

VEHICULAR TERRORISM PREVENTION ACT OF 2017

MARCH 19, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 4227]

The Committee on Homeland Security, to whom was referred the bill (H.R. 4227) to require the Secretary of Homeland Security to examine what actions the Department of Homeland Security is undertaking to combat the threat of vehicular terrorism, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

CONTENTS

| | Page |
|---|------|
| Purpose and Summary | 2 |
| Background and Need for Legislation | 2 |
| Hearings | 3 |
| Committee Consideration | 4 |
| Committee Votes | 4 |
| Committee Oversight Findings | 4 |
| New Budget Authority, Entitlement Authority, and Tax Expenditures | 4 |
| Congressional Budget Office Estimate | 4 |
| Statement of General Performance Goals and Objectives | 4 |
| Duplicative Federal Programs | 5 |
| Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits ... | 5 |
| Federal Mandates Statement | 5 |
| Preemption Clarification | 5 |
| Disclosure of Directed Rule Makings | 5 |
| Advisory Committee Statement | 5 |
| Applicability to Legislative Branch | 5 |
| Section-by-Section Analysis of the Legislation | 6 |
| Changes in Existing Law Made by the Bill, as Reported | 6 |

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Vehicular Terrorism Prevention Act of 2018”.

SEC. 2. STRATEGY ON VEHICULAR TERRORISM.

(a) **IN GENERAL.**—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) assess the activities the Department of Homeland Security is undertaking to support emergency response providers and the private sector to prevent, mitigate, and respond to the threat of vehicular terrorism; and

(2) based on such assessment, develop and submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a strategy to improve the Department's efforts to support the efforts of emergency response providers and the private sector to prevent, mitigate, and respond to such threat.

(b) **CONTENTS.**—The strategy required under subsection (a) shall include the following:

(1) An examination of the current threat of vehicular terrorism.

(2) Methods to improve Department of Homeland Security information sharing activities with emergency response providers and the private sector regarding best practices to prevent, mitigate, and respond to the increasing threat of vehicular terrorism.

(3) Training activities the Department can provide, including possible exercises, for emergency response providers to prevent and respond to the threat of vehicular terrorism.

(4) Any additional activities the Secretary of Homeland Security recommends to prevent, mitigate, and respond to the threat of vehicular terrorism.

(c) **DEFINITIONS.**—In this section:

(1) **EMERGENCY RESPONSE PROVIDERS.**—The term “emergency response providers” has the meaning given such term in section 2(6) of the Homeland Security Act of 2002 (6 U.S.C. 101(6)).

(2) **VEHICULAR TERRORISM.**—The term “vehicular terrorism” means any action that utilizes automotive transportation to inflict violence and intimidation on individuals for a political purpose.

PURPOSE AND SUMMARY

The bill directs the Secretary of Homeland Security to examine the threat of vehicular terrorism and develop a strategy to improve Department of Homeland Security (DHS) support for the efforts of emergency responders and the private sector to prevent, mitigate and respond to such a threat. The strategy is required to include information sharing activities and training activities as well as any additional activities the Secretary recommends to improve the Department's support for efforts of emergency response providers and the private sector to prevent, mitigate and respond to such a threat.

BACKGROUND AND NEED FOR LEGISLATION

Terror groups have urged supporters to carry out attacks using any means necessary, including vehicle ramming. The second edition of *Inspire* magazine, a terrorist propaganda tool published by now-deceased U.S.-born al Qaeda in the Arabian Peninsula (AQAP) member Anwar al-Awlaki, included an article promoting the use of a large pickup trucks to target pedestrians. Supporters of the Islamic State of Iraq and Syria (ISIS) have repeatedly promoted the use of unsophisticated terror attacks, including the use of vehicles. As recently as February 23, 2018, a pro-ISIS group published a poster promoting vehicle ramming attacks. The poster displays a truck and Arabic and English text stating “Hit Them with a Truck. Kill Them All.”¹

¹Site Intelligence Group Enterprise. “Pro-IS Group Calls for Vehicular Attacks with Trucks in Poster,” February 23, 2018. Accessed at: <https://ent.siteintelgroup.com/Chatter/pro-is-group-calls-for-vehicular-attacks-with-trucks-in-poster.html>

Terrorists have heeded this direction and have carried out several vehicle-based attacks in the past several years. On the evening of July 14, 2016, a 19-ton cargo truck was deliberately driven into crowds of people celebrating Bastille Day on the Promenade des Anglais in Nice, France, resulting in the deaths of 86 people and the injury of 458 others. On March 22, 2017, a terrorist drove a car into pedestrians on the pavement along the south side of Westminster Bridge and Bridge Street, injuring more than 50 people, five of them fatally. On the afternoon of August 17, 2017, an individual drove a van into pedestrians on La Rambla in Barcelona, Spain, killing thirteen people and injuring at least 130 others.

The radicalized individuals in the United States have also engaged in vehicle ramming attacks. On November 28, 2016, an individual inspired by ISIS drove his vehicle into a crowd of students on the Ohio State University campus, injuring 11 students. Most recently, on October 31, 2017, a person drove a rented pickup truck into cyclists and runners on the Hudson River Park's bike path in New York City. The vehicle-ramming attack killed eight people and injured eleven others. A flag and a document indicating allegiance to ISIS were found in the truck. However, this terror tactic has not confined itself to one ideological group. On August 12, 2017, a self-proclaimed neo-Nazi drove his car into a crowd of individuals protesting the alt-right demonstrations held at a "Unite the Right" rally in Charlottesville, Virginia. The vehicle ramming attack killed one person and injured 35 others.

The majority of prevention, mitigation and response activities related to vehicle attacks are carried out by first responders and the private sector. DHS has existing resources and programs that can be better utilized to prepare front line personnel in local communities to address this threat. This includes, guidance related to the use of existing grant programs, increased information sharing, promoting suspicious activity reporting, increasing available exercises and training programs, dedicated research and development targeting mitigation measures, and utilizing critical infrastructure protection programs for vehicle ramming prevention.

H.R. 4227, the Vehicular Terrorism Prevention Act would require the Secretary of Homeland Security to submit to Congress, a report detailing what actions DHS is undertaking to combat the threat of vehicular terrorism. The report must include an examination of the current threat level for vehicular terrorism; what DHS is currently doing to guard against vehicular terrorism; how the threat of vehicular terrorism may be mitigated; the extent to which DHS is doing any outreach or training with private sector partners in response to the threat of vehicular terrorism; and, any actions that Congress can take to help DHS mitigate this threat.

HEARINGS

On November 30, 2017, the Committee held a hearing entitled "World Wide Threats: Keeping America Secure in the New Age of Terror." The Committee received testimony from Hon. Elaine C. Duke, Acting Secretary, Department of Homeland Security; Hon. Christopher A. Wray, Director, Federal Bureau of Investigation, U.S. Department of Justice; ,. Nicholas J. Rasmussen, Director, The National Counterterrorism Center, Office of the Director of National Intelligence; Mr. David B. Rausch, Chief of Police, City of

Knoxville, Tennessee, *testifying on behalf of the International Association of Chiefs of Police*; Rabbi Abraham Cooper, Associate Dean, Director Global Social Action Agenda, Simon Wiesenthal Center; and Mr. J. Richard Cohen, President, Southern Poverty Law Center.

This hearing examined current threats to America including: Islamist terrorism, domestic terrorism, cyberattacks, aviation security and border security. The hearing focused on the federal government to counter these threats, as well as the steps congress has taken to support their efforts.

COMMITTEE CONSIDERATION

The Committee met on March 7, 2018, to consider H.R. 4227, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by unanimous consent. The Committee took the following actions:

The following amendment was offered:
An Amendment in the Nature of a Substitute offered by MR. DONOVAN (#1); was AGREED TO by voice vote.

COMMITTEE VOTES

Clause 3(b) of Rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 4227.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 4227, the Vehicular Terrorism Prevention Act of 2017, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, H.R. 4227 contains the following general per-

formance goals and objectives, including outcome related goals and objectives authorized.

The goal of H.R. 4227 is for the Department of Homeland Security to develop a strategy to improve DHS support for efforts of emergency responders and the private sector to prevent, mitigate, and respond to the threat of vehicular terrorism.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 4227 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with Rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the Rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 4227 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 4227 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title.

This section provides that this bill may be cited as the “Vehicular Terrorism Prevention Act of 2018”.

Sec. 2. Strategy on Vehicular Terrorism.

This section directs the Secretary to examine the threat of vehicular terrorism and develop a strategy to improve DHS support for the efforts of emergency responders and the private sector to prevent, mitigate and respond to such a threat. The strategy is required to include information sharing activities and training activities as well as any additional activities the Secretary recommends to improve the Department’s support for efforts of emergency response providers and the private sector to prevent, mitigate and respond to such a threat.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported, H.R. 4227 makes no changes to existing law.

