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DARREN DRAKE ACT

SEPTEMBER 14, 2021.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 4089]

The Committee on Homeland Security, to whom was referred the bill (H.R. 4089) to direct the Secretary of Homeland Security to develop and disseminate best practices for rental companies and dealers to report suspicious behavior to law enforcement agencies at the point of sale of a covered rental vehicle to prevent and mitigate acts of terrorism using motor vehicles, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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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 "Darren Drake Act".

SEC. 2. BEST PRACTICES RELATED TO CERTAIN INFORMATION COLLECTED BY RENTAL COMPANIES AND DEALERS.

(a) DEVELOPMENT AND DISSEMINATION.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall develop and disseminate best practices for rental companies and dealers to report suspicious behavior to law enforcement agencies at the point of sale of a covered rental vehicle.

(2) CONSULTATION; UPDATES.—The Secretary shall develop and, as necessary, update the best practices described in paragraph (1) after consultation with Federal, State, local, and Tribal law enforcement agencies and relevant transportation security stakeholders.

(3) GUIDANCE ON SUSPICIOUS BEHAVIOR.—The Secretary shall include, in the best practices developed under paragraph (1), guidance on defining and identifying suspicious behavior in a manner that protects civil rights and civil liberties.

(b) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report on the implementation of this section, including an assessment of—

(1) the impact of the best practices described in subsection (a) on efforts to protect the United States against terrorist attacks; and

(2) ways to improve and expand cooperation and engagement between—

(A) the Department of Homeland Security;

(B) Federal, State, local, and Tribal law enforcement agencies; and

(C) rental companies, dealers, and other relevant rental industry stakeholders.

(c) DEFINITIONS.—In this section:

(1) The terms "dealer" and "rental company" have the meanings given those terms in section 30102 of title 49, United States Code.

(2) The term "covered rental vehicle" means a motor vehicle that—

(A) is rented without a driver for an initial term of less than 4 months; and

(B) is part of a motor vehicle fleet of 35 or more motor vehicles that are used for rental purposes by a rental company.

PURPOSE AND SUMMARY

The purpose of H.R. 4089, the "Darren Drake Act," is to enhance the Department of Homeland Security's (DHS) efforts to prevent and mitigate acts of terrorism committed using rental vehicles. Specifically, the bill requires DHS to develop and disseminate best practices for vehicle rental companies and dealers to report suspicious behavior to law enforcement. These best practices, which must contain guidance on identifying suspicious behavior in a manner that protects civil rights and civil liberties, will be developed and updated in consultation with Federal, State, local, and Tribal law enforcement agencies and relevant transportation security stakeholders. The bill also requires DHS to report to Congress regarding the implementation of these best practices and other potential ways to improve coordination between DHS, Federal, State, local, and Tribal law enforcement, and rental vehicle providers.

BACKGROUND AND NEED FOR LEGISLATION

In October 2017, a lone wolf terrorist inspired by ISIS killed eight people and injured 11 others by ramming a pickup truck into cyclists and runners along the Hudson River Park bike path in New York City. The perpetrator rented the pickup truck used in the attack from a vehicle rental facility at a home improvement store in New Jersey. Among the deceased was a 32-year-old bicyclist named Darren Drake.

Unfortunately, this deadly vehicle-ramming attack was far from an isolated incident. To the contrary, terrorists who subscribe to a wide variety of ideologies have used vehicle-ramming attacks. In

2016, a terrorist drove a rental truck into a celebration in Nice, France, killing 86 people. During the white supremacist rally in Charlottesville, Virginia, in 2017, one person was killed and 35 others were injured when a domestic terrorist rammed his personal car into a crowd. Rental vehicles have also been used in more elaborate terrorist plots. Timothy McVeigh rented a truck to bomb the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, in 1995. Likewise, the vehicle that was used in 1993 to plant a bomb at the World Trade Center in New York City was a rental truck.

The use of vehicles in terrorist attacks is unlikely to abate. In recent years, pro-ISIS online magazines have explicitly endorsed and advocated vehicle-ramming attacks. Meanwhile, there was a surge in vehicle-ramming attacks by far-right extremists last summer. Unlike bombings, hijackings, and other more complicated terrorist plots, a vehicle-ramming attack requires little expertise and can be conducted at a negligible cost. Moreover, a single individual can easily carry out such an attack without coordinating with others.

Given the frequency with which bad actors have carried out attacks using rental vehicles, it is imperative that DHS work with rental vehicle providers to preempt potential attacks before they occur. By requiring DHS to provide information to vehicle rental facilities regarding how to identify suspicious behavior in a non-discriminatory manner and report such suspicions to law enforcement, H.R. 4089 will increase the reporting of suspicious behavior and reduce the likelihood of additional successful vehicular attacks. The development and dissemination of these best practices will also help enhance the working relationship between DHS, other law enforcement agencies, and rental vehicle providers on such matters.

HEARINGS

For the purposes of clause 3(c)(6) of rule XIII of the Rules of the House of Representatives, the following hearings were used to develop H.R. 4089:

The Committee did not hold a legislative hearing on H.R. 4089 in the 117th Congress. The legislation was informed by a hearing held in the 116th Congress. On May 6, 2019, the Subcommittee on Intelligence and Counterterrorism held a hearing entitled "Local Efforts to Counter the Terror Threat in New York City: A Retrospective and a Roadmap," where the truck attack that resulted in Darren Drake's death was specifically discussed. The Subcommittee received testimony from John Miller, Deputy Commissioner, Intelligence and Counterterrorism, New York Police Department; Thomas Currao, Chief of Counterterrorism, Fire Department of the City of New York; and Louis Klock, Deputy Superintendent of Police, Port Authority of New York and New Jersey.

COMMITTEE CONSIDERATION

The Committee met on July 28, 2021, a quorum being present, to consider H.R. 4089 and ordered the measure to be favorably reported to the House, as amended, by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII 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. 4089.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X, are incorporated in the descriptive portions of this report.

CONGRESSIONAL BUDGET OFFICE ESTIMATE, NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII and section 308(a) of the Congressional Budget Act of 1974, and with respect to the requirements of clause 3(c)(3) of rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

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.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 4089 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the objectives of H.R. 4089 are to increase reporting of suspicious behavior at rental vehicle facilities and enhance the working relationship between rental vehicle providers and law enforcement to prevent vehicular terrorist attacks.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS ADVISORY COMMITTEE STATEMENT

In compliance with rule XXI, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that H.R. 4089 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 the bill may be cited as the "Darren Drake Act". The bill's namesake, Darren Drake, was a victim of a vehicle-ramming terrorist attack in 2017 that utilized a rental truck.

Sec. 2. Best Practices Related to Certain Information Collected by Rental Companies and Dealers.

This section requires DHS to develop and disseminate best practices for vehicle rental companies and dealers to report suspicious behavior related to covered rental vehicles to law enforcement. The best practices shall be disseminated within 1 year of the date of enactment.

These best practices shall be developed, and thereafter updated, in consultation with Federal, State, local, and Tribal law enforcement agencies and relevant transportation security stakeholders, such as rental companies and dealers. This provision will help reduce the likelihood of successful acts of terrorism utilizing rental vehicles by providing rental companies and dealers with information on how to identify and report suspicious behavior and ensuring DHS, other law enforcement agencies, and rental vehicle facilities engage with one another on such matters.

In addition, to prevent discriminatory profiling, the best practices produced pursuant to this section must include guidance on defining and identifying suspicious behavior in a manner that protects civil rights and civil liberties.

The bill also requires DHS to submit a report to Congress within 1 year regarding the impact of the best practices on efforts to prevent vehicular terrorist attacks in the United States. The report will also include an assessment of ways to further enhance cooperation and engagement between DHS, other Federal, State, local, and Tribal law enforcement agencies, and rental vehicle companies and dealers.

Finally, this section defines key terms used in the bill. The terms "rental company" and "dealer" are afforded the same meanings as in 42 U.S.C. 30102. Meanwhile, a "covered rental vehicle" is defined as any motor vehicle that is rented without a driver for a term of less than 4 months and is part of a rental fleet of 35 or more vehicles.

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