To prevent the theft of catalytic converters and other precious metal car parts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2022

Mr. BAIRD introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Transportation and Infrastructure, 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 prevent the theft of catalytic converters and other precious metal car parts, 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 “Preventing Auto Recycling Theft Act” or the “PART Act”.

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SEC. 2. REQUIREMENTS FOR NEW MOTOR VEHICLES RELATING TO CATALYTIC CONVERTERS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the National Highway Traffic Safety Administration shall—

(1) revise the motor vehicle theft prevention standard in section 541.5 of title 49, Code of Federal Regulations, to include catalytic converters among the parts specified in subsection (a) of such section; and

(2) update such regulations as are necessary to ensure that the requirements added by paragraph (1) apply to any vehicle covered by part 565 of such title.

(b) APPLICABILITY.—Notwithstanding any provision of chapter 331 of title 49, United States Code, in the case of a vehicle described in paragraph (2) of subsection (a) that has not been sold to the first purchaser (as defined in section 33101 of such title), the requirements added by paragraph (1) of such subsection shall apply to the vehicle beginning on the date that is 6 months after the Secretary makes the revision and updates required by such subsection, regardless of the model year of the vehicle or the date on which the vehicle is manufactured.
SEC. 3. GRANT PROGRAM FOR VIN STAMPING.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall establish a program to provide grants to eligible entities to carry out covered activities, excluding wages, related to catalytic converters.

(b) APPLICATION.—To be eligible for a grant under this section, an eligible entity shall submit an application at such time, in such manner, and containing such information as the Secretary may require.

(c) ELIGIBLE ENTITIES.—In this section, eligible entities shall be—

(1) law enforcement agencies;
(2) automobile dealers;
(3) automobile repair shops and service centers;
and
(4) nonprofit organizations.

(d) COVERED ACTIVITIES.—Covered activities under this section include a die or pin stamping of the full vehicle identification number onto the outside of the catalytic converter in a conspicuous manner on motor vehicles. Such stamping shall be—

(1) in a typed font and not handwritten; and
(2) covered by applying a coat of high-visibility, high-heat theft deterrence paint.
(c) REQUIREMENT.—Any covered activity carried out under this section shall be carried out at no cost to the owner of the vehicle being stamped on any vehicle otherwise receiving service from the eligible entity.

(f) PRIORITIZATION.—In making grants under this section, the Secretary shall prioritize—

(1) eligible entities operating in the areas with the highest need for covered activities, including the areas with the highest rates of catalytic converter theft; and

(2) eligible entities that are in possession of motor vehicles that are subject to the prohibition under section 1(b).

(g) PROCEDURES FOR MARKING.—In carrying out the program established under subsection (a), the Secretary shall issue such regulations as are necessary to establish procedures to mark catalytic converters of vehicles most likely to be targeted for theft with unique identification numbers using a combination of die or pin stamping and high-visibility, high-heat theft deterrence paint without damaging the function of such converter.

(h) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 10 years, the Secretary shall submit to Congress a report on the program established under subsection (a) that
includes a description of the progress, results, and any findings of the program, including the total number of catalytic converters marked under the program and, to the extent known, whether any catalytic converters marked under the program were stolen and the outcome of any criminal investigation into the threats.

(i) Funding.—

(1) Unobligated funding available.—Of the unobligated balances appropriated by the American Rescue Plan Act of 2021, $7,000,000 shall be made available to carry out this section.

(2) Authorization of appropriations.—In the event that the total of $7,000,000 of the funds described under paragraph (1) may not be made available to carry out this section, there are authorized to be appropriated to carry out this section an amount equal to the remaining funding necessary to total $7,000,000.

SEC. 4. REQUIREMENTS FOR PURCHASE OF CATALYTIC CONVERTERS AND RETENTION OF SELLER INFORMATION.

(a) Inclusion of Catalytic Converters.—Section 33101(6) of the title 49, United States Code, is amended—

(1) in subparagraph (K), by striking “and”;
(2) in subparagraph (L), by striking “(K)” and inserting “(L)”;
(3) by redesignating subparagraph (L) as subparagraph (M); and
(4) by inserting after subparagraph (K), the following:
“(L) the catalytic converter; and”.

(b) RETENTION OF RECORDS.—Section 33111 of the title 49, United States Code, is amended—
(1) in subsection (a), in the subsection heading, by striking “GENERAL REQUIREMENTS” and inserting “PROHIBITIONS RELATED TO SELLING MOTOR VEHICLE PARTS”; 
(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and
(3) by inserting after subsection (a) the following:
“(b) RETENTION OF RECORDS.—
“(1) REQUIREMENT.—A person engaged in the business of salvaging, dismantling, recycling, or repairing motor vehicles or motor vehicle parts that contain precious metals shall retain the records of any seller of motor vehicle parts that sells such a part to such person, including—
“(A) the seller’s name, address, thumbprint, telephone number, and a photocopy of a government-issued identification of the seller; and

“(B) the make, model, vehicle identification number, date of purchase, and a description of the motor vehicle or, with respect to a motor vehicle part, a description of the motor vehicle from which the part was purchased.

“(2) DURATION OF RETENTION.—Such person shall retain such information for a period of not less than two years.

“(3) DEFINITION.—For purposes of paragraph (1), the term ‘precious metals’ has the meaning given such term in section 109–27.5101 of title 41, Code of Federal Regulations.”.

(c) PROHIBITION ON SALE OF PARTIAL CATALYTIC CONVERTERS.—It shall be unlawful to sell or purchase any partial or de-canned catalytic converter parts or any catalytic converter which has had identifying markings removed or otherwise tampered with.

(d) REGULATIONS.—The Attorney General shall prescribe regulations to carry out this section and the amendments made by this section, including the enforcement and
penalties that apply to a violation of this section and the
amendments made by this section.

SEC. 5. CRIMINAL PENALTIES.

(a) THEFT OF CATALYTIC CONVERTERS.—Chapter 31 of title 18, United States Code, is amended—

(1) by adding at the end the following:

“§ 671. Theft of catalytic converters

“Whoever steals or knowingly and unlawfully takes, carries away, or conceals a catalytic converter from another person’s motor vehicle, or knowingly purchases such a catalytic converter, with the intent to distribute, sell, or dispose of such catalytic converter or any precious metal removed therefrom in interstate or foreign commerce shall be fined under this title or imprisoned not more than 5 years, or both. For purposes of this section, the term ‘precious metals’ has the meaning given such term in section 109–27.5101 of title 41, Code of Federal Regulations.”;

and

(2) in the table of sections by adding at the end the following:

“671. Theft of catalytic converters”.

(b) DEFINITIONS.—Section 2311 of title 18, United States Code, is amended by inserting after “for running on land but not on rails;” the following:
‘Precious metals’ has the meaning given such term in section 109–27.5101 of title 41, Code of Federal Regulations;”.

(c) TRAFFICKING IN CAR PARTS CONTAINING PRECIOUS METALS.—Section 2321 of title 18, United States Code, is amended by adding at the end the following:

“(d) TRAFFICKING IN MOTOR VEHICLE PARTS CONTAINING PRECIOUS METALS.—Whoever buys, receives, possesses, or obtains control of, with intent to sell or otherwise dispose of, a catalytic converter (including a decanned catalytic converter), knowing the same to have been stolen, shall be fined under this title or imprisoned not more than 5 years, or both.”.

(d) CHOP SHOPS.—Section 2322(b) of title 18, United States Code, is amended to read as follows:

“(b) DEFINITION.—For purposes of this section, the term ‘chop shop’ means any building, lot, facility, or other structure or premise where one or more persons engage in receiving, concealing, destroying, disassembling, dismantling, reassembling, or storing any motor vehicle or motor vehicle part which has been unlawfully obtained in order to alter, counterfeit, deface, destroy, disguise, falsify, forge, obliterate, extract any precious metal therefrom, or remove the identity, including the vehicle identification number or derivative thereof, or other identifica-
tion marking, of such vehicle or vehicle part and to dis-
tribute, sell, or dispose of such vehicle, or vehicle part,
or precious metal extracted from such vehicle part, in
interstate or foreign commerce.”.