
TREATY WITH HONDURAS ON THE RETURN OF STOLEN
VEHICLES

OCTOBER 17, 2002.—Ordered to be printed

Mr. BIDEN, from the Committee on Foreign Relations,
submitted the following

REPORT

[To accompany Treaty Doc. 107-15]

The Committee on Foreign Relations, to which was referred the Treaty Between the Government of the United States of America and the Government of the Republic of Honduras for the Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft, with Annexes and a related exchange of notes, signed at Tegucigalpa on November 23, 2001 (Treaty Doc. 107-15), having considered the same, reports favorably thereon, and recommends that the Senate give its advice and consent to the ratification thereof as set forth in this report and the accompanying resolution of advice and consent to ratification.

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I. PURPOSE

The purpose of the Treaty is to obligate the two parties to assist in the return of stolen vehicles or aircraft owned in the territory of one Party and found in the territory of the other Party.

II. BACKGROUND AND SUMMARY

The Treaty follows a model first used in a similar treaty between the United States and Mexico (signed in 1981), and which was also followed in five bilateral treaties approved by the Senate in 2000.

(The treaties were with Belize, Costa Rica, the Dominican Republic, Guatemala, and Panama; *see* S. Exec. Rept. 106–22).

The treaties address a problem of concern to U.S. vehicle owners, namely the need for a means to facilitate recovery of vehicles stolen from the United States and transported to other countries in the hemisphere. The State Department testified that the United States insurance industry strongly supports these stolen vehicle treaties, because “U.S. insurers are typically subrogated to the ownership interests of U.S. citizens or businesses whose vehicles have been stolen and taken overseas.” Representatives of insurance companies have informed the Department that these treaties provide “discernible improvements” in cooperation of foreign authorities.

The Treaty is similar to the treaties approved in 2000. It provides that a party shall notify the other party within one month of seizure of a vehicle or aircraft which may be documented in the other party. A party receiving a request for return must determine, within 30 days, whether the request meets the requirements of the treaty. Once the determination is made, the Requested Party must, within 15 days, make the vehicle available to the owner or his representative. The vehicle must remain available to such person to take delivery for at least 60 days.

There are certain exceptions to the obligation to return the vehicle, including if it is being held in connection with a criminal investigation (in which case it may be held until the investigation is over), or if the vehicle is subject to forfeiture under its laws because it was used in the territory of the Requested State for the commission of the crime with the consent of the owner, or represents the proceeds of a crime.

III. ENTRY INTO FORCE AND TERMINATION

Under Article 12, the Treaty enters into force upon exchange of the instruments of ratification. Under the same article, the Treaty may be terminated by either party upon six months notice. Such termination does not affect requests for return that are pending when the termination takes effect.

IV. COMMITTEE ACTION

The Committee held a public hearing on the Treaty on September 19, 2002, receiving testimony from representatives of the Departments of State and Justice. (S. Hrg. 107–721) The Committee considered the Treaty on October 8, 2002, and ordered that it be favorably reported by unanimous voice vote with the recommendation that the Senate give its advice and consent to ratification of the Treaty as set forth in the resolution of advice and consent to ratification.

V. TEXT OF RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION

Resolved (two-thirds of the Senators present concurring therein),
That the Senate advise and consent to the ratification of the Treaty between the Government of the United States of America and the Government of the Republic of Honduras for the Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft, with Annexes and a related exchange of notes, signed at Tegucigalpa on November 23, 2001 (Treaty Doc. 107-15).

