



## Gun Control in FY 2023 Commerce, Justice, Science Appropriations

Gun Owners of America objects to the following appropriations in H.R. 8256 and the accompanying H. Rept. 117-395:

### 1. Massive ATF Budget Increase to Facilitate Biden's Pistol Ban

In order to facilitate its gun registration schemes,<sup>i</sup> the Biden Administration's ATF has requested a 13% budgetary increase<sup>ii</sup> which is provided for in H.R. 8256. Indeed, the Biden Administration has begun describing its upcoming rule as an "Amnesty Registration" for pistols.<sup>iii</sup> This amnesty will affect the owners of up to 40,000,000 pistols.<sup>iv</sup> ATF reports to have processed 512,315 gun registration forms in 2020.<sup>v</sup> Assuming no further backlog and assuming all affected gun owners comply with gun registration, it would take the ATF over 78 years to process all the pistol registration forms. Therefore, H.R. 8256 "assumes that within the resources provided, ATF will prioritize funding for the National Firearms Act Division to improve firearms licensing processing timelines."<sup>vi</sup> A vote for this funding increase is a vote to facilitate Biden's pistol registration scheme.

### 2. Gun Registration Funding

H.R. 8256 provides \$14,400,000 to modernize the National Tracing Center [NTC], which is the branch that maintains, accesses, and searches ATF's digital, searchable, gun registries.<sup>vii</sup> This funding "[i]ncreases by more than 40% the funding for the National Tracing Center."<sup>viii</sup> ATF is transparent with exactly how the system will be modernized:

*This initiative to consolidate firearms tracing applications through an eTrace modernization effort with enhanced data sharing capabilities will serve as a key building block in significantly improving the operational proficiency of the NTC Division.<sup>ix</sup>*

This data sharing technology will upgrade ATF's gun registry, after which the National Tracing Center will be able to more effectively search<sup>x</sup> its 920,664,765-record registry<sup>xi</sup> and create a door-to-door confiscation list of Americans who lawfully purchased these newly banned firearms, such as AR-15 pistols.<sup>xii</sup>

Note: ATF also proposes that this enhanced gun registry will not only be useful for American law enforcement, but also for the many "foreign law enforcement agencies (including Canada, Mexico, the Caribbean, most of Central America, parts of Western Europe, Australia, and Japan) utilizing eTrace" to search for Americans' registered firearms. It is outrageous that private information regarding Americans exercise of a constitutional right is available to foreign governments.

### 3. Gun Confiscation Law Funding

To help the ATF crackdown on gun owners who do not comply with this unconstitutional gun ban, H.R. 8256 proposes "\$40,000,000 for an incentivization program for extreme risk protection order laws." These are unconstitutional gun confiscation orders which are routinely used to seize firearms without constitutional due process. The intended function of these laws, which provide a simple mechanism for the government to disarm a citizen, is revealed in the context of the ATF's illegal gun registry. First, register all firearm transactions in a near-billion-record registry. Then, seize these firearms using this new gun confiscation procedure.

According to the House Report accompanying the bill, this funding is not only for "Red Flag" gun confiscation orders but also is available for unconstitutional "Gun Licensing Laws" as well.

### 4. New Annual Compensation for Families of Deceased ATF Agents Could be an Indication of Upcoming Gun Confiscation

Now, \$50,000 a year will be made available for "humanitarian expenses incurred by or for any [ATF] employee thereof (or any member of the employee's immediate family) that results from or is incident to serious illness, serious injury, or death occurring to the employee while on official duty or business." With the Biden Administration's plan to use an illegal national gun registry to confiscate millions of lawfully purchased pistols and AR-15s from gun owners, one can only wonder why Congress is planning to offer new financial benefits to ATF agents and their families if they are seriously injured or killed on the job.

### 5. Ammunition Background Check Implementation Plan

The House Report accompanying H.R. 8256 includes a GAO study on “Ammunition Background Checks.”<sup>xiii</sup> Within one year, the Government Accountability office will submit a report detailing:

- “[H]ow best to implement a requirement that background checks be conducted for all ammunition sales, including sales by Federal firearms licensees and private sellers;”
- “[W]hether, and if so, how, to include any funding required, the National Criminal Background Check System (NICS) could be expanded to include Federal background check requirements for ammunition purchases;”
- “[H]ow other countries with similar requirements have implemented such policies and their effectiveness at preventing unauthorized access to ammunition; and;”
- “[W]hat obstacles, if any, have State or local governments encountered in their efforts to implement background checks for ammunition purchasers.”

A right delayed is a right denied. Background checks delay the exercise of a constitutional right and are an infringement on the Second Amendment. Background checks for ammunition would have a chilling effect on the purchase of ammunition, create a registry of ammunition transactions like the ATF’s Firearm Transaction Record registry, leave ammunition unavailable when the background check system is offline or unavailable, risk indefinitely delaying ammunition purchases (as occurred in many states during COVID lockdowns), disparately deny minorities their ability to purchase ammunition, result in hundreds of thousands of false-positive denials for ammunition purchases, and would be entirely unenforceable. For all of these reasons and more, the federal government must not draw up a plan to implement ammunition background checks.

## **6. Gun Control Research, Unbound by the Dickey Amendment**

H.R. 8256 provides “\$1,000,000... for research on gun violence prevention.” However, the Office of Justice Programs is not bound by the Dickey Amendment, which applies to the CDC and NIH and reads, “[n]one of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control.” Given the necessity of including this restriction to prevent research funding from being used to undermine the constitutional rights of the people, unrestricted gun-related research must be opposed.

## **7. Anti-Gun Community Violence Intervention Initiatives**

H.R. 8256 currently proposes “\$150,000,000... for a community violence intervention and prevention initiative.” Misuse of CVI funding for gun control first began with the Biden Administration’s COVID relief package, which Mayor Eric Adams ostensibly used to “rebuild [NYC’s] anti-gun unit.”<sup>xiv</sup> Such funding was also included in the *Build Back Better Act*, when Democrats rejected an amendment to clarify that the funding could not be used:

*“in any manner that results in the denial, without due process, of an individual’s exercise of any right under the Second Amendment to the Constitution.”<sup>xv</sup>*

The Biden Administration clearly intends to misuse CVI funding to infringe on the right of the people to keep and bear arms—just as they have already done with prior funding.

## **8. “Domestic Violence Firearms Lethality Reduction Initiative”**

H.R. 8256 now provides \$4,000,000 for a “Domestic Violence Firearms Lethality Reduction Initiative.” Gun rights are women’s rights, and so a constitutionally minded government program might encourage women and domestic violence victims to exercise their constitutionally protected rights in order to defend themselves from domestic violence abusers. However, this program will surely be used to promote anti-gun and anti-woman rhetoric discouraging women from using firearms for self-defense.

## **9. “Violent Anti-Government Ideology” and “Domestic Radicalization Research”**

Since the FBI has labeled common patriotic, historic, and Second Amendment related speech and ideologies, including our Founding Fathers’ original interpretation of the Second Amendment, as “Militia Violent Extremism,” the Department of Justice’s Bureau of Justice Statistics cannot be trusted with “\$8,000,000, an increase of \$2,000,000 above the fiscal year 2022 enacted level for funding for research concerning domestic... violent anti-government ideology.”

## **10. Gun Control Earmarks**

The City of Vallejo CA will be receiving \$830,000 thanks to Rep. Thompson for an unconstitutional “Ghost Gun and Gun Violence Prevention Initiative” to crackdown on those who exercise their constitutionally protected right to manufacture a firearm in a state which infringes on that right.

- 
- <sup>i</sup> Johnston. [\*ATF's Illegal Gun Owner Registry\*](#). Gun Owners of America. 2022.
- <sup>ii</sup> Bureau of Alcohol, Tobacco, Firearms, and Explosives. [FY 2023 Budget Request At A Glance](#).
- <sup>iii</sup> Office of Management and Budget. [Information Collection Request OMB 1140-0011 Application to Make and Register a Firearm – ATF Form 1 \(5320.1\) SUPPORTING STATEMENT](#). A.1..
- <sup>iv</sup> [“Handguns, Stabilizing Braces, and Related Components”](#). *Congressional Research Service*. April 19<sup>th</sup>, 2021. 2.
- <sup>v</sup> Bureau of Alcohol, Tobacco, Firearms, and Explosives. [“Data & Statistics”](#). *Last Reviewed August 15<sup>th</sup>, 2022*.
- <sup>vi</sup> [House Report 117-395](#).
- <sup>vii</sup> Bureau of Alcohol, Tobacco, Firearms, and Explosives. [FY 2023 Budget Request](#). 72.
- <sup>viii</sup> White House. [President Biden's Budget Invests in Reducing Gun Crime to Make Our Communities Safer](#). March 28<sup>th</sup>, 2022.
- <sup>ix</sup> Bureau of Alcohol, Tobacco, Firearms, and Explosives. [FY 2023 Budget Request](#). 136.
- <sup>x</sup> Johnston. [\*ATF's Illegal Gun Owner Registry\*](#). Gun Owners of America. 2022. 12-17.
- <sup>xi</sup> [Letter from Daniel L. Board Jr., Assistant Director of Government Affairs for ATF to Rep. Michael Cloud and 51 Other Members of Congress Concerning ATF's Gun Registry](#). 2021.
- <sup>xii</sup> Johnston. [\*ATF's Illegal Gun Owner Registry\*](#). Gun Owners of America. 2022. 12.
- <sup>xiii</sup> [House Report 117-395](#).
- <sup>xiv</sup> Johnston. [Community Violence Intervention \(CVI\) Funding is Gun Control](#). Gun Owners of America. 2021.
- <sup>xv</sup> *Ibid*.