



## Bill Summary and Position Paper

### H.R. 838 – S.265 “TAPS Act”

116<sup>th</sup> Congress (2019-20)

By: Rep. Brian Babin (R-TX-36)  
& Sen. Marco Rubio (R-FL)

**NAGR Position: Oppose**

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### Summary

Introduced by Rep. Brian Babin (R-TX-36) The Threat Assessment, Prevention, and Safety Act, otherwise known as the “TAPS Act” aims to create a “pre-crime” program -- sort of like that envisioned by sci-fi writer Philip K. Dick in his short story *Minority Report*.

In the short story, a future society does law enforcement by mind reading. People thinking about a crime are dealt with, before they commit do any overt act.

The TAPS Act creates a behavioral threat assessment and management team to recommend protocol for preventing targeted violence.

It is mainly aimed at monitoring elementary and high school students (i.e. using federal funding to spy on our school children). It is a taxpayer-funded surveillance of every American, without warrant or cause.

The bill does not clarify what is done with those targeted pre-crime, and will serve as a database that will be ripe for abuse, particularly targeted at gun owners. So what will count as a behavioral threat? Will owning a firearm, or making a political social media post flag you? That’s up to the task force to decide. The TAPS Act is gaining support from Republicans, Democrats, and outside groups.

### What the Sponsors are saying about it:

In his own press release for the bill, Congressman Babin admits the bill is a “pre-crime bill”, saying it would: “(allow) us to connect the dots and manage threats before an attack can occur.” (1/31/2019)

Senator Rubio’s press release on his co-sponsorship of S. 265 echoed that statement, claiming “We have the expertise to implement systems to identify and stop dangerous individuals before they commit an act of violence.” (1/31/2019)

## What H.R. 838 Does:

The bill funds the creation of a task force, which is to make recommendations to the Secretary of Homeland Security. The bill then requires the Secretary to implement the recommendations and create an office that can offer help to state/local agencies that do law enforcement.

The bill appropriates 100 million dollars over four years, 25 million per year.

**BEHAVIORAL THREAT ASSESSMENT AND MANAGEMENT.** — The term “behavioral threat assessment and management” means the systematic and evidence-based process of:

(A) identifying individuals who are exhibiting patterns of concerning behavior that indicate an interest, motive, intention, or capability of carrying out an act of violence;

(B) investigating and gathering information from multiple sources to assess whether an individual described in subparagraph (A) poses a threat, based on articulable facts; and

(C) the subsequent management of such a threat, if necessary.

## What the Task Force Does:

The task force is to give suggestions for predicting people who will carry out an act of violence, before they do anything.

The DHS secretary is to create an office based on those recommendations to offer help to state or local law enforcement that needs pre-crime help.

What is to be done with people suspected of pre-crime is not in the bill.

The bill only has two ideas, come up with a pre-crime program, and implement it. Short of talking to a suspect and asking if they have a problem, it is unsure what else can be done, under current law.

Perhaps this bill could dovetail with a Red Flag type program, and have pre-crime people subject to having their guns seized.

## Unknowns of H.R. 838:

- Does merely owning a firearm make someone a behavioral threat?
- Does social media posts of political views make someone a behavioral threat?
- Does application for government benefits count as a negative?
- If an individual is deemed to be a threat, how are their constitutional rights protected?

## **NAGR Position: OPPOSE**

NAGR opposes to the TAPS Act and other bills of a similar nature.

This kind of legislation is closely related to “Red Flag” Gun Confiscation in that the aim is strip people of their fundamental God-given rights before a crime has taken place.

NAGR opposes any such legislation which revokes a person’s 2<sup>nd</sup>, 4<sup>th</sup>, or 5<sup>th</sup> Amendment rights and places them into a government database – which de facto bans them from ever owning a firearm again.

On the surface, TAPS does appear to be a simple study bill, but it’s a study bill that puts the conclusion before the study and dumps millions of dollars into implementing it.

It’s a natural extension of “Red Flag” laws in the sense that it opens the door to the government performing risk assessment on innocent Americans -- not even a physician or a family member, much less a court.

And it’s only a matter of time before the government uses it to strip constitutional rights away -- like the Second Amendment -- without due process.

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