



The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Steny H. Hoyer
Majority Leader
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Steve J. Scalise
Minority Whip
U.S. House of Representatives
Washington, D.C. 20515

The Honorable James E. Clyburn
Majority Whip
U.S. House of Representatives
Washington, D.C. 20515

21 September 2021

Dear Speaker Pelosi, Majority Leader Hoyer, Majority Whip Clyburn, Minority Leader McCarthy, and Minority Whip Scalise:

GOA will be scoring H.R. 4350, the FY 2022 National Defense Authorization Act, because it contains United States Code of Military Justice (UCMJ) "Red Flag" Gun Confiscation Orders (GCOs). Pro-gun Representatives must oppose UCMJ Gun Confiscation Orders.

GOA scored final passage of UCMJ Gun Confiscation Orders when it passed the House in the FY 2021 NDAA.ⁱ In conference, GOA insisted on the elimination of gun control and in the end gun owners won.ⁱⁱ

But now, gun control is back in the FY 2022 NDAA. Specifically, GOA is opposed to SEC. 529 of H.R. 4350 entitled *Authority of Military Judges and Military Magistrates to Issue Military Court Protective Orders*. This language would create a Military Court Gun Confiscation Order (GCO) program—a disgusting violation of the Second, Fourth, Fifth, and Fourteenth Amendment rights of our armed service personnel who offer their lives to defend those same constitutional rights every day.

These proposed Military Court Gun Confiscation Orders could be “issued on an *ex parte* basis” and therefore would “restrain a person from possessing, receiving, or otherwise accessing a firearm” without constitutional Due Process (SEC. 529’s proposed §1567b(j)(1)(A)). In fact, the *emergency* Military Court GCOs are explicitly exempted from the “Protection of Due Process” provided for in SEC. 529’s proposed §1567b(h)(1).

Indeed, seizing firearms first and “getting the Due Process later” will never constitute sufficient Due Process, no matter how much anti-gunners may pretend it is. Gun Owners of America strongly opposes SEC. 529’s unconstitutional Gun Confiscation Orders. For these reasons, Gun Owners of America is scoring against the final passage of H.R. 4350 the FY 2022 NDAA in the House.

Yours in liberty,

Aidan Johnston
Director of Federal Affairs

ⁱ *H. R. 6395 William M. (Mac) Thornberry National Defense Authorization Act*. Roll Call 152. 116th Congress, 2nd Session.

ⁱⁱ *Gun Owners Defeat Federal Gun Confiscation*. Johnston. December 2020.