48-hour period from the same seller to be a single purchase. Requires a recycling agent, for a purchase exceeding \$100, to make payment by a check that is payable to the seller and that includes the seller's name and address.

Permits a recycling agent to make payments for a purchase of specified metal of more than \$100 from a governmental or commercial supplier of specified metal with which the agent has an established commercial relationship by electronic funds transfer or other established commercial transaction payment method through a commercial bank if the agent maintains a written record that identifies the seller, the amount paid, and the date of purchase.

Sets forth penalties for violations of this Act.

(Sec. 6) Authorizes the Attorney General to bring an enforcement action in U.S. district court, or authorizes an attorney general or equivalent regulator of a state to bring a civil action in the name of the state for monetary or equitable relief, for a violation of this Act.

(Sec. 8) Directs the U.S. Sentencing Commission to review and amend the Federal Sentencing Guidelines and policy statements applicable to a person convicted of the theft of such metal.

(Sec. 9) Provides that nothing in this Act shall be construed to preempt any state or local law regulating the sale or purchase of specified metal, the reporting of such transactions, or any other aspect of the metal recycling industry.

Actions Timeline

- **Jun 17, 2013:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **Jun 17, 2013:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 88.
- **Jun 13, 2013:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Feb 27, 2013:** Introduced in Senate
- **Feb 27, 2013:** Read twice and referred to the Committee on the Judiciary.