

115TH CONGRESS
2D SESSION

H. R. 6366

To direct the Secretary of Homeland Security to carry out a pilot program for the prevention and mitigation of acts of terrorism using motor vehicles, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2018

Mr. GOTTHEIMER (for himself and Mr. FITZPATRICK) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To direct the Secretary of Homeland Security to carry out a pilot program for the prevention and mitigation of acts of terrorism using motor vehicles, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Darren Drake Combat-

5 ting 21st Century Weapons of Terror Act” or the “Darren

6 Drake Act”.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

1 (1) From 2014 through 2017, terrorists carried
2 out at least 17 known vehicle ramming attacks
3 worldwide, resulting in 173 fatalities and 667 inju-
4 ries.

5 (2) The Islamic State of Iraq and the Levant,
6 or ISIS, was designated by the State Department as
7 a foreign terrorist organization on December 17,
8 2004 and was designated as a Specially Designated
9 Global Terrorist (SDGT) on October 15, 2004.

10 (3) Al-Qa'ida and the Islamic State have pro-
11 moted vehicle attacks for years, including in Inspire,
12 the online magazine of al-Qa'ida and in Rumiya, the
13 magazine of the Islamic State.

14 (4) The Islamic State calls upon its followers to
15 conduct vehicle ramming attacks by buying, renting,
16 stealing, or borrowing trucks and targeting large
17 outdoor events, crowded pedestrian streets, outdoor
18 markets and rallies.

19 (5) On November 21, 2017, a grand jury in the
20 Southern District of New York returned a 22-count
21 indictment against the perpetrator of an alleged ve-
22 hicular terrorist attack carried out in the name of
23 the designated foreign terrorist organization the Is-
24 lamic State in lower Manhattan on October 31,
25 2017, which killed eight people, including Darren

1 Drake of New Milford, New Jersey, and injured 12
2 more.

3 (6) The automotive sale and rental industry has
4 been a leader in strengthening security measures,
5 working with government agencies and officials in-
6 cluding the Department of Homeland Security,
7 Transportation Security Administration, and the
8 Federal Bureau of Investigation, and continuing to
9 innovate and improve to better protect its customers,
10 employees, assets, and the general public.

11 **SEC. 3. STUDY ON INFORMATION COLLECTED BY RENTAL**
12 **AGENCIES AND DEALERS.**

13 Not later than 180 days after the date of the enact-
14 ment of this Act, the Secretary of Homeland Security, act-
15 ing through the Administrator of the Transportation Se-
16 curity Administration, shall—

17 (1) conduct a study on the various types of in-
18 formation collected by rental companies and dealers
19 that rent covered rental vehicles in the United
20 States and Europe; and

21 (2) develop and disseminate best practices for
22 rental companies and dealers to report suspicious be-
23 havior to law enforcement agencies at the point of
24 sale for such a covered rental vehicle.

1 **SEC. 4. PILOT PROGRAM.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of the enactment of this Act, the Secretary of Home-
4 land Security shall establish a pilot program, for a period
5 not to exceed one year, to—

6 (1) in consultation with representatives of the
7 automotive sale and rental industry, develop a uni-
8 form standard for the type of information collected
9 by rental agencies described in section 3, and the
10 type of information used in submitting suspicious
11 activity reports;

12 (2) provide operators with a threat assessment
13 prepared by the Undersecretary of Homeland Secu-
14 rity for Intelligence and Analysis regarding the ter-
15 rorism threat of large vehicles;

16 (3) distribute guidance for improving the sus-
17 picious activity reporting process, including training
18 for designated employees to better identify sus-
19 picious activity;

20 (4) provide technical assistance to operators to
21 better access suspicious activity reports; and

22 (5) if determined necessary by the Secretary,
23 establish a procedure for checking information
24 against a designated watch list that does not contain
25 any classified information, and for dealers and rent-

1 al companies to provide notice of a sale or rental to
2 the Federal Bureau of Investigation.

3 (b) REPORT TO CONGRESS.—Once every 120 days,
4 until the conclusion of the program under this section, the
5 Secretary of Homeland Security and the Administrator of
6 the Transportation Security Administration shall jointly
7 submit to Congress a report on the program under this
8 section, including—

9 (1) an assessment of the impact of the pilot
10 program on privacy and civil liberties; and

11 (2) the effect that permanent implementation of
12 the program would have on efforts to protect the
13 United States against terrorist attacks.

14 (c) EXEMPTION FROM LIABILITY.—A dealer or rent-
15 al company shall not be liable for any action taken in ac-
16 cordance with this pilot program under this section.

17 (d) DEFINITIONS.—In this section:

18 (1) The term “covered rental vehicle” means a
19 truck, tractor, trailer, bus, semitrailer, or van with
20 more than 15 passengers.

21 (2) The terms “dealer” and “rental company”
22 have the meanings given those terms in section
23 30102 of title 49, United States Code.

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