IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25 (legislative day, SEPTEMBER 23), 1992

Mr. LAUTENBERG (for himself and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To reduce motor vehicle theft.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Anti-Auto Theft Act”.

TITLE I—MOTOR VEHICLE
THEFT RESISTANCE

SEC. 101. SHORT TITLE.

This title may be cited as the “Motor Vehicle Theft
Resistance Act”.

SEC. 102. PURPOSE.

The purpose of this title is to reduce motor vehicle
theft by ensuring that motor vehicles do not contain com-
ponents, such as unreinforced steering columns, that could create an unreasonable risk of such vehicles’ theft.

SEC. 103. THEFT OF VULNERABLE VEHICLE COMPONENTS.

(a) REQUIREMENTS.—No person shall knowingly manufacture for sale, sell, lease, offer for sale or lease, deliver for introduction in interstate commerce, or import into the United States for sale any new motor vehicle which incorporates—

(1) any steering column that is not shielded in a manner that adequately prevents theft, in accordance with regulations promulgated under this title, or

(2) any other component or design feature specifically identified in regulations promulgated under this title that, if included as a part of a motor vehicle, would physically facilitate the vehicle’s theft and create an unreasonable risk of such theft.

(b) WAIVER.—The Secretary of Transportation may waive any of the requirements contained in subsection (a) for any line or lines of motor vehicles which are equipped as standard equipment with an antitheft device which the Secretary determines is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the requirements of subsection (a). The granting of waivers under this subsection shall be made in accordance with
section 605 of the Motor Vehicle Information and Cost
Savings Act, provided that there shall be no limit on the
number of lines for which a manufacturer may receive a
waiver.

(c) PROHIBITION ON CERTAIN IMPORTS.—

(1) IN GENERAL.—Except as provided under
paragraph (2), any motor vehicle not in compliance
with subsection (a) shall be refused entry into the
United States.

(2) EXEMPTION.—The Secretary of the Treas-
ury, by regulation, may provide an exemption from
paragraph (1), and the provisions of subsection (a)
relating to importers, if the Secretary determines
that such exemption is in the public interest.

SEC. 104. ENFORCEMENT PROVISIONS.

(a) CIVIL PENALTIES.—Whoever violates section 103
may be assessed a civil penalty of—

(1) not more than $1,000 for the first such vio-
lation;

(2) not less than $3,000 or more than $5,000
for the second such violation; or

(3) not less than $7,000 or more than $25,000
for each subsequent violation.

(b) ACTION OF PENALTY.—Any civil penalty under
subsection (a) shall be assessed by the Secretary of Trans-
portation and collected in a civil action brought by the Attorney General of the United States. Any such civil penalty may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered.

(c) DEDUCTION.—The amount of a civil penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owed by the United States to the person charged.

(d) VIOLATION.—For purposes of this section a separate violation shall be found for each individual vehicle that is unlawfully sold, leased, offered for sale or lease, delivered, or imported in violation of section 103.

SEC. 105. SCOPE OF REGULATIONS.

(a) EFFECTIVE DATES.—Not later than December 31, 1993, the National Highway Traffic Safety Administration shall promulgate regulations to implement this title. The regulations shall establish an effective date or effective dates for the requirements in section 103 in a manner that provides motor vehicle manufacturers, dealers, and importers, and other affected persons with sufficient time to comply with the requirements.
(b) **Export Exception.**—Such regulations shall not apply to any vehicle which is intended solely for export (and is so labeled or tagged on the vehicle or equipment itself and on the outside of the container, if any) and which is exported.

**TITLE II—TOUGHER LAW ENFORCEMENT AGAINST AUTOMOBILE THEFT**

**SEC. 201. FEDERAL PENALTIES FOR CARJACKING.**

(a) **In General.**—Chapter 103 of title 18, United States Code, is amended by adding at the end the following:

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§ 2119. Carjacking

(a) Whoever, by force and violence, or by intimidation, takes or attempts to take a motor vehicle, that has been transported, shipped, or received in interstate or foreign commerce, from the person or presence of another, shall be fined under this title, or imprisoned not more than 15 years, or both.

(b) Whoever, in committing, or in attempting to commit an offense defined in this section, 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 20 years, or both.”.
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(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of chapter 103 of title 18, United States Code, is amended by adding at the end the following new item:

"2119. Carjacking."

SEC. 202. IMPORTATION AND EXPORTATION.

Section 553(a) of title 18, United States Code, is amended by striking "fined not more than $15,000 or imprisoned not more than five years" and inserting "fined under this title, or imprisoned not more than 10 years".

SEC. 203. TRAFFICKING IN STOLEN VEHICLES.

Each of sections 2312 and 2313(a) of title 18, United States Code, is amended by striking "fined not more than $5,000 or imprisoned not more than five years" and inserting "fined under this title, or imprisoned not more than 10 years".

TITLE III—EXPORT OF STOLEN MOTOR VEHICLES

SEC. 301. RANDOM CUSTOMS INSPECTIONS FOR STOLEN MOTOR VEHICLES BEING EXPORTED.

Part VI of title IV of the Tariff Act of 1930 is amended by inserting after section 646 the following new sections:
"SEC. 646A. RANDOM CUSTOMS INSPECTIONS FOR STOLEN MOTOR VEHICLES BEING EXPORTED."

"The Commissioner of Customs shall direct customs officers to conduct at random inspections of motor vehicles, and of shipping containers that may contain motor vehicles that are being exported, for purposes of determining whether such motor vehicles were stolen.

"SEC. 646B. EXPORT REPORTING REQUIREMENT."

"The Commissioner of Customs shall require all persons or entities exporting used motor vehicles, including motor vehicles exported for personal use, by air or ship to provide to the Customs Service, at least 72 hours before the export, the vehicle identification number of each such motor vehicle and proof of ownership of such motor vehicle. The Commissioner shall check all vehicle identification numbers obtained under this section against the information in the National Crime Information Center to determine whether any motor vehicle intended for export has been reported stolen. At the request of the Director of the Federal Bureau of Investigation, the Commissioner shall make available to the Director all vehicle identification numbers obtained under this section."
TITLE IV—AUTO THEFT TASK FORCES GRANTS

SEC. 401. GRANT AUTHORIZATION.

The Director of the Bureau of Justice Assistance shall make grants to Auto Theft Task Forces submitting applications in compliance with the requirements of this title.

SEC. 402. APPLICATION.

(a) SUBMISSION.—To be eligible to receive a grant under this title, a chief executive of an Auto Theft Task Force shall submit an application to the Director in such form and accompanied by such materials as the Director may require.

(b) CONTENT.—Such application shall include the following:

(1) A statement that the applicant Auto Theft Task Force is either a State agency or an agency of a unit of local government, or a group of such agencies.

(2) An assurance that Federal funds received under a grant under this title shall be used to supplement and not supplant non-Federal funds that would otherwise be available for activities funded under such grant.
(3) A statement that the resources of the applicant Auto Theft Task Force will be devoted entirely to combating motor vehicle theft, including any or all of the following:

(A) Financing law enforcement officers or investigators whose duties are entirely or primarily related to investigating cases of motor vehicle theft or of trafficking in stolen motor vehicles or motor vehicle parts.

(B) Financing prosecutors whose duties are entirely or primarily related to prosecuting cases of motor vehicle theft or of trafficking in stolen motor vehicles or motor vehicle parts.

(C) Motor vehicle theft prevention programs, including vehicle identification number etching programs, programs implemented by law enforcement agencies and designed to enable the electronic tracking of stolen automobiles, and programs designed to prevent the export of stolen vehicles.

(D) Training programs regarding vehicle theft for law enforcement officials.

(E) Public education programs, to increase public awareness about vehicle theft and measures to prevent such theft.
(F) Purchase of equipment, such as mobile data terminals for installation in patrol cars, to enhance the effectiveness of law enforcement efforts to address vehicle theft.

(4) A description of the budget for the applicant Auto Theft Task Force for the fiscal year for which a grant is sought.

SEC. 403. AWARD OF GRANTS.

(a) IN GENERAL.—The Director shall select grantees on a competitive basis, based on the following selection criteria:

(1) the quality of the applicant's plan for addressing motor vehicle theft; and

(2) the severity of the motor vehicle theft problem in the geographical areas to be covered in the plan.

(b) RENEWAL OF GRANTS.—Subject to the availability of funds, a grant under this title may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives an initial grant under this subtitle if the Director determines that the funds made available to the recipient during the previous year were used in the manner required under the approved application.
SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $25,000,000 for each fiscal year to carry out this title.

TITLE V—REDUCING JUVENILE AUTO THEFT THROUGH MENTORING PROGRAMS

SEC. 501. JUVENILE MENTORING.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by adding at the end the following new title:

"TITLE V—JUVENILE MENTORING PROGRAM (JUMP) ACT OF 1992"

"SEC. 501. SHORT TITLE.

"This title may be cited as the 'Juvenile Mentoring Program Act of 1992' or the 'JUMP Act'.

"SEC. 502. AUTHORITY TO MAKE GRANTS.

"(a) IN GENERAL.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall make grants to local educational agencies and nonprofit organizations to implement mentoring programs under this title.

"(b) ELIGIBLE MENTORING PROGRAM.—A mentoring program funded under this title shall be a program, or a new component or enhancement of an existing program, providing assistance to eligible children—
“(1) designed to link children in high crime areas with adult law enforcement officers and other responsible adults; and

“(2) intended to achieve one or more of the following goals:

“(A) Provide general guidance to eligible children.

“(B) Promote personal and social responsibility among such children.

“(C) Discourage their use of illegal drugs, violence and dangerous weapons, and other criminal activity.

“(D) Enhance eligible children's ability to function effectively in, and benefit from, elementary and secondary education.

“(E) Discourage involvement in gangs.

“(F) Encourage eligible children's participation in community service.

“(c) REGULATIONS.—

“(1) IN GENERAL.—The Administrator, after consultation with the Secretary of Health and Human Services and the Secretary of Education, shall promulgate regulations to implement this title.

“(2) SCREENING MENTORS.—The Administrator shall develop and distribute to program par-
participants specific model guidelines for the screening
of prospective program mentors.

"SEC. 503. APPLICATIONS.

“(a) IN GENERAL.—To be eligible to receive a grant
under this title, a local educational agency or nonprofit
organization shall submit an application containing the in-
formation specified in subsection (b) to the Administrator
at such time, in such form, and accompanied by such addi-
tional information as the Administrator may reasonably
require.

“(b) CONTENTS OF APPLICATION.—

“(1) CONTENT OF PLAN.—All applications for
grants shall include a specific plan for implementing
a mentoring program, including—

“(A) the method by which mentors and
mentees will be recruited;

“(B) the method by which prospective
mentors will be screened;

“(C) the training that will be provided to
mentors; and

“(D) the resources, if any, that will be
dedicated to providing participating youth with
opportunities for job training or postsecondary
education.
“(2) COMMUNITY INVOLVEMENT.—All applications shall describe the extent to which parents, teachers, community-based organizations, and the local community have participated in the design and implementation of the mentoring plan.

“(c) SELECTION CRITERIA.—The Administrator shall select grant recipients based on the following:

“(1) QUALITY OF PLAN.—The quality of the mentoring plan, including—

“(A) the resources, if any, that will be dedicated to providing participating youth with opportunities for job training or postsecondary education; and

“(B) the degree to which parents, teachers, community-based organizations, and the local community participate in the design and implementation of the mentoring plan.

“(2) EFFECTIVE IMPLEMENTATION.—The capability of the applicant to effectively implement the mentoring plan.

SEC. 504. USE OF FUNDS.

“(a) ELIGIBLE USES.—Grants awarded pursuant to this title shall be used to implement mentoring programs, including—
“(1) hiring of mentoring coordinators and support staff;

“(2) recruitment, screening, and training of adult mentors;

“(3) reimbursement of mentors for reasonable incidental expenditures directly associated with mentoring; and

“(4) such other purposes as the Administrator may reasonably prescribe by regulation.

“(b) PROHIBITED USES.—Grants awarded pursuant to this title shall not be used—

“(1) to directly compensate mentors, except as provided pursuant to subsection (a)(3);

“(2) to obtain educational or other materials or equipment which would otherwise be used in the ordinary course of the grantee’s operations; or

“(3) for any other purpose reasonably prohibited by the Administrator pursuant to regulation.

“SEC. 505. REPORTS.

“(a) IN GENERAL.—The Administrator shall require grantees to provide periodic reports that include information on the obligation and expenditure of grant funds, and the progress made by the grantee in implementing the mentoring plan described in section 503.
“(b) REPORTS.—Not later than 4 years after the date of enactment of this title, and periodically thereafter, the Administrator shall submit a report to Congress evaluating the program established under this title.

“SEC. 506. MONITORING.

“The Administrator shall audit and monitor the programs funded under this title to assure that assistance provided under this title is administered in accordance with its provisions.

“SEC. 507. DEFINITIONS.

“For purposes of this title—

“(1) the term ‘Administrator’ means the Administrator of the Office of Juvenile Justice and Delinquency Prevention;

“(2) the term ‘eligible children’ means individuals who live in high crime areas, as shall be reasonably defined by the Administrator pursuant to regulations, and who are less than 18 years of age and older than a minimum age established by the Administrator by regulation;

“(3) the term ‘law enforcement officer’ means any employee of a Federal, State, or local law enforcement agency who is engaged in law enforcement or crime prevention;
“(4) the term ‘local educational agency’ means any local agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381); and

“(5) the term ‘nonprofit organization’ means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

"SEC. 508. AUTHORIZATION OF APPROPRIATIONS."

“There are authorized to be appropriated $50,000,000 for each fiscal year to carry out the purposes of this title.”.

TITLE VI—MOTOR VEHICLE THEFT PREVENTION

SEC. 601. SHORT TITLE.

This title may be cited as the “Motor Vehicle Theft Prevention Act”.

SEC. 602. MOTOR VEHICLE THEFT PREVENTION PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Attorney General shall develop, in cooperation with the States, a national voluntary motor vehicle theft prevention program (in this section referred to as the “program”) under which—
(1) the owner of a motor vehicle may voluntarily sign a consent form with a participating State or locality in which the motor vehicle owner—

(A) states that the vehicle is not normally operated under certain specified conditions; and

(B) agrees to—

(i) display program decals or devices on the owner's vehicle; and

(ii) permit law enforcement officials in any State to stop the motor vehicle and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner, if the vehicle is being operated under the specified conditions; and

(2) participating States and localities authorize law enforcement officials in the State or locality to stop motor vehicles displaying program decals or devices under specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner.

(b) UNIFORM DECAL OR DEVICE DESIGNS.—

(1) IN GENERAL.—The motor vehicle theft prevention program developed pursuant to this section shall include a uniform design or designs for decals
or other devices to be displayed by motor vehicles participating in the program.

(2) TYPE OF DESIGN.—The uniform design shall—

(A) be highly visible; and

(B) explicitly state that the motor vehicle to which it is affixed may be stopped under the specified conditions without additional grounds for establishing a reasonable suspicion that the vehicle is being operated unlawfully.

(c) VOLUNTARY CONSENT FORM.—The voluntary consent form used to enroll in the program shall—

(1) clearly state that participation in the program is voluntary;

(2) clearly explain that participation in the program means that, if the participating vehicle is being operated under the specified conditions, law enforcement officials may stop the vehicle and take reasonable steps to determine whether it is being operated by or with the consent of the owner, even if the law enforcement officials have no other basis for believing that the vehicle is being operated unlawfully;

(3) include an express statement that the vehicle is not normally operated under the specified conditions and that the operation of the vehicle under
those conditions would provide sufficient grounds for
a prudent law enforcement officer to reasonably be-
lieve that the vehicle was not being operated by or
with the consent of the owner; and

(4) include any additional information that the
Attorney General may reasonably require.

(d) SPECIFIED CONDITIONS UNDER WHICH STOPS
MAY BE AUTHORIZED.—

(1) IN GENERAL.—The Attorney General shall
promulgate rules establishing the conditions under
which participating motor vehicles may be author-
ized to be stopped under this section. These condi-
tions may not be based on race, creed, color, na-
tional origin, gender, or age. These conditions may
include—

(A) the operation of the vehicle during cer-
tain hours of the day; or

(B) the operation of the vehicle under
other circumstances that would provide a suffi-
cient basis for establishing a reasonable sus-
picion that the vehicle was not being operated
by the owner, or with the consent of the owner.

(2) MORE THAN ONE SET OF CONDITIONS.—
The Attorney General may establish more than one
set of conditions under which participating motor ve-
vehicles may be stopped. If more than one set of conditions is established, a separate consent form and a separate design for program decals or devices shall be established for each set of conditions. The Attorney General may choose to satisfy the requirement of a separate design for program decals or devices under this paragraph by the use of a design color that is clearly distinguishable from other design colors.

(3) **NO NEW CONDITIONS WITHOUT CONSENT.**—After the program has begun, the conditions under which a vehicle may be stopped if affixed with a certain decal or device design may not be expanded without the consent of the owner.

(4) **LIMITED PARTICIPATION BY STATES AND LOCALITIES.**—A State or locality need not authorize the stopping of motor vehicles under all sets of conditions specified under the program in order to participate in the program.

(e) **MOTOR VEHICLES FOR HIRE.**—

(1) **NOTIFICATION TO LESSEES.**—Any person who is in the business of renting or leasing motor vehicles and who rents or leases a motor vehicle on which a program decal or device is affixed shall, prior to transferring possession of the vehicle, notify
the person to whom the motor vehicle is rented or
leased about the program.

(2) **TYPE OF NOTICE.**—The notice required by
this subsection shall—

(A) be in writing;

(B) be in a prominent format to be deter-
mined by the Attorney General; and

(C) explain the possibility that if the motor
vehicle is operated under the specified condi-
tions, the vehicle may be stopped by law en-
forcement officials even if the officials have no
other basis for believing that the vehicle is
being operated unlawfully.

(3) **FINE FOR FAILURE TO PROVIDE NOTICE.**—
Failure to provide proper notice under this sub-
section shall be punishable by a fine not to exceed
$5,000.

(f) **NOTIFICATION OF POLICE.**—As a condition of
participating in the program, a State or locality must
agree to take reasonable steps to ensure that law enforce-
ment officials throughout the State or locality are familiar
with the program, and with the conditions under which
motor vehicles may be stopped under the program.

(g) **REGULATIONS.**—The Attorney General shall pro-
mulgate regulations to implement this section.
(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized such sums as are necessary to carry out this section.

SEC. 603. ALTERING OR REMOVING MOTOR VEHICLE IDENTIFICATION NUMBERS.

(a) BASIC OFFENSE.—Subsection (a) of section 511 of title 18, United States Code, is amended to read as follows:

"(a) Whoever knowingly removes, obliterates, tampers with, or alters an identification number for a motor vehicle, or motor vehicle part, or a decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act, shall be fined under this title or imprisoned not more than five years, or both."

(b) EXCEPTED PERSONS.—Paragraph (2) of section 511(b) of title 18, United States Code, is amended by—

(1) striking “and” after the semicolon in subparagraph (B);

(2) striking the period at the end of subparagraph (C) and inserting “; and”;

(3) adding at the end thereof the following:

“(D) a person who removes, obliterates, tampers with, or alters a decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act, if that person is the
owner of the motor vehicle, or is authorized to
remove, obliterate, tamper with, or alter the
decal or device by—

“(i) the owner or his authorized
agent;

“(ii) applicable State or local law; or

“(iii) regulations promulgated by the
Attorney General to implement the Motor
Vehicle Theft Prevention Act.”.

(c) DEFINITION.—Section 511 of title 18, United
States Code, is amended by adding at the end thereof the
following:

“(d) For purposes of subsection (a) of this section,
the term ‘tampers with’ includes covering a program decal
or device affixed to a motor vehicle pursuant to the Motor
Vehicle Theft Prevention Act for the purpose of obstruct-
ing its visibility.”.

(d) UNAUTHORIZED APPLICATION OF A DECAL OR
DEVICE.—

(1) IN GENERAL.—Chapter 25 of title 18, Unit-
ed States Code, is amended by adding after section
511 the following new section:
§511A. Unauthorized application of theft prevention decal or device

(a) Whoever affixes to a motor vehicle a theft prevention decal or other device, or a replica thereof, unless authorized to do so pursuant to the Motor Vehicle Theft Prevention Act, shall be punished by a fine not to exceed $1,000.

(b) For purposes of this section, the term 'theft prevention decal or device' means a decal or other device designed in accordance with a uniform design for such devices developed pursuant to the Motor Vehicle Theft Prevention Act.

(2) Clerical amendment.—The table of sections at the beginning of chapter 25 of title 18, United States Code, is amended by adding immediately after the item for section 511 the following:

"511A. Unauthorized application of theft prevention decal or device."