

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRESSLER:

S. 2613. A bill to prevent and deter auto theft; to the Committee on the Judiciary.

By Mr. WOFFORD:

S. 2614. A bill to reform the Federal-State unemployment compensation system to provide greater opportunity for reemployment and fairness, and for other purposes; to the Committee on Finance.

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 2615. A bill to amend title XVIII of the Social Security Act to clarify that medically necessary procedures related to atrophic and weakened jaws are covered under such title, and for other purposes; to the Committee on Finance.

By Mr. INOUE (for himself and Mr. AKAKA):

S. 2616. A bill to require the Administrator of the Environmental Protection Agency to conduct a study of algal blooms off the coast of Maui, Hawaii, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BINGAMAN:

S. 2617. A bill to provide for the maintenance of dams located on Indian lands in New Mexico by the Bureau of Indian Affairs or through contracts with Indian tribes; to the Select Committee on Indian Affairs.

By Mr. SEYMOUR:

S. 2618. A bill to amend the Internal Revenue Service Code of 1986 to exempt vessels of 100 gross tons or less from the tax on transportation of persons by water; to the Committee on Finance.

By Mr. GLENN:

S. 2619. A bill to amend the Federal Property and Administrative Services Act of 1949 to enact provisions governing the negotiation and award of contracts under the multiple award schedule program of the General Services Administration; to the Committee on Governmental Affairs.

By Mr. KENNEDY:

S. 2620. A bill to amend title VII of the Public Health Service Act to correct a technical oversight in the Disadvantaged Minority Health Improvement Act of 1990 (Public Law 101-527) by making schools of osteopathic medicine eligible to participate in the Centers of Excellence program, and for other purposes; considered and passed.

S. 2621. A bill to improve the administrative provisions and make technical corrections in the National Community Service Act of 1990; to the Committee on Labor and Human Resources.

By Mr. ROBB:

S. 2622. A bill to establish an Office of Cambodian Genocide Investigation, to support efforts to bring to justice national Khmer Rouge leaders who committed crimes against humanity in Cambodia, and to exclude the national leadership of the Khmer Rouge from the United States; to the Committee on Foreign Relations.

By Mr. SASSER (for himself, Mr. GORE, and Mr. DURENBERGER):

S.J. Res. 293. A joint resolution designating the week beginning November 1, 1992, as "National Medical Staff Services Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRANSTON (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 287. A resolution to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in United States ex rel. Barbara Burch v. Piqua Engineering, Inc; considered and agreed to.

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. Res. 288. A resolution commemorating the new Oriole Park at Camden Yards; considered and agreed to.

By Mr. SYMMS (for himself, Mr. ADAMS, Mr. AKAKA, Mr. BOND, Mr. BOREN, Mr. BREAU, Mr. BROWN, Mr. BURDICK, Mr. BURNS, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRAIG, Mr. CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DASCHLE, Mr. DECONCINI, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. FOWLER, Mr. GARN, Mr. GLENN, Mr. GORTON, Mr. GRASSLEY, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. INOUE, Mr. JEFFORDS, Mr. KASSEBAUM, Mr. KASTEN, Mr. KENNEDY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. RIEGLE, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. RUDMAN, Mr. SANFORD, Mr. SARBANES, Mr. SEYMOUR, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WARNER, Mr. WELLSTONE, and Mr. WOFFORD):

S. Con. Res. 110. A concurrent resolution to authorize the construction of a monument on the United States Capitol Grounds to honor Thomas Paine; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRESSLER:

S. 2613. A bill to prevent and deter auto theft; to the Committee on the Judiciary.

ANTI-CAR THEFT ACT OF 1992

Mr. PRESSLER. Mr. President, last year, over 1.8 million vehicles were reported stolen in the Nation, making car theft America's No. 1 personal property crime. Auto theft will affect 1 in 50 American families this year, at a cost of over \$8 billion. In my home State of South Dakota, there were 698 auto thefts last year, resulting in property losses of over \$2.7 million.

In response to this growing crime epidemic, I am joining the efforts initiated by Congressman CHARLES SCHUMER and Congressman JAMES SENSENBRENNER 2 weeks ago. Today, I am introducing the Anti-Car Theft Act of 1992. I believe this legislation would give America's law enforcement officials the tools needed to stem the increase in auto thefts.

Title I of this bill establishes a new Federal crime for a twisted innovation

in car theft: armed carjacking. Nationwide, there has been a marked increase in instances in which criminals approach a driver in a car, and with gun or knife drawn, forcibly remove the driver, and steal the car. This bill would impose up to a 20-year jail sentence for armed carjacking. Furthermore, my legislation would double the penalties for all other auto theft crimes.

Title II of this bill addresses the problem of automobile title fraud. The bill creates a nationwide data base for the titling of motor vehicles. This data base will allow Federal, State, or local law enforcement officials, insurance carriers, and potential automobile purchasers the ability to access general title status information, odometer readings, and whether the individual automobile is a junked or salvaged vehicle. To accomplish this, the bill establishes reporting requirements for junkyards, salvage yards, and insurance companies.

I have personal experience with this problem. Last fall, I purchased a 1988 model year car at an auction. I later discovered that the entire front chassis of this car was put together with parts from a 1985 vehicle. Had this bill been law, prior to my purchase, both the auctioneer and I could have verified whether this vehicle was salvaged, junked, or made from parts stolen from another car.

In another warped innovation, some car thieves have created a multibillion-dollar industry through the resale of parts from stolen automobiles. Criminals take a stolen car to a chopshop that dismantles the major parts of the car in 10 minutes. The thieves then turn around and sell these parts for a value greater than that of the original whole vehicle. To put an end to this practice, title III of this bill requires that the car's vehicle identification number [VIN] be placed on all major parts of new automobiles.

The bill creates a national stolen auto parts data base that would include the VIN's of stolen automobiles and stolen parts. Car mechanics or auto parts dealers would be required to call a toll-free number to check the ID numbers of auto parts against the national data base of stolen vehicles and parts before installing or buying major auto parts. The bill establishes civil penalties for failure to label parts, keep required records, provide certification of compliance, and for failure to supply to the national data base the required information if selling, transferring, or installing a major part.

Another method criminals use to profit from auto theft is the export of stolen vehicles for sale overseas. Auto thieves simply hide the stolen car in a container being shipped abroad. To address this problem, the bill establishes random Customs Service inspections of automobiles being exported. It further requires exporters to notify cus-

toms officials of the VIN's of used automobiles 72 hours before the export of the vehicles.

Mr. President, we need the Anti-Car Theft Act of 1992 to help our local law enforcement officials rollback the growing wave of auto theft. I ask unanimous consent that this legislation be printed in the RECORD following my remarks.

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

S. 2813

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 "Anti-Car Theft Act of 1992".

TITLE I—TOUGHER LAW ENFORCEMENT AGAINST AUTO THEFT

Subtitle A—Enhanced Penalties for Auto Theft
SEC. 101. FEDERAL PENALTIES FOR ROBBERIES OF AUTOS.

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

"§ 2119. Motor Vehicles

"Whoever, by force and violence, or by intimidation, takes a motor vehicle from the person or presence of another, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both."

(b) CLERICAL 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. Motor Vehicles."

SEC. 102. 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 20 years".

SEC. 103. TRAFFICKING IN STOLEN VEHICLES.

Each of sections 2312 and 2313(a) of title 18, United States Code, are 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".

SEC. 104. RICO PREDICATES.

Section 1961(1)(B) of title 18, United States Code, is amended by inserting "section 511 (relating to altering or removing motor vehicle identification numbers), section 553 (relating to the export or import of stolen motor vehicles)" after "473 (relating to counterfeiting)".

Subtitle B—Targeted Law Enforcement

SEC. 111. GRANT AUTHORIZATION.

The Director of the Bureau of Justice Assistance shall make grants to Anti-Car Theft Committees submitting applications in compliance with the requirements of this subtitle.

SEC. 112. APPLICATION.

(a) SUBMISSION.—To be eligible to receive a grant under this subtitle, a chief executive of an Anti-Car Theft Committee shall submit an application to the Director.

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

(1) A statement that the applicant Anti-Car Theft Committee is either a State agency, an agency of a unit of local government, or a nonprofit entity organized pursuant to specific authorizing legislation by a State or a unit of local government;

(2) A statement that the applicant Anti-Car Theft Committee is or will be financed in part by a tax or fee on motor vehicles registered by the State or possessed within the State, and that such tax or fee is not less than \$1 per vehicle.

(3) A statement that the resources of the applicant Anti-Car Theft Committee 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.

(4) A description of the budget for the applicant Anti-Car Theft Committee for the fiscal year for which a grant is sought.

SEC. 113. AWARD OF GRANTS.

(a) IN GENERAL.—The Director shall allocate to each State a proportion of the total funds available under this subtitle that is equal to the proportion of the number of motor vehicles registered in such State to the total number of motor vehicles registered in the United States.

(b) GRANT AMOUNTS.—If one Anti-Car Theft Committee within a State submits an application in compliance with section 112, the Director shall award to such Anti-Car Theft Committee a grant equal to the total amount of funds allocated to such State under this section. In no case shall the Anti-Car Theft Committee receive a grant that is more than 50 percent of the preaward budget for such Anti-Car Theft Committee.

(c) MULTIPLE COMMITTEES.—If two or more Anti-Car Theft Committees within a State submit applications in compliance with section 112, the Director shall award to such Anti-Car Theft Committees grants that in sum are equal to the total amount of funds allocated to such State under this section. In no case shall an Anti-Car Theft Committee receive a grant that is more than 50 percent of the preaward budget for such Anti-Car Theft Committee. The Director shall allocate funds among two or more Anti-Car Theft Committees with a State according to the proportion of the preaward budget of each Anti-Car Theft Committee to the total preaward budget for all grant recipient Anti-Car Theft Committees within such State.

SEC. 114. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$10,000,000 to carry out this subtitle for each of the fiscal years 1993, 1994, and 1995.

TITLE II—AUTOMOBILE TITLE FRAUD

SEC. 201. AUTOMOBILE TITLE FRAUD.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 7 the following new chapter:

"CHAPTER 7A—AUTOMOBILE TITLE FRAUD

"Sec.

"120. Definitions.

"121. National motor vehicle information system.

"122. State participation in the national motor vehicle information system.

"123. Reporting.

"124. Enforcement provisions.

"§ 120. Definitions

"For purposes of this chapter:

"(1) The term 'certificate of title' means a document issued by a State evidencing ownership of a motor vehicle.

"(2) The term 'insurance carrier' means an individual, corporation, or other entity which is engaged in the business of underwriting motor vehicle theft insurance.

"(3) The term 'junk vehicle' means any vehicle which is incapable of operation on roads or highways and which has no value except as a source of parts or scrap. The term 'junk vehicle' includes any vehicle component part which bears a vehicle identification number.

"(4) The term 'junk yard' means any individual, corporation, or other entity which is engaged in the business of acquiring junk vehicles for resale, either in their entirety or as spare parts, or for rebuilding or restoration, or for crushing.

"(5) The term 'operator' means the person or entity designated as the operator in any contract or agreement executed pursuant to section 121(b)(2) or if no such contract or agreement is executed, the Attorney General.

"(6) The term 'participating State' means a State which elects to participate in the information system pursuant to section 122.

"(7) The term 'salvage vehicle' means any vehicle which is damaged by collision, fire, flood, accident, trespass, or other occurrence to the extent that the cost of repairing the vehicle for legal operation on roads or highways exceeds the fair market value of the vehicle immediately prior to the occurrence causing its damage.

"(8) The term 'salvage yard' means any individual, corporation, or other entity which is engaged in the business of acquiring salvage vehicles for resale, either in their entirety or as spare parts, or for rebuilding or restoration, or for crushing.

"§ 121. National motor vehicle information system

(a) REGULATIONS AND REVIEW.—Not later than March 1, 1993, the Attorney General, in cooperation with the States shall—

"(1) conduct a review of information systems pertaining to the titling of motor vehicles and utilized by 1 or more States or by a third party which represents the interests of States for the purpose of determining whether any of such systems could be used to carry out this section, and

"(2) promulgate regulations for the establishment under subsection (b) of an information system which will serve as a clearinghouse for information pertaining to the titling of motor vehicles if the Attorney General deems such regulations appropriate or necessary to the establishment of such system.

"(b) INFORMATION SYSTEM.

"(1) ESTABLISHMENT.—Not later than 6 months following the promulgation of regulations under subsection (a)(2), and in no case later than September 1, 1993, the Attorney General, in cooperation with the States, shall establish an information system which will serve as an information system for information pertaining to the titling of motor vehicles.

"(2) OPERATION.—The Attorney General may authorize the operation of the information system established under paragraph (1) through an agreement with a State or States or by designating, after consultation with the States, a third party which represents the interests of the States to operate the information system.

"(3) FEES.—Operation of the information system shall be paid for by a system of user fees. The amount of fees collected and retained by the operator pursuant to this paragraph in any fiscal year, not including fees collected by the operator and passed on to a State or other entity providing information to the operator, shall not exceed the costs of operating the information system in such fiscal year.

“(c) **MINIMUM FUNCTIONAL CAPABILITIES.**—The information system established under subsection (b)(1) shall, at a minimum, enable a user of the system to determine—

“(1) the validity and status of a document purporting to be a certification of title,

“(2) whether a motor vehicle bearing a known vehicle identification number is titled in a particular State,

“(3) whether a motor vehicle known to be titled in a particular State is a junk vehicle or a salvage vehicle,

“(4) for a motor vehicle known to be titled in a particular State, the odometer reading of such vehicle on the date its certificate of title was issued, and

“(5) whether a motor vehicle bearing a known vehicle identification number has been reported as a junk vehicle or a salvage vehicle pursuant to section 123.

“(d) **AVAILABILITY OF INFORMATION.**—

“(1) **TO STATE.**—Upon request of a participating State, the operator shall provide to such State information available through the information system pertaining to any motor vehicle.

“(2) **TO LAW ENFORCEMENT.**—Upon request of a Federal, State, or local law enforcement official, the operator shall provide to such official information available through the information system pertaining to a particular motor vehicle, salvage yard, or junk yard.

“(3) **TO PROSPECTIVE PURCHASERS.**—Upon request of a prospective purchaser of a motor vehicle, including an entity that is in the business of purchasing used motor vehicles, the operator shall provide to such prospective purchaser information available through the information system pertaining to such motor vehicle.

“(4) **TO INSURANCE CARRIERS.**—Upon request of a prospective insurer of a motor vehicle, the operator shall provide to such prospective insurer information available through the information system pertaining to such motor vehicle.

“(5) **PRIVACY.**—Notwithstanding any provision of paragraphs (1) through (4), the operator shall not release an individual's address or social security number to users of the information system.

“(e) **FUNDING.**—There are authorized to be appropriated \$2,000,000 for each of fiscal years 1992, 1993, and 1994 to carry out this section.

“§ 122. State participation in the national motor vehicle information system

“(a) **ELECTION.**—

“(1) **STATE PARTICIPATION.**—A State may, by written notice to the operator, elect to participate in the information system established pursuant to section 121.

“(2) **DENIAL OF ACCESS.**—The Director of the Federal Bureau of Investigation shall have the authority to deny access to the National Crime Information Center system to any State failing to participate in the information system pursuant to paragraph (1).

“(b) **TITLE VERIFICATION REQUIREMENTS.**—Each participating State must agree to perform an instant title verification check before issuing a certificate of title to an individual or entity claiming to have purchased a motor vehicle from an individual or entity in another State. Such instant title verification check shall consist of—

“(1) communicating to the operator the vehicle identification number of the vehicle for which the certificate of title is sought, the name of the State which issued the most recent certificate of title pertaining to the vehicle, and the name of the individual or entity to whom such certificate was issued; and

“(2) affording the operator an opportunity to communicate to the participating

State the results of a search of the information.

“§ 123. Reporting

“(a) **OPERATORS OF JUNK OR SALVAGE YARD.**—

“(1) **MONTHLY REPORT.**—Any person or entity in the business of operating an automobile junk yard or automobile salvage yard shall file a monthly report with the operator. Such report shall contain an inventory of all junk vehicles or salvage vehicles obtained by the junk yard or salvage yard during the preceding month. Such inventory shall contain the vehicle identification number of each vehicle obtained, the date on which it was obtained, the name of the person or entity from whom the reporter obtained the vehicle, and a statement of whether the vehicle was crushed.

“(2) **CONSTRUCTION.**—Paragraph (1) shall not apply to persons or entities that are required by State law to report the acquisition of junk vehicles or salvage vehicles to State or local authorities.

“(b) **INSURANCE CARRIERS.**—Any person or entity engaged in business as an insurance carrier shall file a monthly report with the operator. Such report shall contain an inventory of all vehicles which such carrier has, during the preceding month, obtained possession of and determined to be junk vehicles. Such inventory shall contain the vehicle identification number of each vehicle obtained, the date on which it was obtained, the name of the person or entity from whom the reporter obtained the vehicle, and the owner of the vehicle at the time of the filing of the report.

“§ 124. Enforcement provisions

“(a) **CIVIL PENALTY.**—Whoever violates section 123 may be assessed a civil penalty of not to exceed \$1,000 for each violation.

“(b) **ASSESSMENT AND COLLECTION.**—Any such penalty shall be assessed by the Attorney General and collected in a civil action brought by the Attorney General of the United States. Any such penalty may be compromised by the Attorney General. 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 OF PENALTY FROM AMOUNTS OWED BY UNITED STATES.**—The amount of such 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.”.

(b) **CLERICAL AMENDMENT.**—The table of chapters for part I of such title is amended by inserting after the item relating to chapter 7 the following:

“7A. Automobile title fraud..... 120.”.

TITLE III—ILLICIT TRAFFICKING IN STOLEN AUTO PARTS

SEC. 301. STOLEN AUTO PARTS.

(a) **IN GENERAL.**—Part I of title 18, United States Code, as amended by title II, is further amended by inserting after chapter 7A the following:

“CHAPTER 7B—ILLICIT TRAFFICKING IN STOLEN AUTO PARTS

“Sec.

“130. Definitions.

“131. Theft prevention standard.

“132. Cost limitation.

“133. Determination of compliance of manufacturer.

“134. National stolen auto part information system.

“135. Prohibited acts.

“136. Enforcement provisions.

“137. Confidentiality of information.

“138. Judicial review.

“139. Coordination with State and local law.

“140. 3-year and 5-year studies regarding motor vehicle theft.

“§ 130. Definitions

“For purposes of this chapter—

“(1) The term ‘first purchaser’ means first purchaser for purposes other than resale.

“(2) The term ‘major part’ of an automobile means—

“(A) the engine;

“(B) the transmission;

“(C) each door allowing entrance or egress to the passenger compartment;

“(D) the hood;

“(E) the grille;

“(F) each bumper;

“(G) each front fender;

“(H) the deck lid, tailgate, or hatchback (whichever is present);

“(I) rear quarter panels;

“(J) the trunk floor pan;

“(K) the frame or, in the case of a unitized body, the supporting structure which serves as the frame;

“(L) each window; and

“(M) any other part of an automobile which the Attorney General, by rule, determines is comparable in design or function to any of the parts listed in subparagraphs (A) through (L).

“(3) The term ‘major replacement part’ of an automobile means any major part—

“(A) which is not installed in or on an automobile at the time of its delivery to the first purchaser, and

“(B) the equitable or legal title to which has not been transferred to any first purchaser.

“(4) The term ‘automobile’ has the meaning given such term in section 501(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001(1)).

“(5) The term ‘vehicle theft prevention standard’ means a minimum performance standard for the identification of—

“(A) major parts of new motor vehicles, and

“(B) major replacement parts,

by inscribing or affixing numbers or symbols to such parts.

“§ 131. Theft prevention standard

“(a) **IN GENERAL.**—The Attorney General shall by rule promulgate, in accordance with this section, a vehicle theft prevention standard which conforms to the requirements of this chapter and which applies with respect to major parts and major replacement parts for automobiles. The standard under this subsection shall be practicable and shall provide relevant objective criteria.

“(b) **TIMING.**—

“(1) **PROPOSED STANDARD.**—Not later than 3 months after the date of the enactment of this chapter, the Attorney General shall prescribe and publish a proposed vehicle theft prevention standard.

“(2) **FINAL STANDARD.**—As soon as practicable after the 30th day following the publication of the proposed standard under paragraph (1), but not later than 6 months after such date of enactment, the Attorney General shall promulgate a final rule establishing such a standard.

“(3) **EXTENSION.**—The Attorney General may, for good cause, extend the 3-month and 6-month periods under paragraphs (1) and (2) if the Attorney General publishes the reasons therefor. Either such period may not, in the aggregate, be extended by more than 6 months.

“(4) **EFFECTIVE DATE.**—Such standard shall take effect not earlier than 6 months after

the date such final rule is prescribed, except that the Attorney General may prescribe an earlier effective date if the Attorney General—

“(A) finds, for good cause shown, that the earlier date is in the public interest, and

“(B) publishes the reasons for such finding.

“(5) APPLICATION.—The standard may apply only with respect to—

“(A) major parts which are installed by the motor vehicle manufacturer in any automobile which has a model year designation later than the calendar year in which such standard takes effect, and

“(B) major replacement parts manufactured after such standard takes effect.

“(c) REQUIREMENTS.—

“(1) ENGINES AND TRANSMISSIONS.—In the case of engines and transmissions installed by the motor vehicle manufacturer, the standard under subsection (a) shall require that each such engine or transmission be permanently stamped with the vehicle identification number of the vehicle of which the engine or transmission is a part.

“(2) MAJOR PARTS.—In the case of major parts other than engines and transmissions, the standard under subsection (a) shall require that each such major part has affixed to it a label that—

“(A) bears the vehicle identification number of the automobile in characters at least 2.5 millimeters tall;

“(B) is highly resistant to counterfeiting, either through the use of retroreflective technology or through the use of a technology providing a level of security equivalent to that provided by retroreflective technology;

“(C) cannot be removed in one piece from the part to which it is affixed;

“(D) if removed from the part to which it is affixed, leaves on that part a permanent mark; and

“(E) is not commercially available.

“(3) REPLACEMENT PARTS.—In the case of major replacement parts, the standard under this section may not require—

“(A) identification of any part which is not designed as a replacement for a major part required to be identified under such standard, and

“(B) the inscribing or affixing of any identification other than a symbol identifying the manufacturer and a common symbol identifying the part as a major replacement part.

“(d) CONSTRUCTION.—Nothing in this chapter shall be construed to grant authority to require any person to keep records or make reports, except as expressly provided in sections 133(a) and 140.

“§ 132. Cost limitation

“(a) COST LIMITATION.—The standard under section 131(a) may not—

“(1) impose costs upon any manufacturer of motor vehicles to comply with such standard in excess of \$15 per motor vehicle, or

“(2) impose costs upon any manufacturer of major replacement parts to comply with such standard in excess of such reasonable lesser amount per major replacement part as the Attorney General specifies in such standard.

“(b) COSTS.—The cost of identifying engines and transmissions shall not be taken into account in calculating a manufacturer's costs under subsection (a) of this section.

“(c) PRICE INDEX.—

“(1) CERTIFICATION.—At the beginning of each calendar year commencing on or after January 1, 1993, as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the At-

torney General and publish in the Federal Register the percentage difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. Effective for model years beginning in such calendar year, the amounts specified under subsections (a) (1) and (2) shall be adjusted by such percentage difference.

“(2) DEFINITIONS.—For purposes of paragraph (1)—

“(A) The term ‘base period’ means calendar year 1992.

“(B) The term ‘price index’ means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

“§ 133. Determination of compliance of manufacturer

“(a) REQUIREMENTS.—Every manufacturer of any motor vehicle any part of which is subject to the standard under section 132(a), and any manufacturer of major replacement parts subject to such standard, shall—

“(1) establish and maintain such records, make such reports, and provide such items and information as the Attorney General may reasonably require to enable the Attorney General to determine whether such manufacturer has acted or is acting in compliance with this chapter and such standard, and

“(2) upon request of an officer or employee duly designated by the Attorney General, permit such officer or employee to inspect—

“(A) vehicles and major parts which are subject to such standard, and

“(B) appropriate books, papers, records, and documents relevant to determining whether such manufacturer has acted or is acting in compliance with this chapter and such standard.

Such manufacturer shall make available all such items and information in accordance with such reasonable rules as the Attorney General may prescribe.

“(b) INSPECTIONS.—For purposes of enforcing this chapter, officers or employees duly designated by the Attorney General, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, may enter and inspect any facility in which motor vehicles containing major parts subject to such standard, or major replacement parts subject to such standard, are manufactured, held for introduction into interstate commerce, or are held for sale after such introduction. Each such inspection shall be conducted at reasonable times and in a reasonable manner and shall be commenced and completed with reasonable promptness.

“(c) CERTIFICATION.—

“(1) SPECIFICATION.—Every manufacturer of a motor vehicle subject to the standard promulgated under section 131(a), and every manufacturer of any major replacement part subject to such standard, shall furnish at the time of delivery of such vehicle or part a certification that such vehicle or replacement part conforms to the applicable standard under such section. Such certification shall accompany such vehicle or replacement part until delivery to the first purchaser. The Attorney General may issue rules prescribing the manner and form of such certification.

“(2) APPLICATION.—Paragraph (1) shall not apply to any motor vehicle or major replacement part—

“(A) which is intended solely for export,

“(B) which is so labeled or tagged on the vehicle or replacement part itself and on the outside of the container, if any, until exported, and

“(C) which is exported.

“(d) NOTICE.—If a manufacturer obtains knowledge that (1) the identification applied, to conform to the standard under section 131, to any major part installed by the manufacturer in a motor vehicle during its assembly, or to any major replacement part manufactured by the manufacturer, contains an error, and (2) such motor vehicle or major replacement part has been distributed in interstate commerce, the manufacturer shall furnish notification of such error to the Attorney General.

“§ 134. National stolen auto part information system

“(a) AGREEMENT FOR OPERATION OF INFORMATION SYSTEM.—Not later than January 1, 1993, the Attorney General shall enter into an agreement for the operation of an information system containing the identification numbers of stolen motor vehicles and stolen motor vehicle parts. Such agreement shall designate an individual or entity as the operator of such system for the purposes of this section and section 135.

“(b) MINIMUM INFORMATION.—The information system under subsection (a) shall, at a minimum, include the following information pertaining to each motor vehicle reported to a law enforcement authority as stolen and not recovered:

“(1) The vehicle identification number of such vehicle.

“(2) The make and model year of such vehicle.

“(3) The date on which the vehicle was reported as stolen.

“(4) The location of the law enforcement authority that received the reports of the vehicle's theft.

“(5) If the vehicle at the time of its theft contained parts bearing identification numbers different from the vehicle identification number of the stolen vehicle, such identification numbers.

“(c) AVAILABILITY OF INFORMATION.—Upon request by a merchant dealing in automobile parts or an individual or enterprise engaged in the business of repairing automobiles, or by an insurance carrier whose business involves payment for repair of insured vehicles, the operator shall immediately provide such merchant, individual, entity, or insurance carrier with a determination as to whether the information system contains a record of a vehicle or a vehicle part bearing a particular vehicle identification number having been reported stolen.

“(d) RECORDKEEPING.—The agreement under subsection (a) shall specify that the operator will keep records of all inquiries for use by law enforcement officials, including prosecutors, in enforcing section 135(c).

“(e) COLLECTION OF FEES.—The agreement under subsection (a) may provide for a fee system for use of the information system. If the agreement does so provide, it shall also provide that the amount of fees collected in any fiscal year may not exceed the costs of operating the information system in such fiscal year.

“(f) FUNDING.—There are authorized to be appropriated \$5,000,000 for each of fiscal years 1992 and 1993 to carry out this section.

“§ 135. Prohibited acts

“(a) IN GENERAL.—No person shall—

“(1) manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States—

“(A) any motor vehicle subject to the standard under section 131(a), or

“(B) any major replacement part subject to such standard,

which is manufactured on or after the date the standard under section 131(a) takes effect under this chapter for such vehicle or major replacement part unless it is in conformity with such standard;

"(2) fail to comply with any rule prescribed by the Attorney General under this chapter;

"(3) fail to keep specified records or refuse access to or copying of records, or fail to make reports or provide items or information, or fail or refuse to permit entry or inspection, as required by this chapter; or

"(4) fail to—

"(A) furnish certification required by section 133(c), or

"(B) issue a certification required by section 133(c) if such person knows, or in the exercise of due care has reason to know, that such certification is false or misleading in a material respect.

"(b) APPLICATION.—Subsection (a)(1) shall not apply to any person who establishes that such person did not have reason to know in the exercise of due care that the vehicle or major replacement part is not in conformity with an applicable theft prevention standard.

"(c) PARTS.—No person shall sell, transfer, or install a major part marked with an identification number without—

"(1) first making a request of the operator pursuant to section 134(c) and determining that such major part has not been reported as stolen; and

"(2) providing the transferee with a written certificate bearing a description of such major part and the identification number affixed to such major part.

"(d) APPLICATION.—Subsection (c)(1) shall not apply to a person who is the manufacturer of the major part, who has purchased the major part directly from the manufacturer, or who has been informed by an insurance carrier that the major part has not been reported as stolen.

"§ 136. Enforcement provisions

"(a) CIVIL PENALTIES.—

"(1) IN GENERAL.—Whoever violates section 135(a) may be assessed a civil penalty of not to exceed \$1,000 for each violation. The failure of more than one part of a single motor vehicle to conform to an applicable motor vehicle theft prevention standard shall constitute only a single violation.

"(2) PARTS.—Whoever violates section 135(c) may be assessed a civil penalty not to exceed \$1,000 for the first such violation or \$25,000 for each subsequent violation.

"(3) ACTION ON PENALTY.—Any penalty under this subsection shall be assessed by the Attorney General and collected in a civil action brought by the Attorney General. Any such civil penalty may be compromised by the Attorney General. 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.

"(4) DEDUCTION.—The amount of such 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.

"(5) AMOUNT.—The maximum civil penalty shall not exceed \$250,000 for any related series of violations.

"(b) CRIMINAL PENALTIES.—Whoever, having been previously assessed a penalty under subsection (a), violates section 135(c) shall be fined under this chapter or imprisoned not more than 3 years, or both.

"(c) ACTIONS.—

"(1) INJUNCTIONS.—Upon petition by the Attorney General on behalf of the United States, the United States district courts

shall have jurisdiction for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of section 135(a) or 135(c) or to restrain the sale, offer for sale, the introduction or delivery for introduction in interstate commerce, or the importation into the United States, of—

"(A) any automobile containing a major part, or

"(B) any major replacement part, which is subject to the standard under section 131(a) and is determined, before the sale of such vehicle or such major replacement part to a first purchaser, not to conform to such standard. Whenever practicable, the Attorney General shall give notice to any person against whom an action for injunctive relief is contemplated and afford the person an opportunity to present such person's views, and except in the case of a knowing and willful violation, shall afford the person reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

"(2) CRIMINAL CONTEMPT.—In any proceeding for criminal contempt for violation of an injunction or restraining order issued under paragraph (1), which violation also constitutes a violation of section 135(a) or 135(c), trial shall be by the court, or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(3) VENUE.—Actions under paragraph (1) and under subsection (a) may be brought in the district wherein any act or transaction constituting the violation occurred or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district in which the defendant is an inhabitant or wherever the defendant may be found.

"(4) SUBPOENAS.—In any actions brought under paragraph (1) and under subsection (1) and under subsection (a), subpoenas for witnesses who are required to attend a United States district court may run into any other district.

"§ 137. Confidentiality of information

"All information reported to, or otherwise obtained by, the Attorney General or the Attorney General's representative under this chapter which contains or relates to a trade secret or other matter referred to in section 1905 or in section 552(b)(4) of title 5, United States Code, shall be considered confidential for the purpose of the applicable section of this chapter, except that such information may be disclosed to other officers or employees concerned with carrying out this chapter or when relevant in any proceeding under this chapter. Nothing in this section shall authorize the withholding of information by the Attorney General or any officer or employee under the Attorney General's control from any committee of the Congress.

"§ 138. Judicial review

"Any person who may be adversely affected by any provision of any standard or other rule under this chapter may obtain judicial review of such standard or rule in accordance with section 504 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2004). Nothing in this section shall preclude the availability to any person of other remedies provided by law in the case of any standard, rule, or other action under this chapter.

"§ 139. Coordination with State and local law

"Whenever a vehicle theft prevention standard established under section 131(a) is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, with respect to any motor vehicle, or major replacement part, any vehicle theft prevention standard which is not identical to such vehicle theft prevention standard."

(b) CLERICAL AMENDMENT.—The table of chapters for such title (as amended by section 201(a)) is further amended by inserting after the item relating to chapter 7A the following:

"7B. Illicit trafficking in stolen auto parts 120."

SEC. 2. STUDIES REGARDING MOTOR VEHICLE THEFT.

(a) 3 YEAR STUDY.—

(1) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Attorney General shall submit a report to the Congress which includes the information and legislative recommendations required under paragraphs (2) and (3).

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) data on the number of trucks, multipurpose passenger vehicles, and motorcycles, stolen and recovered annually, compiled by model, make, and line for all such motor vehicles distributed for sale in interstate commerce;

(B) information on the extent to which trucks, multipurpose passenger vehicles, and motorcycles, stolen annually are dismantled to recover parts or are exported;

(C) a description of the market for such stolen parts;

(D) information concerning the premiums charged by insurers of comprehensive insurance coverage of trucks, multipurpose passenger vehicles, or motorcycles, including any increase in such premiums charged because any such motor vehicle is a likely candidate for theft; and

(E) an assessment of whether the identification of parts of trucks, multipurpose passenger vehicles, and motorcycles is likely to have (i) a beneficial impact in decreasing the rate of theft of such vehicles; (ii) improve the recovery rate of such vehicles; (iii) decrease the trafficking in stolen parts of such vehicles; (iv) stem the export and import of such stolen vehicles or parts; or (v) benefits which exceed the costs of such identification.

(3) RECOMMENDATION.—The report under paragraph (1) shall recommend to Congress whether, and to what extent, the identification of trucks, multipurpose passenger vehicles, and motorcycles should be required by statute.

(b) 5 YEAR STUDY.—

(1) REPORT.—Not later than 5 years after the promulgation of the standard required by section 131(a) of title 18, United States Code, the Attorney General shall submit a report to the Congress which includes the information and legislative recommendations required under paragraphs (2) and (3). The report shall—

(A) cover a period of at least 4 years subsequent to the promulgation of the standard required by chapter 7B of title 18, United States Code, and

(B) reflect any information, as appropriate, from the report under subsection (a) updated from the time of such report.

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) information about the methods and procedures used by public and private entities for collecting, compiling, and disseminating information concerning the theft

and recovery of motor vehicles, including classes thereof, and about the reliability, accuracy, and timeliness of such information, and how such information can be improved;

(B) data on the number of motor vehicles stolen and recovered annually, compiled by the class of vehicle, model, make, and line for all such motor vehicles distributed for sale in interstate commerce;

(C) information on the extent to which motor vehicles stolen annually are dismantled to recover parts or are exported;

(D) a description of the market for such stolen parts;

(E) information concerning the costs to manufacturers, as well as to purchasers of passenger motor vehicles, in complying with the standard promulgated under chapter 7B of title 18, United States Code, as well as the identification of the beneficial impacts of the standard and the monetary value of any such impacts, and the extent to which such monetary value is greater than the costs;

(F) information concerning the experience of Federal, State, and local officials in making arrests and successfully prosecuting persons for violations of sections 511, 552, and 2321 of title 18, United States Code, in preventing or reducing the number, and rate of, thefts of motor vehicles that are dismantled for parts subject to chapter 7B of title 18, United States Code, and in preventing or reducing the availability of used parts that are stolen from motor vehicles subject to such chapter;

(G) information concerning the premiums charged by insurers of comprehensive insurance coverage of motor vehicles subject to chapter 7B of title 18, United States Code, including any increase in such premiums charged because a motor vehicle is a likely candidate for theft, and the extent to which such insurers have reduced for the benefit of consumers such premiums as a result of such chapter or have foregone premium increases as a result of such chapter;

(H) information concerning the adequacy and effectiveness of Federal and State laws aimed at preventing the distribution and sale of used parts that have been removed from stolen motor vehicles and the adequacy of systems available to enforcement personnel for tracing parts to determine if they have been stolen from a motor vehicle;

(I) an assessment of whether the identification of parts of other classes of motor vehicles is likely to have (i) a beneficial impact in decreasing the rate of theft of such vehicles; (ii) improve the recovery rate of such vehicles; (iii) decrease the trafficking in stolen parts of such vehicles; (iv) stem the export and import of such stolen vehicles, parts, or components; or (v) benefits which exceed the costs of such identification; and

(J) other pertinent and reliable information available to the Attorney General concerning the impact, including the beneficial impact of sections 511, 553, and 2321 of title 18, United States Code, on law enforcement, consumers, and manufacturers.

(3) **RECOMMENDATIONS.**—The report submitted under paragraph (1) to the Congress shall include recommendations for (A) continuing the standard established by chapter 7B of title 18, United States Code, without change, (B) modifying such chapter to cover more or fewer lines of passenger motor vehicles, (C) modifying such chapter to cover other classes of motor vehicles, or (D) terminating the standard for all future motor vehicles. The report may include, as appropriate, legislative and administrative recommendations.

(c) **BASES FOR REPORTS.**—

(1) **CONTENT.**—The reports under subsections (a)(1) and (b)(1) shall each be based on (A) information provided by the Federal

Bureau of Investigation, (B) experience obtained in the implementation, administration, and enforcement of chapter 7B of title 18, United States Code, (C) experience gained by the Government under sections 511, 553, and 2321 of title 18, United States Code, and (D) any other reliable and relevant information available to the Attorney General.

(2) **CONSULTATION.**—In preparing each such report, the Attorney General shall consult with State and local law enforcement officials, as appropriate.

(3) **REVIEW AND COMMENT.**—At least 90 days before submitting each such report to Congress, the Attorney General shall publish the proposed report for public review and for an opportunity for written comment of at least 45 days. The Attorney General shall consider such comments in preparing the final report and shall include a summary of such comments with the final report.

TITLE IV—EXPORT OF STOLEN VEHICLES

SEC. 401. 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:

“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 contain motor vehicles that are being exported, for purposes of determining whether such vehicles were stolen.

“SEC. 646B. EXPORT REPORTING REQUIREMENT.

“The Commissioner of Customs shall require all persons or entities exporting used self-propelled vehicles by air or ship to provide to the Customs Service, at least 72 hours before the export, the vehicle identification number of each such vehicle and proof of ownership of such vehicle. The requirement of this section applies to vehicles exported for personal use.”.

SEC. 402. PILOT STUDY AUTHORIZING UTILITY OF NONDESTRUCTIVE EXAMINATION SYSTEM.

The Secretary of the Treasury, acting through the Commissioner of Customs, shall conduct a pilot study of the utility of a nondestructive examination system to be used for inspection of containers that contain motor vehicles leaving the country for the purpose of determining whether such vehicles are stolen.

SEC. 403. DEFINITION OF RACKETEERING ACTIVITY TO INCLUDE EXPORT OR IMPORT OF STOLEN AUTOMOBILES.

Subparagraph (B) of section 1961(1) is amended by inserting “section 553 (relating to the export or import of stolen automobiles)” after “473 (relating to counterfeit-”.

By Mr. WOFFORD:

S. 2614. A bill to reform the Federal-State unemployment compensation system to provide greater opportunity for reemployment and fairness, and for other purposes; to the Committee on Finance.

UNEMPLOYMENT COMPENSATION, REEMPLOYMENT, AND FAIRNESS ACT

Mr. WOFFORD. Mr. President, today I'm introducing the Unemployment Compensation, Reemployment and Fairness Act of 1992.

Before coming to the Senate almost a year ago, I served as Pennsylvania's secretary of labor and industry for 4½

years. One of my responsibilities was to administer our State's unemployment compensation program. So I'm well aware of its strengths and weaknesses from the ground up.

It's an important program, a complex program, a program which I believe can be improved and strengthened. That's the purpose of the legislation I'm offering today.

In time of recession and economic hardship, the Federal-State Unemployment Compensation Program is essential to maintaining the well-being of millions of American families, but it's a system under real stress.

Back in 1935 when Franklin Roosevelt and the Congress together created our present Unemployment Compensation System, he wanted a program that would be flexible—a program that would reflect and adjust to changing employer and worker needs and economic circumstances. That's the idea behind this effort to continue and improve on Roosevelt's experiment in Federal-State cooperation and innovation.

Based on experience, and in close consultation with the Pennsylvania department of labor and industry under my successor Tom FOLEY and our Governor, Robert Casey, I've developed a series of ideas for strengthening the assistance to workers, providing procedural fairness for employers, and bolstering the fiscal integrity of the overall system. Let me be specific:

First, improvements in worker reemployment. The problems of today's continuing high unemployment challenge American business, workers and governments to strengthen their cooperative efforts. This bill will:

Enhance employer and worker cooperation and job retention, by encouraging States to voluntarily implement short-time compensation programs;

Expand economic opportunities by allowing States to pay benefits to those who are seeking to start their own business under a State approved self-employment plan; and

Require States to review the reemployment prospects of workers soon after they have lost their jobs so that they can receive necessary services and training before they exhaust their benefits.

Second, improvements in employer fairness. Neither the Social Security Act nor the Federal unemployment tax act now guarantees employers the right to State administrative hearing on disputes involving unemployment taxes. This bill will require States to provide for such a hearing;

Third, budget treatment of unemployment trust fund. Mr. President, I've pressed the point repeatedly since my very first days in this body that we should use the taxes employers have already paid into the unemployment trust fund for their intended purpose. It was a scandal that the President for months refused to sign legislation ex-