

H.R. 4049 -- TO ESTABLISH THE COMMISSION FOR THE COMPREHENSIVE STUDY OF PRIVACY PROTECTION

Cost to Taxpayers: The bill authorizes \$5 million, subject to appropriation, for an 18-month commission consisting of 17 members.

Does the Bill Create New Government Programs or Regulations: Yes, the bill authorizes a new commission, the first privacy commission since the 1974 Privacy Commission. The commission will provide Congress and the President with a report which, among other things, may recommend legislative reforms and non-legislative market-based reforms. The bill would direct the commission to discuss potential threats to privacy, assess when the sharing of personal information is appropriate and beneficial to consumers, analyze the effectiveness of existing statutes and regulations, and recommend legislative and regulatory changes to improve the security of personal information. The Commission will study federal state, and local uses of personal information (such as census and driver's license information) in addition to private market uses of personal information (such as medical and banking records).

Constitutional Authority: The Committee cites clauses 14 (to make rules for the Government) and 18 (laws necessary and proper) of Article I, Section 8 of the U.S. Constitution.

Other: The bill has been endorsed by a number of conservative groups, including Eagle Forum, Traditional Values Coalition, Home School Legal Defense Fund, and Concerned Women for America.

H. R. 4827--ENHANCED FEDERAL SECURITY ACT OF 2000

Cost to Taxpayers: CBO estimates that H.R. 4827 would not result in any significant cost to the federal government. H.R. 4827 would establish new federal crimes relating to unauthorized entry on federal properties or airports and misuse of police badges.

Does the Bill Create New Government Programs or Regulations: H.R. 4827 would establish new federal crimes relating to unauthorized entry on federal properties or airports and misuse of police badges. Because H.R. 4827 would establish new federal crimes, the government would be able to pursue cases that it otherwise would not be able to prosecute.

Constitutional Authority: The Committee cites authority for this legislation in Article I, section 8, clause 18 (to make laws necessary and proper) of the Constitution.

Summary: This bill is the result of serious breaches of security that occurred at 19 secure Federal

buildings and two airports during the course of an undercover investigation conducted by the Office of Special Investigations (OSI) of the General Accounting Office. During the investigation, OSI Special Agents posed as plain-clothed law enforcement officers and displayed fake badges and credentials to gain access to these secure buildings and facilities. In every case, the agents were able to enter agency buildings while claiming to be armed and carrying briefcases, which were never searched and were big enough to be packed with large quantities of explosives, chemical or biological agents. The agencies and buildings penetrated included the CIA, the Pentagon, the FBI, the Department of Justice, the Department of State, and the Department of Energy.

H.R. 4640 -- DNA ANALYSIS BACKLOG ELIMINATION ACT OF 2000

Cost to Taxpayers: CBO estimates that implementing H.R. 4640 would cost about \$165 million over the 2001-2005 period. The bill text authorizes "such sums as may be necessary."

Does the Bill Create New Government Programs or Regulations: The bill authorizes grants to states to collect DNA samples from criminals (including released and paroled criminals) convicted of certain federal or military offenses (such as murder, burglary, and kidnaping) and send such samples to the FBI for inclusion in a DNA database. The bill would direct the Department of Justice, the Judiciary, and the Department of Defense to collect and analyze DNA samples from persons convicted of certain crimes. H.R. 4640 also would establish new federal crimes (class A misdemeanor) for *refusing* to provide DNA samples and for the unauthorized use of DNA samples. The bill requires states accepting grant money to file a yearly status report to the Attorney General, and also limits state administrative expenses to 3% of the grant.

Constitutional Authority: The Committee cites Article I, sections 8, clause 3 (regulate commerce), 14 (make rules for the government), 17 (exercise exclusive legislative authority over the District of Columbia), and 18 (all laws necessary and proper) of the Constitution.

H.R. 4147 --STOP MATERIAL UNSUITABLE FOR TEENS

Cost to Taxpayers: A CBO estimate is not available, but the bill should not significantly impact federal spending.

Does the Bill Create New Government Programs or Regulations: Yes. The bill increases the age of persons considered to be minors for the purposes of the prohibition on transporting obscene materials to minors from 16-years old to 18.

Title 18 Sec. 1470. Transfer of obscene material to minors

Whoever, using the mail or any facility or means of interstate or foreign commerce, knowingly transfers obscene matter to another individual who has not attained the age of 16 [**would change to 18**] years, knowing that such other individual has not attained the age of 16 [**would change to 18**] years, or attempts to do so, shall be fined under this title, imprisoned not more than 10 years, or both.

Constitutional Authority: A Committee Report and therefore citation of Constitutional authority is not available

H.R. 3088 -- VICTIMS OF RAPE HEALTH PROTECTION ACT

Cost to Taxpayers: A CBO estimate is not available, but the bill should not significantly impact federal spending.

Does the Bill Create New Government Programs or Regulations: Yes. The bill would reduce state funding under the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) by 10%, unless a state, at the victim's request, tests a defendant of rape for HIV not later than 48 hours after the date on which the information or indictment is presented. In addition, the state, also at the victim's request, shall initiate follow-up HIV tests on the rapist defendant. If the defendant tests positive for HIV, this fact may be considered as relevant to judicial proceedings.

Constitutional Authority: A Committee Report and therefore citation of Constitutional authority is not available.

Other: Currently, defendants, prior to conviction, may be subjected to blood and urine tests. This bill will expand these tests to include HIV. At least six states— Florida, Iowa, Indiana, Kansas, Oklahoma, and Wisconsin— have laws that allow for HIV testing of an alleged sex offender.

Concerns: Some Members might be concerned that bill constitutes a new federal mandate on States, similar to the .08 Blood Alcohol Content mandate currently under consideration in the Transportation bill.

H.R. 3235-- VICTIMS NATIONAL POLICE ATHLETIC LEAGUE YOUTH ENRICHMENT ACT OF 2000

Cost to Taxpayers: CBO estimates that implementing H.R. 3235 would cost \$80 million over the 2001-2005 period. The bill authorizes \$16 million per year for FY 2001-05.

Does the Bill Create New Government Programs or Regulations: Yes. The bill creates a new program to provide grants, distributed by the Assistant Attorney General, to the existing 320 Police Athletic League (PAL) chapters nationwide, and to create an additional 250 chapters. The programs will be required by this federal law to provide at least four programs including at least two of the following: mentoring assistance, academic assistance, recreational and athletic activities, or technology training. They may also provide drug and alcohol prevention, health counseling, cultural and social programs, conflict resolution, and job skill preparation.

Constitutional Authority: The Committee Report cites Article I, section 8 of the Constitution, but does not cite a specific clause.

Summary: According to the Committee Report, the Police Athletic League was founded by police officers in NYC in 1914. Its mission is to offer an alternative to crime, drugs and violence for our nation's most at-risk youth. Since its founding, PAL has grown into one of the largest youth-crime prevention programs in the nation, with a network of 320 local chapters and 1,700 facilities that serve more than 3,000 communities and 1.5 million young people. Local chapters are staffed by off-duty police officers, and they receive most of their funding from private sources.

Concerns / Justification for a “No” Vote: As the committee report indicates this program has blossomed without federal support. The following is taken straight from the PAL official website “Although many chapters are sponsored by law enforcement agencies, PAL receives no direct funding from them and is dependent in large part by support from private sectors such as individuals, business leaders, corporations and foundations.” The introduction of direct government support, particularly federal support, exposes the PAL programs to certain federal requirements. For example, the bill itself includes certain programming requirements. In addition, some groups might use the receipt of federal funds to curtail PAL support for certain single-sex activities, including Cub Scouts.

The views expressed in this Legislative Bulletin do not necessarily reflect the views of all Members of the Conservative Action Team.

The Conservative Action Team is a Congressional Member Organization of almost 60 House Members and is chaired by Representative John Shadegg (R-AZ).