



## Gun Control in FY 2023 Omnibus Appropriations

Gun Owners of America strongly objects to the Senate amendment in the nature of a substitute to H.R. 2617 (hereafter “Omnibus”) because it is infested with Second Amendment infringements. GOA will score all votes to advance the anti-gun appropriations package unless each of the following gun control provisions are struck from the bill:

1. Massive 14.1% ATF Budget Increase to Facilitate Biden’s Pistol Ban
2. \$14.4 Million for ATF’s NTC Budget to Maintain it’s Illegal Near-Billion Record Gun Registry
3. \$700+ Million in Funding Available to Bribe States to Pass “Red Flag” Gun Confiscation Laws
4. Directing VA Medical Centers to Utilize Confiscation Orders on Vulnerable Veterans
5. Department of Education to Push “Safe Storage” of Parents’ Firearms
6. Funding for VA to Maintain “Gun Storage Maps” to Keep Tabs on Where Veterans Keep Guns
7. New Annual Compensation for Families of Deceased ATF Agents Could be an Indication of Upcoming Gun Confiscation
8. Gun Control Earmarks for “Orchid Healing Circles” and More!
9. Dickey Violations Galore While CDC Suppresses Self-Defense Statistics
10. Programs Discouraging Women from Exercising their Second Amendment Rights
11. Anti-Gun “Community Violence Intervention” Initiatives
12. “Violent Anti-Government Ideology” and “Domestic Radicalization Research”

It is an outrage that any legislator sworn to uphold the Constitution and the Second Amendment would even consider passing a 4,155-page \$1.7 trillion appropriations bill with so many gun control provisions. Our Founding Fathers would be ashamed. Each gun control must be struck from any final government appropriations package in order to respect the Second Amendment and eliminate opposition from gun owners.

### 1. Massive 14.1% ATF Budget Increase to Facilitate Biden’s Pistol Ban<sup>1</sup>

In order to facilitate its gun registration schemes,<sup>2</sup> the Biden Administration’s ATF requested a 13% budgetary increase.<sup>3</sup> Instead, the Omnibus proposes an even larger 14% budgetary increase for ATF to facilitate all of President Biden’s Second Amendment infringements and then some!<sup>4</sup> **Should the Omnibus be enacted, Congress will have allowed the ATF’s budget to increase by nearly 25% since the Trump Administration.** While the ATF’s actions in recent years have violated the Second Amendment and will criminalize millions of otherwise law-abiding gun owners, the agency is only emboldened by Congress’ massive budgetary increases.

To understand, look no further than the upcoming rule, proposed by the Biden Administration, which the ATF has begun describing as an “Amnesty Registration” for certain stabilizing brace pistols.<sup>5</sup> Using CRS estimates for braced firearm ownership, this amnesty will affect the owners of up to 40,000,000 pistols.<sup>6</sup> This is why House Report 117-395 (which is authorized in the Senate Appropriations Committee’s Explanatory Statement for Division B of the Omnibus) “assumes that within the resources provided, ATF will prioritize funding for the

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<sup>1</sup> [Amendment in the Nature of a Substitute to H.R. 2617. Division B. Title II. Bureau of Alcohol, Tobacco, Firearms, and Explosives Salaries and Expenses.](#) Senate Committee on Appropriations. 168.

<sup>2</sup> Johnston. [ATF’s Illegal Gun Owner Registry.](#) Gun Owners of America. 2022.

<sup>3</sup> Bureau of Alcohol, Tobacco, Firearms, and Explosives. [FY 2023 Budget Request At A Glance.](#)

<sup>4</sup> [Amendment in the Nature of a Substitute to H.R. 2617. Division B. Title II.](#) Senate Committee on Appropriations. 168.

<sup>5</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>6</sup> [“Handguns, Stabilizing Braces, and Related Components”.](#) Congressional Research Service. April 19<sup>th</sup>, 2021. 2.

National Firearms Act Division to improve firearms licensing processing timelines.”<sup>7</sup> **A vote for this funding increase is a vote to facilitate Biden’s pistol registration scheme.**

*Note: ATF reports to have processed 512,315 NFA gun registration forms in 2020.<sup>8</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.*

## **2. \$14.4 Million for ATF’s NTC Budget to Maintain it’s Illegal<sup>9</sup> Near-Billion Record Gun Registry<sup>10</sup>**

In the ATF’s FY 2023 appropriations request, the agency asked for \$14,400,000 to modernize the National Tracing Center [NTC], which is the branch that maintains, accesses, and searches ATF’s digital and searchable gun registries.<sup>11</sup> This funding would “[i]ncrease[] by more than 40% the funding for the National Tracing Center.”<sup>12</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>13</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>14</sup> the 920,664,765, and growing, records in the registry<sup>15</sup> and create a door-to-door confiscation list of Americans who lawfully purchased these newly banned firearms, such as AR-15 pistols.<sup>16</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 American’s exercise of a constitutional right is available to foreign governments.**

## **3. \$700+ Million in Funding Available to Bribe States to Pass “Red Flag” Gun Confiscation Laws<sup>17</sup>**

To help the ATF crackdown on gun owners who do not comply with this unconstitutional gun ban, the Omnibus proposes federal funding for state gun confiscation laws to the tune of “\$770.8 million, an increase of \$96.3 million, [via] Byrne-Justice Assistance Grants (JAG).”<sup>18</sup> While this funding was not directly gun related in years past, the Cornyn-Murphy gun control bill falsely known as the *Bipartisan Safer Communities Act* turned

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<sup>7</sup> [House Report 117-395](#).

<sup>8</sup> Bureau of Alcohol, Tobacco, Firearms, and Explosives. “[Data & Statistics](#)”. Last Reviewed August 15<sup>th</sup>, 2022.

<sup>9</sup> 18 U.S.C. 926(a)(3).

<sup>10</sup> [H. Rept. 117-395](#). National Tracing Center (NTC) Modernization. Funding Levels Found in Bureau of Alcohol, Tobacco, Firearms, and Explosives. [FY 2023 Budget Request At A Glance](#). 2.

<sup>11</sup> Bureau of Alcohol, Tobacco, Firearms, and Explosives. [FY 2023 Budget Request](#). 72.

<sup>12</sup> White House. [President Biden’s Budget Invests in Reducing Gun Crime to Make Our Communities Safer](#). March 28<sup>th</sup>, 2022.

<sup>13</sup> Bureau of Alcohol, Tobacco, Firearms, and Explosives. [FY 2023 Budget Request](#). 136.

<sup>14</sup> Johnston. [ATF’s Illegal Gun Owner Registry](#). Gun Owners of America. 2022. 12-17.

<sup>15</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>16</sup> Johnston. [ATF’s Illegal Gun Owner Registry](#). Gun Owners of America. 2022. 12.

<sup>17</sup> [Amendment in the Nature of a Substitute to H.R. 2617. Division B. Title II State and Local Law Enforcement Assistance \(Including Transfer of Funds\)\(1\)](#). Senate Committee on Appropriations. 211

<sup>18</sup> Office of Chairman Leahy. “[Fiscal Year 2023 Omnibus Appropriations Bill: Highlights](#)”. Senate Committee on Appropriations. December 20<sup>th</sup>, 2022.

JAG grants into gun control funding by allowing them to be used to fund “red flag” laws and “extreme risk protection order programs” which include *ex parte* gun confiscation.<sup>19</sup>

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 and then seize these firearms using this new gun confiscation procedure.

#### **4. Directing VA Medical Centers to Utilize Confiscation Orders on Vulnerable Veterans<sup>20</sup>**

Under the guise of encouraging “Collaboration on Lethal Means Safety” at the Department of Veterans Affairs, the Omnibus<sup>21</sup> encourages “VA medical centers to collaborate with state and local law enforcement and health officials in states that have adopted extreme risk protection orders, also known as “red flag” laws.” Veterans who fought for our Constitution and freedoms who later seek help at VA medical centers should be given the care they need, particularly mental health care and access to life-saving services and *not* deprived of their Second Amendment rights without due process by bureaucrats and a tyrannical state or local government.

#### **5. Department of Education to Push “Safe Storage” of Parents’ Firearms<sup>22</sup>**

The Department of Education is to begin an unconstitutional “Secure Firearm Storage” program to “promote secure household firearm storage” and to “offer support to Federal agencies that are leading [safe storage gun control] efforts.” Additional requirements make homeowners more likely to be assaulted, do not stop accidental deaths, and will not stop deranged individuals from committing acts of violence.<sup>23</sup> Mandatory “safe” storage laws are nothing more than blatant intrusions by the government into the private home and decision-making processes of Americans.<sup>24</sup>

More regulations slow people from saving lives, not just in mass shootings but in cases of everyday home defense situations. Waking up in the middle of the night and having to either open a safe or unlock a trigger lock is like trying to unlock your phone in the rain, except in a high stress situation, in the dark, and with much greater consequences. Adding extra steps in a self-defense scenario will cost valuable minutes and human lives. Self-defense firearms must be readily accessible.

Even worse, locking guns away may prevent family members from being able to defend themselves. The tragic deaths of Ashley and John Williams, where a maniac stabbed them with a pitchfork in their beds, was enabled by California’s strict storage laws, preventing the oldest sister from retrieving the family’s firearm and to fend off the intruder.<sup>25</sup>

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<sup>19</sup> 34 U.S.C. § 10152(a)(1)(I).

<sup>20</sup> H. Rept. 117-391. [Collaboration on Lethal Means Safety](#) as authorized by “[Explanatory Statement on Division J](#)”. *Senate Committee on Appropriations*. December 20<sup>th</sup>, 2022.

<sup>21</sup> *Ibid.*

<sup>22</sup> [House Report 117-403. Secure Firearm Storage](#). as authorized by “[Explanatory Statement on Division H](#)”. *Senate Committee on Appropriations*. December 20<sup>th</sup>, 2022.

<sup>23</sup> Lott, Safe Storage Gun Laws: Accidental Deaths, Suicides, and Crime, Yale Law School.

<sup>24</sup> “[Mandatory ‘Safe Storage’ Laws Cost Lives & Result in Gun Confiscation](#)”. *Gun Owners of America*. 2022.

<sup>25</sup> Kimi Yoshino, Fresno Bee “No easy answers Gun advocates say fear of liability keeps parents from teaching survival skills”, August 26, 2000.

## 6. Funding for VA to Maintain “Gun Storage Maps” to Keep Tabs on Where Veterans Keep Guns<sup>26</sup>

The Omnibus directs the Department of Health and Human Services to “focus on suicide prevention policies” that will attempt to “limit access to firearms.”<sup>27</sup> Rather than focus on preventing suicidal ideation and providing pre-crisis care, the Omnibus targets firearm ownership and access. Focusing on the method, rather than the cause, will not lead to a reduction of suicides; instead, the Omnibus will disarm the vulnerable and mentally ill who might need to use a firearm in self-defense because they are more likely to be victims of violent crimes than to commit one.<sup>28</sup> Additionally, it will discourage the mentally ill from getting the help they need because they risk being stripped of their rights.

As if that were not enough, the Omnibus instructs HHS (1) to run “safe” storage programs which leave guns inaccessible in self-defense scenarios, (2) to help VA maintain so-called “gun storage maps” so bureaucrats know where veterans keep their guns, (3) to promote “temporary out-of-home firearm storage” for veterans, and (4) to promote the use of “extreme risk laws” commonly known as “red flag” gun confiscation orders which violate the Second, Fourth, Fifth, and Sixth Amendment rights.

## 7. New Annual Compensation for Families of Deceased ATF Agents Could be an Indication of Upcoming Gun Confiscation<sup>29</sup>

\$50,000<sup>30</sup> per year will now 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.”<sup>31</sup> 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.

## 8. Gun Control Earmarks for “Orchid Healing Circles” and More!<sup>32</sup>

In June, House Report 117-395 granted Rep. Thompson his earmark request to leadership and received \$830,000 to fund an unconstitutional “Ghost Gun and Gun Violence Prevention Initiative” for the City of Vallejo to harass those who exercise their constitutionally protected right to manufacture a firearm in a state which infringes on that right. However, after GOA raised awareness about the provision, the title of the earmark was watered down, marketed as merely the “The Vallejo Gun Violence Prevention Initiative” and included with nearly a dozen other “gun violence” initiatives to the tune of \$10,914,000.

It is anyone’s guess as to exactly what ludicrous local gun controls are funded by these generically-named earmarks. Some examples would include “No Shots Fired,” an anti-gun assistance program for gang members will be funded for \$1.2 million and another \$120,000 will be used to fund “Orchid Healing Circles for Victims of Gun Violence.”

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<sup>26</sup> [House Report 117-403](#). As authorized by “[Explanatory Statement on Division H](#)”. *Senate Committee on Appropriations*. December 20<sup>th</sup>, 2022.

<sup>27</sup> [House Report 117-403](#). as authorized by “[Explanatory Statement on Division H](#)”. *Senate Committee on Appropriations*. December 20<sup>th</sup>, 2022.

<sup>28</sup> Carolyn Reinach Wolf and Jamie A. Rosen, *Missing The Mark: Gun Control Is Not The Cure For What Ails The U.S. Mental Health System*, (J. Crim. L. & Criminology, 2015), 863 and “[Cornyn-Murphy is Gun Control](#)”. *Gun Owners of America*. 2022

<sup>29</sup> [Amendment in the Nature of a Substitute to H.R. 2617. Division B. Title II SEC. 219](#). *Senate Committee on Appropriations*. 211

<sup>30</sup> *Ibid*.

<sup>31</sup> As H.R. 2617 proposes to amend 28 U.S.C. 509, otherwise known as Section 3201 of Public Law 101-647.

<sup>32</sup> “[Congressionally Directed Spending Requests](#)”. *Senate Committee on Appropriations*. December 20<sup>th</sup>, 2022.

<b>Earmark</b>	<b>Amount</b>	<b>Page</b>
No Shots Fired	\$1,200,000	102
Orchid Healing Circles for Victims of Gun Violence	\$120,000	102
Gun Violence Prevention Initiative	\$750,000	104
Hampton Gun Violence Intervention Program	\$4,600,000	104
Gun Violence and Violent Crime Reduction Initiative	\$760,000	104
Fostering Greater Gun Safety in the New Haven Area	\$67,000	105
Bridgeport Gun Violence Prevention	\$237,000	105
Assistance to Chicagoans Who Become Disabled As a Result of Gun and Community Violence	\$350,000	106
Crime and Gun Violence Reduction Initiative	\$1,000,000	109
The Vallejo Gun Violence Prevention Initiative	\$830,000	119
Community-Based Gun Violence Reduction Project at the University of New Haven	\$1,000,000	119
<b>Total Anti-Gun Earmarks:</b>	<b>\$10,914,000</b>	-

### 9. Dickey Violations Galore While CDC Suppresses Self-Defense Statistics<sup>33</sup>

The Omnibus provides “\$1,000,000... for research on gun violence prevention.”<sup>34</sup> However, the Office of Justice Programs is not bound by the Dickey Amendment, because it only applies to the CDC and NIH preventing “the funds [from being] 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.

The Dickey Amendment was written to stop anti-gun bureaucrats at NIH and CDC from producing biased anti-Second Amendment research to promote and advocate for gun control. Unfortunately, the gun control bill known as *Fix NICS* gutted the Dickey Amendment, allowing for anti-gun research. In the last year, we have even seen the CDC serve the anti-gun lobby by removing research on the prevalence of the defensive use of firearms which proved damaging to their false anti-gun narrative.<sup>35</sup>

The Omnibus more than doubles the funding of the CDC and NIH to \$60 million to enact anti-gun research.<sup>36</sup> Specifically, “\$25,000,000 to support research on the *prevention* of firearm violence, \$12,500,000 above the fiscal year 2022 enacted level” (emphasis added), or a 100% increase.<sup>37</sup> The provision under “Firearm Injury and Mortality Prevention Research” weaponizes the agencies to use resources on researching methods on “prevention” of firearm usage.<sup>38</sup> Because firearms are designed and intended as lethal defensive tools, all firearm usage runs the “risk” of injury or death; there is no way for the CDC to arrive at a conclusion that does not limit access to firearms.

<sup>33</sup> [Amendment in the Nature of a Substitute to H.R. 2617. Division B. Senate Committee on Appropriations.](#) 182. And [House Report 117-403. Firearm Injury and Mortality Prevention Research.](#) as authorized by “[Explanatory Statement on Division H](#)”. *Senate Committee on Appropriations.* December 20<sup>th</sup>, 2022.

<sup>34</sup> [Amendment in the Nature of a Substitute to H.R. 2617. Division B. Senate Committee on Appropriations.](#) 182.

<sup>35</sup> Jake Fogleman, “[Top Republicans Slam CDC for Removing Defensive Gun Use Stats After Pressure Campaign](#)”, *The Reload*, 2022.

<sup>36</sup> [House Report 117-403.](#) As authorized by “[Explanatory Statement on Division H](#)”. *Senate Committee on Appropriations.* December 20<sup>th</sup>, 2022.

<sup>37</sup> *Ibid.*

<sup>38</sup> Authorized by “[Explanatory Statement on Division H](#)”. *Senate Committee on Appropriations.* December 20<sup>th</sup>, 2022. Page 47.

## 10. Programs Discouraging Women from Exercising their Second Amendment Rights<sup>39</sup>

The Omnibus provides \$4,000,000 for a “domestic violence lethality reduction initiative.” However, House Report 117-395 specifies a “Firearms Lethality Reduction Initiative,”<sup>40</sup> meaning the program proposes to single out firearms as the cause of domestic violence rather than targeting domestic abusers themselves. 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 be used to promote anti-gun and anti-woman rhetoric discouraging women from using firearms for self-defense.

## 11. Anti-Gun “Community Violence Intervention” Initiatives<sup>41</sup>

The Omnibus currently proposes “\$50,000,000... for a community violence intervention and prevention initiative.”<sup>42</sup> 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>43</sup> Such funding was also included in the *Build Back Better Act* when Democrats rejected an amendment to clarify 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>44</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.

## 12. “Violent Anti-Government Ideology” and “Domestic Radicalization Research”<sup>45</sup>

Since the FBI 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,”<sup>46</sup> the Department of Justice’s Bureau of Justice Statistics cannot be trusted with “\$7,500,000 [to study] the domestic radicalization phenomenon,” which House Report 117-395 specifies is “for funding for research concerning domestic... violent anti-government ideology.”<sup>47</sup> The Second Amendment was written to protect the right to keep and bear arms against infringement by a tyrannical government and empowers gun owners to resist tyranny. Perhaps a better use of a funds would be to educate lawmakers and police state bureaucrats about the text and history of the Second Amendment.

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<sup>39</sup> [H. Rept. 117-395](#) as authorized by “[Explanatory Statement on Division B](#)”. *Senate Committee on Appropriations*. December 20<sup>th</sup>, 2022.

<sup>40</sup> *Ibid.*

<sup>41</sup> [Amendment in the Nature of a Substitute to H.R. 2617. Division B. Title II State and Local Law Enforcement Assistance \(Including Transfer of Funds\)\(22\)](#). *Senate Committee on Appropriations*. 195.

<sup>42</sup> *Ibid.*

<sup>43</sup> Johnston. [Community Violence Intervention \(CVI\) Funding is Gun Control](#). Gun Owners of America. 2021.

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.* With confirmed funding levels from the [Amendment in the Nature of a Substitute to H.R. 2617. Division B. Title II Office of Justice Programs Research, Evaluation, and Statistics](#). (182).

<sup>46</sup> “[Big Tech & Big Gov Teamed Up to Put You in a Database](#)”. *YouTube*. July 31, 2021.

<sup>47</sup> [H. Rept. 117-395](#) as authorized by “[Explanatory Statement on Division B](#)”. *Senate Committee on Appropriations*. December 20<sup>th</sup>, 2022. With confirmed funding levels from the [Amendment in the Nature of a Substitute to H.R. 2617. Division B. Title II Office of Justice Programs Research, Evaluation, and Statistics](#). (182).