annuities, cash benefits, refunds, and allowances. An equal amount shall be contributed by the Department from the appropriations or fund used for payment of the salary of the participant. The Department shall deposit in the Foreign Service Retirement and Disability Fund the amount equal to that withheld from the salary of the participant. A.I.D. to contribute an equal amount from appropriations into the retirement fund. A.I.D. to contribute a special contribution to be made by A.I.D. and the Inspector General (IG) Foreign Service criminal investigators for retirement purposes, to increase the mandatory retirement age for Foreign Service criminal investigators from 55 to 57 years of age and to include Administratively Uncontrollable Overtime (A.U.) as basic pay in computing the annuity of a noncommissioned Foreign Service criminal investigator.

(b) Section 806(d) of the Foreign Service Act of 1980 (22 U.S.C. § 4065) is amended by adding at the end thereof the following new paragraph:

“(5) Notwithstanding paragraph (1), a special contribution for past service as a Foreign Service criminal investigator/inspector into the retirement fund of the Office of the Inspector General (A.I.D) from the salaries of Inspector General Foreign Service criminal investigators for retirement purposes, to increase the mandatory retirement age for Foreign Service criminal investigators from 55 to 57 years of age and to include Administratively Uncontrollable Overtime (A.U.) as basic pay in computing the annuity of a noncommissioned Foreign Service criminal investigator.

On November 5, 1990, the Federal Employees Pay Comparability Act (P.L. 101-509) was enacted and Section 409 of that Act increased the mandatory retirement age for Civil Service criminal investigators to age 57. However, Foreign Service criminal investigators were not included in that provision. This bill will correct that discrepancy and equalize the retirement system for A.I.D. criminal investigators with such authority.

In addition to making the computation of retirement benefits for A.I.D./Inspector General Foreign Service criminal investigators equivalent to that of Civil Service criminal investigators, P.L. 101-513 made the mandatory retirement age for A.I.D. criminal investigators/inspectors age 55, the same as that of Civil Service law enforcement personnel.

(c) Section 812(a) of the Foreign Service Act of 1980 is amended by striking out the number “56” from paragraph (2) and inserting the number “57” in lieu thereof.

The National Highway Traffic Safety Administration has reported estimates that between 10 and 16 percent of all thefts occur in order to sell the parts of stolen cars and selling their parts on the black market. Perhaps the most disturbing is the emerging problem of violent carjackings. Increasingly, thieves are using violence and intimidation to force drivers to give up their cars. Many innocent people are losing their lives in the process. For others, an evening drive with an open widow is an experience now best avoided.

Randall carjacking may be the most horrifying form of auto theft, Mr. President. Perhaps the most disturbing is the emerging problem of violent carjackings. Increasingly, thieves are using violence and intimidation to force drivers to give up their cars. Many innocent people are losing their lives in the process. For others, an evening drive with an open widow is an experience now best avoided.
ack market, and thieves can often sell parts more quickly than legitimate manufacturers. According to a report in the U.S. News & World Report, "undercover cops in California's San Fernando Valley offered stolen parts to the 20 body shops; 12 agreed to buy them. An honest body shop owner may unaware he's dealing in stolen parts, cause many are sold through regular channels that resemble a 'Turk-bazaar.' Beyond operating an extensive black market in stolen parts, professional car dealers also are in the exporting business. Again, the motivation is largely economic. Vehicles are in great demand overseas, where they may be worth three times more than in the United States.

Mr. President, another aspect of the auto theft problem is the rash of theft of juveniles. Children, some not even snared, are stealing cars at an alarming rate. Some young people feel they are barely tall enough to see over the steering wheel. Unfortunately, they are going to continue to become part of a car in oneday.

The young auto thieves pose a substantial threat to public safety. In war, for example, juvenile thieves steal drive wildly around the streets late at night, wreaking havoc on other drivers and pedestrians. The suits are often tragic, involving destruction of homes and property, serious injuries, and death.

Clearly, Mr. President, auto theft is a multidimensional problem that demands a multidimensional solution. Anti-Auto Theft Act proposes several new approaches.

MAKING CARS MORE THEFT RESISTANT

First, the bill would make it physically more difficult for thieves to steal a motor vehicle. The legislation would establish a federal proponent for sale, sell, lease, or import for any new car with a steering column that is not shielded in a manner that adequately prevents theft. In addition, the bill provides the National Highway Traffic Safety Administration with authority to prohibit manufacturers from incorporating other vehicle systems, if the components would facilitate theft, and create unreasonable risk of theft. NHTSA may waive these prohibitions if a vehicle includes an equally effective theft device.

Mr. President, whenever I have spoken to law enforcement officers who understand much of their lives on the beats, fighting auto theft, I have heard the same message: We'll never eliminate auto theft unless auto manufacturers are about producing theft-resistant cars. More specifically, if theft, it is absolutely essential to protect vehicle steering columns from tampering. So long as a young thief can break into a steering column and hotwire a car in a matter of seconds, not even an army of police officers will be able to stop auto theft.

Earlier this year, at my request, the National Highway Traffic Safety Administration prepared a report on auto theft resistance. The findings confirm what these law enforcement officers have been telling me. According to NHTSA, providing new vehicles with hardened steering columns "will significantly increase the time required for the theft, and discourage the fix for the ignition, steering wheel, and automatic transmission gear selector." NHTSA concluded that reinforcing steering columns should discourage theft. The report encouraged manufacturers to use hardened collars.

I've also heard from the insurance industry, which knows from experience how unprotected steering columns encourage auto thefts. Experts at State Farm Insurance Co., for example, are convinced that better protecting these columns would dramatically reduce vehicle theft.

State Farm is conducting a study involving cars with unusually high rates of theft, 527 of which were equipped with reinforced steering columns. Based on average theft rates for these cars, 45 would have been expected to be stolen. Instead, only two were lost to theft. In fact, subsequent investigation revealed that one of the two thefts turned out to be a case of insurance fraud, and in the other instance the owner had left the keys in the car. In other words, the reinforced collars had yet to be defeated.

Keep in mind that these results were achieved with high theft vehicles, and in a high theft area, where thieves might be expected to have especially well-developed techniques for stealing cars.

Unfortunately, despite the obvious importance of protecting steering columns from thieves, too many newly-manufactured cars remain vulnerable, much to the delight of the thousands of other drivers and pedestrians. Officials tell me that they have tried to work constructively with the auto industry to redress the problem. But while auto industry executives sometimes promise reforms, they rarely deliver. Mr. President, let me emphasize that I am not accusing the auto industry of acting in bad faith. Industry executives are accountable to their shareholders, and properly are concerned about eliminating all unnecessary costs. It may not be in any one manufacturer's economic interest unilaterally to incur the additional costs associated with theft-resistant components. This bill will eliminate any risk of competitive disadvantage, and ensure an even playing field.

Mr. President, I am not claiming that reinforcing steering columns is the ultimate solution to auto theft. Clearly, there is no way to eliminate all thefts, and no single antitheft device will be 100 percent effective. However, to reduce theft, we need not make cars entirely theft-proof. We just need to make them more theft resistant.

The problem is that too many of today's steering columns are made-to-order for those who wish to transport cars in as little as 15 seconds. Reinforcing those columns will make theft much more difficult and time consuming, and that will mean a significant reduction in thefts. In addition, reinforced columns can completely frustrate thieves who are stealing cars less for profit than for bragging rights.

Mr. President, I want to acknowledge that many manufacturers have taken steps to make many cars more theft resistant. They should be commended for these initiatives. Unfortunately, the industry's efforts have been uneven. Not all manufacturers have been equally responsible. And too often, theft protections are provided only for relatively expensive models of cars. Yet low-income families and those who cannot afford expensive models, deserve protection from theft.

The proposed theft resistance standards will not impose an unreasonable burden on the auto industry or consumers. Responsible manufacturers already are producing steering columns that are adequately protected. And many cars with vulnerable columns already are being equipped with anti-theft devices, which would make the cars eligible for a waiver under the bill. From the consumer's perspective, reducing vehicle theft will reduce the costs of auto insurance, perhaps significantly. Also, to the extent that law enforcement officers are freed to pursue other types of crimes, all citizens will be more secure.

TIGHTENING PENALTIES ON AUTO THIEVES

The second major element of my bill is the establishment of a new Federal crime of carjacking. Those who use force or fear to drive away a motor vehicle that has been transported interstate, would be subject to imprisonment for up to 15 years. If a firearm is used, the maximum penalty would be 20 years.

Mr. President, law enforcement officials have expressed the fear that carjacking could spread rapidly from one country to another, and that cars would be subject to unscrupulous copycat crimes. Preventing such a plague must be a high priority and is in the national interest. Under the circumstances, it is important that Federal resources be made available to help in the battle.

The bill also would increase existing penalties for certain auto theft-related offenses. Maximum terms for those convicted of importing or exporting stolen vehicles, possessing a stolen vehicle that has been transported interstate, or transporting a stolen vehicle interstate, would be doubled from 5 to 10 years.

TIGHTENING EXPORT CONTROLS

The bill also would tighten controls on the export of stolen automobiles.

Mr. President, one of the reasons why the auto theft epidemic has hit New
Teams of prosecutors can be established to provide law enforcement of several jurisdictions can work together to mount a coordinated assault on the problem, and preliminary results are impressive. Arrests for auto theft have increased substantially. And while auto theft remains a problem, there have been real programs to reduce thefts, which would provide national benefits. It would be authorized annually at $25 million.

The next element of the Anti-Auto Theft Act is designed as a more long-term approach to address the problem of juvenile auto theft. These provisions are based on legislation I introduced earlier as S. 3066, the Juvenile Theft Prevention Program Act, or JUMP. JUMP would provide resources to local education agencies and nonprofit groups for the implementation of mentoring programs linking law enforcement officers and other responsible adults with children in high crime areas. They would hire mentoring coordinators and support staff, to recruit, screen, and train adult mentors, and to reimburse mentors for their reasonable incidental expenses.

Mr. President, I personally have been involved in mentoring programs, and I know how valuable they can be. They're not a cure-all, nothing is. However, if we can link law enforcement officers and other caring adults with children in high crime areas, we should be able to keep some young people away from auto theft and other crimes, and lead them toward better and more socially constructive lives.

The Motor Vehicle Theft Prevention Act

Finally, Mr. President, the Anti-Auto Theft Act includes provisions based on legislation I introduced last year, the Motor Vehicle Theft Prevention Act, which has been incorporated into the pending conference report on the crime bill.

The Motor Vehicle Theft Prevention Act would authorize a voluntary vehicle theft prevention program. The legislation is based on programs operating in various jurisdictions around the country, typically called combat auto theft (CAT) or help end auto theft (HEAT).

Under these programs, a vehicle owner may voluntarily sign a form stating that his or her vehicle is not normally operated during certain hours, typically between 1 a.m. and 5 a.m. Decals are then affixed to the vehicle. If a law enforcement officer later sees the vehicle with the decals, and determines that the vehicle is not normally operated during the specified hours, the decals provide grounds for establishing the reasonable suspicion necessary under the Constitution to stop the vehicle and make appropriate inquiries.

It's a simple, inexpensive and innovative concept. And by all indications it's been extraordinarily successful.

In New York City, where this idea first originated, well over 70,000 vehicles participate in the program. In 1980, only 69 were stolen. Cars without decals were about 68 times more likely to be lost to theft.

In New York State, the idea has led to similar success stories around the country. Over 75 jurisdictions have adopted the program, including Dallas, Houston, Philadelphia, St. Louis, St. Paul, and San Diego. New Jersey and New York have programs that operate on a statewide basis. The idea has even been adopted in England, Canada, and Australia.

As a testament to the program's effectiveness, several insurance companies have voluntarily reduced the insurance rates for vehicles that participate in the program.

The Motor Vehicle Theft Prevention Act directs the Attorney General to develop a uniform design for decals and consent forms, so that the program can be taken nationwide. Participation will be entirely voluntary on the part of States, localities, and individual vehicle owners.

There are several benefits of establishing a national program. First, it will increase the use of this approach, by increasing its visibility and making it more practical and economical for jurisdictions to participate. Although the idea is spreading rapidly, many local officials remain unfamiliar with the program. At the same time, many officials, particularly those in small towns, are interested in the program, but do not believe it is cost effective to develop and produce a decal when only a small number may be needed. A uniform design would encourage mass production of the decals and consent forms, which would enable many more municipalities, particularly smaller towns, to participate.

The second primary benefit of establishing a national program will be that it will help law enforcement officials apprehend thieves who drive stolen cars across State or city lines. Currently, if a car is stolen in one town and driven into another, law enforcement officials in the second town may have unfamiliar decals used in the first town and may not
in a position to lawfully stop the car. A uniform design will eliminate his problem.

Mr. President, some have asked how a program like this works, since professional auto thieves should be able, with some work, to scratch off the decals. I have talked with believe that the program works because it is of the essence to auto thieves. The program will allow one to get into a car and drive away in a matter of seconds. Many cars are stolen in exposed areas, such as shopping center parking lots. So thieves who cannot afford the time to get into a car, climb into the back seat, and scratch off two decals. I also, most decals are manufactured so to be very difficult to dispose of, and many leave a mark even if they are scratched off.

The bottom line, in any case, is that programs work. The results speak for themselves. And under this bill, if thieves or local officials are skeptical about the program's likely effectiveness in their jurisdiction, they are free to opt out of it.

I would also note, Mr. President, that this program is entirely consistent with the Constitution's fourth amendment protections against unreasonable searches and seizures. Under established constitutional law, the officer may stop a vehicle if an officer has a "reasonable suspicion" of criminal activity. Under this bill, a law enforcement officer will be allowed to stop a car only if the car is being operated under conditions that create such reasonable suspicion. It is also important to again emphasize that participation in the program is entirely voluntary.

CONCLUSION

In sum, Mr. President, the Anti-Auto theft Act offers an effective, multi-dimensional approach to the auto theft problem. I urge my colleagues to support the bill, and ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3276

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

SECTION 1. SHORT TITLE.

This title may be cited as the "Anti-Auto Theft Act".

TITLE I—MOTOR VEHICLE THEFT RESISTANCE

S. 3276

§ 15208

CONGRESSIONAL RECORD—SENATE September 25, 1992

TITLE II—TOUGHER LAW ENFORCEMENT AGAINST AUTOMOBILE THEFT

SEC. 201. FEDERAL PENALTIES FOR CARJACKING.

(a) In section 185 of title 18, United States Code, as amended by adding at the end the following:

"§ 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 not more than $10,000, 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 in jeopardy of his life by the use of a dangerous weapon or device, shall be fined under this title, or imprisoned not more than 20 years, or both.

(c) Technical Amendment.—The table of sections at the beginning of title 18, United States Code, is amended by striking "fined not more than 5 years" and inserting "fined under this title, or imprisoned not more than 10 years".

TITLE III—EXPORT OF STOLEN MOTOR VEHICLES

SEC. 202. 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.

"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 vehicles.

"The Commissioner shall require all vehicle identification numbers obtained under this section against the information in the National Crime Information Center to determine whether an exporter or it's motor vehicle intended for export has been reported stolen. At the request of the Director of the Federal Bureau of Investigation, the Commissioner shall be able to provide all vehicle identification numbers obtained under this section."

TITLE IV—AUTO THEFT TASK FORCE GRANTS

SEC. 203. 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. 502. AUTHORITY TO MAKE GRANTS.

"(a) IN GENERAL.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall make grants to public 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) 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.

"(G) Assist eligible children in operations to prevent the export of stolen vehicles.

"(b) RENEWAL OF GRANTS.—Subject to the Administrator may reasonably require.

"(1) IN GENERAL.—The Administrator, after consultation with the Secretary of Justice and the Secretaries of Education, shall promulgate regulations to implement this title.

"(2) SCREENING MENTORS.—The Administrator shall develop and distribute to program participants specific mode 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 information specified in subsection (b) to the Administrator at such time, in such form, and accompanied by such additional information as the Administrator may reasonably require.

"(b) CONTENT OR PLAN.—All applications for grants shall include a specific plan for implementing a mentoring program, including—

"(1) for any other purpose reasonably prohibited by the Administrator pursuant to regulation.

"SEC. 504. REPORTS.

"(a) IN GENERAL.—The Administrator shall require grantees to provide periodic reports that shall include the obligation and expenditure of grant funds, and the progress made by the grantee in implementing the mentoring plan described in section 502.

"(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 programs established under this title.

"SEC. 505. MONITORING.

"The Administrator shall audit and monitor the programs funded under this title to ensure 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 the minimum age established 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 pursuant to regulations; and

"(3) the term 'law enforcement officer' means any employee of a Federal, State, or local law enforcement agency who is engaged in the prevention, the detection, or the investigation of a crime.

"The term 'local educational agency' means any local agency as defined in section 101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2801) and 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(c)(3) 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. 509. USE OF FUNDS.

"(a) ELIGIBLE USES.—Grants awarded pursuant to this title shall be used to implement mentoring programs, including—

"(1) the hiring of mentoring coordinators and support staff;

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

"(3) community involvement, including the 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 to directly compensate mentors, except as provided pursuant to subsection (a)(3).

"(2) to obtain educational or other materials, equipment which otherwise would 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. 510. REPORTS.

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

"SEC. 512. 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 VII—MOTOR VEHICLE THEFT PREVENTION

"SEC. 513. SHORT TITLE.

"This title may be cited as the "Motor Vehicle Theft Prevention Act".
(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 "motor vehicle 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 26 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."*

By Mr. SANFORD:

S. 3277. A bill to permit the Secretary of Health and Human Services to grant waivers to States to provide coverage under State health care delivery programs to individuals who are otherwise eligible for benefits under title XVIII of the Social Security Act or eligible to enroll under State plans for medical assistance under title XIX of such act, to the Committee on Finance.

STATE HEALTH CARE REFORM INCENTIVE ACT

Mr. SANFORD. Mr. President, I am today introducing legislation to help develop a State-driven health care reform. This is legislation that was introduced in the House before the August recess by a good friend and colleague from North Carolina, MARTIN LANCASTER.

The State Health Care Reform Incentive Act of 1992 is not at all intended to slow down efforts at the Federal level to achieve national health care reform, but I do not believe States should be held back from developing their own reform if they wish, without waiting for Washington to act.

Almost 1 year ago I challenged a group of Southern State legislators to develop their own reform. A growing number of States are seeking to do this. The legislation I am introducing today is simply intended to make this a little easier for those States.