

118TH CONGRESS
1ST SESSION

H. R. 3212

To repeal each gun control measure enacted by the 117th Congress, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2023

Mrs. BOEBERT (for herself, Mrs. MILLER of Illinois, Mr. NEHLS, Mr. NORMAN, Mr. OGLES, Mr. DONALDS, Mr. GOSAR, Mr. DUNCAN, Mr. DAVIDSON, Mrs. HARSHBARGER, Mr. BRECHEEN, Mr. BISHOP of North Carolina, Mr. ROSENDALE, and Mr. WEBER of Texas) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Armed Services, Veterans' Affairs, Energy and Commerce, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To repeal each gun control measure enacted by the 117th
Congress, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Shall Not Be Infringed Act of 2023”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title.

Sec. 2. Repealing gun control appropriations for fiscal year 2023 and other provisions.

Sec. 3. Repeal of the unconstitutional compromise by Senators Cornyn and Murphy.

Sec. 4. Repeal of the NICS Denial Notification Act of 2022.

Sec. 5. Repeal of special assistant U.S. Attorneys and cross-deputized attorneys enforcing Federal gun control laws.

Sec. 6. Repeal of unconstitutional pilot program on safe storage of personally owned firearms.

3 **SEC. 2. REPEALING GUN CONTROL APPROPRIATIONS FOR**
 4 **FISCAL YEAR 2023 AND OTHER PROVISIONS.**

5 (a) ELIMINATING ATF BUDGET INCREASE.—Of the
 6 unobligated balances of the amounts made available under
 7 the heading “SALARIES AND EXPENSES” under the head-
 8 ing “BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
 9 EXPLOSIVES” under title II of division B of Public Law
 10 117–328, \$140,929,000 is rescinded.

11 (b) PREVENTING GUN REGISTRY EXPANSION.—No
 12 funds made available to the Bureau of Alcohol, Tobacco,
 13 Firearms and Explosives under Public Law 117–328, or
 14 any other Act, may be used to consolidate firearms tracing
 15 applications through an eTrace modernization effort with
 16 enhanced data sharing capabilities.

17 (c) PROTECTING VETERANS FROM GUN CONFISCA-
 18 TION.—No Federal funds, including amounts made avail-
 19 able for medical centers of the Department of Veterans
 20 Affairs, may be used on programs or protocols on firearm

1 safety and storage or gun confiscation laws (also known
2 as “extreme risk protection” orders and “red flag” laws)
3 or similar gun safety laws including by collaboration with
4 State or local law enforcement or health officials of any
5 State.

6 (d) PROTECTING VETERANS ACCESS TO FIRE-
7 ARMS.—No Federal funds, including amounts made avail-
8 able for the Department of Veterans Affairs, may used
9 to evaluate or implement a firearm storage program for
10 firearms, including any program under which individuals
11 will be asked how they store their firearms.

12 (e) PREVENTING THE DEPARTMENT OF EDUCATION
13 FROM VIOLATING THE PRIVACY OF GUN OWNING PAR-
14 ENTS.—The Department of Education shall cease any
15 program related to secure firearm storage, including any
16 efforts by the Department of Education to offer support
17 to Federal agencies that are leading efforts relating to se-
18 cure household firearm storage.

19 (f) PREVENTING HHS FROM IMPLEMENTING GUN
20 CONFISCATION POLICIES OR PROMOTING REDUCED AC-
21 CESS TO THE SECOND AMENDMENT.—The Secretary of
22 Health and Human Services—

23 (1) shall immediately cease carrying out any
24 program relating to access to firearms, including any
25 program carried out by the Substance Abuse and

1 Mental Health Services Administration that limits,
2 or promotes limited access to, firearms; and

3 (2) shall not establish, promote, maintain, or
4 receive gun storage maps for any purpose, such as
5 to facilitate out-of-home firearm storage or encour-
6 age the creation or use of gun confiscation laws, also
7 known as “red flag” orders or “extreme risk” laws.

8 (g) REDUCING ATF BENEFITS.—Section 3201 of the
9 Crime Control Act of 1990 (28 U.S.C. 509 note) is
10 amended—

11 (1) by striking “the Federal Prison System, the
12 Bureau of Alcohol, Tobacco, Firearms and Explo-
13 sives, or the United States Marshals Service” and
14 inserting “or the Immigration and Naturalization
15 Service”; and

16 (2) by striking “\$50,000” and inserting
17 “\$25,000”.

18 (h) RESCISSION OF UNUSED GUN CONTROL EAR-
19 MARK FUNDING.—Of the amounts made available under
20 paragraph (1)(Q) of the matter under the heading “OF-
21 FICE OF JUSTICE PROGRAMS” under the heading “OFFICE
22 OF JUSTICE PROGRAMS” under title II of division B of
23 the Consolidated Appropriations Act, 2023 (Public Law
24 117–328), the unobligated balances of the amounts made
25 available for the following, as described in House Report

1 117–395 or the document of the Committee on Appropria-
2 tions of the Senate entitled “Commerce, Justice, Science
3 and Related Agencies [Community Project Spending/Con-
4 gressionally Directed Spending]” and dated December 19,
5 2022, are rescinded:

6 (1) \$1,200,000 to Shaphat Outreach for a
7 project entitled “No Shots Fired”.

8 (2) \$120,000 to Full Gospel Christian Assem-
9 blies International for a project entitled “Orchid
10 Healing Circles for Victims of Gun Violence”.

11 (3) \$750,000 to the Lake County State’s Attor-
12 ney for the project entitled “Lake County Gun Vio-
13 lence Prevention Initiative”.

14 (4) \$4,600,000 to the City of Hampton for a
15 project entitled “Hampton Gun Violence Interven-
16 tion Program”.

17 (5) \$760,000 to the City of Newport News for
18 a project entitled “Gun Violence and Violent Crime
19 Reduction Initiative”.

20 (6) \$67,000 to Congregations Organized for a
21 New Connecticut for a project entitled “Fostering
22 Greater Gun Safety in the New Haven Area”.

23 (7) \$237,000 to the Regional Youth Adult and
24 Social Action Partnership for a project entitled
25 “Bridgeport Gun Violence Prevention”.

1 (8) \$350,000 to the City of Chicago for a
2 project entitled “Assistance to Chicagoans Who Be-
3 come Disabled As a Result of Gun and Community
4 Violence”.

5 (9) \$1,000,000 to the Providence Police De-
6 partment for a project entitled “Crime and Gun Vio-
7 lence Reduction Initiative”.

8 (10) \$830,000 to the City of Vallejo for a
9 project entitled “The Vallejo Gun Violence Preven-
10 tion Initiative”.

11 (11) \$1,000,000 to University of New Haven
12 for a project entitled “Community-Based Gun Vio-
13 lence Reduction Project at the University of New
14 Haven”.

15 (i) PREVENTING ANTI-GUN ACTIVISM BY CDC AND
16 NIH.—

17 (1) IN GENERAL.—The Director of the Centers
18 for Disease Control and Prevention and the Director
19 of the National Institutes of Health shall not fund
20 or carry out any research relating to firearm injury
21 or mortality prevention that treats crime as a public
22 health epidemic, including advocating, promoting, or
23 studying firearm-related restrictions or policies; fire-
24 arm disenfranchisement, bans, confiscation, or reg-
25 istration, or other gun control measures; and any

1 other restriction on firearms or other self defense
2 tools.

3 (2) PROTECTION FOR NON-POLITICAL RE-
4 SEARCH.—The Director of the Centers for Disease
5 Control and Prevention and the Director of the Na-
6 tional Institutes of Health may carry out research
7 on medical procedures, practices, treatments, medi-
8 cines, and therapies related to firearm injuries and
9 recovery.

10 (j) GUN RIGHTS ARE WOMEN’S RIGHTS.—

11 (1) IN GENERAL.—The Director of the Office
12 on Violence Against Women may not carry out an
13 initiative to reduce the lethality of firearms.

14 (2) SECOND AMENDMENT EXERCISE.—This
15 subsection shall not be construed to prevent the en-
16 couragement and training of women to exercise the
17 right to self defense protected under the Second
18 Amendment to the Constitution of the United
19 States.

20 (k) PREVENTING MISUSE OF COMMUNITY VIOLENCE
21 INTERVENTION INITIATIVES.—Amounts appropriated
22 under Federal law may not be used for community vio-
23 lence intervention and prevention in a manner that results
24 in the denial, without due process, of the exercise of the

1 right of an individual under the Second Amendment to
2 the Constitution of the United States.

3 (I) PREVENTING THE TARGETING OF PATRIOTS AS
4 DOMESTIC VIOLENT EXTREMISTS.—

5 (1) IN GENERAL.—Amounts appropriated under
6 Federal law may not be used to investigate a citizen
7 of the United States or an organization based solely
8 on—

9 (A) patriotism;

10 (B) the belief that gun control is unconsti-
11 tutional or a violation of the Second Amend-
12 ment to the Constitution of the United States;
13 or

14 (C) reference to, affiliation with, or pro-
15 motion of—

16 (i) the Revolutionary War; or

17 (ii) founding era ideology, imagery,
18 symbols, or quotes, including—

19 (I) the Gadsden flag;

20 (II) the Liberty Tree;

21 (III) the Betsy Ross flag;

22 (IV) Minutemen; or

23 (V) the Second Amendment to
24 the Constitution of the United States.

1 (2) RULE OF CONSTRUCTION.—This subsection
2 shall not be construed to prevent the education of
3 lawmakers and employees or agents of a Federal,
4 State or local governmental agency about the text
5 and history of the Second Amendment to the Con-
6 stitution of the United States.

7 **SEC. 3. REPEAL OF THE UNCONSTITUTIONAL COMPROMISE**
8 **BY SENATORS CORNYN AND MURPHY.**

9 (a) SECTION 12001 OF THE BIPARTISAN SAFER
10 COMMUNITIES ACT.—

11 (1) UNITED STATES CODE.—Section 922 of
12 title 18, United States Code, is amended—

13 (A) in subsection (d)—

14 (i) in the matter preceding paragraph
15 (1), by striking “, including as a juvenile”;

16 and

17 (ii) in paragraph (4), by striking “at
18 16 years of age or older”; and

19 (B) in subsection (t)—

20 (i) in paragraph (1)—

21 (I) in subparagraph (B)(ii)—

22 (aa) by striking “subject to
23 subparagraph (C)”; and

24 (bb) by adding “and” at the
25 end;

1 (II) by striking subparagraph
2 (C); and

3 (III) by redesignating subpara-
4 graph (D) as subparagraph (C);

5 (ii) in paragraph (2)—

6 (I) by striking “transfer or”; and

7 (II) by striking “(d), (g), or (n)
8 (as applicable)” and inserting “(g) or
9 (n)”;

10 (iii) in paragraph (4)—

11 (I) by striking “transfer of a fire-
12 arm to or”; and

13 (II) by striking “(d), (g), or (n)
14 (as applicable)” and inserting “(g) or
15 (n)”;

16 (iv) in paragraph (5)—

17 (I) by striking “transfer of a fire-
18 arm to or”; and

19 (II) by striking “(d), (g), or (n)
20 (as applicable)” and inserting “(g) or
21 (n)”.

22 (2) NICS REQUIREMENTS.—

23 (A) BRADY HANDGUN VIOLENCE PREVEN-
24 TION ACT.—Section 103 of the Brady Handgun

1 Violence Prevention Act (34 U.S.C. 40901) is
2 amended by striking subsection (l).

3 (B) REPORT ON REMOVING OUTDATED,
4 EXPIRED, OR ERRONEOUS RECORDS.—Section
5 12001(b) of the Bipartisan Safer Communities
6 Act (34 U.S.C. 40910 note; Public Law 117–
7 159) is repealed.

8 (b) SECTION 12002 OF THE BIPARTISAN SAFER
9 COMMUNITIES ACT.—Section 921(a) of title 18, United
10 States Code, is amended—

11 (1) in paragraph (21)(C), by striking “to pre-
12 dominantly earn a profit” and inserting “with the
13 principal objective of livelihood and profit”;

14 (2) by striking paragraph (22); and

15 (3) by redesignating paragraphs (23) through
16 (30) as paragraphs (22) through (29), respectively.

17 (c) SECTION 12003 OF THE BIPARTISAN SAFER
18 COMMUNITIES ACT.—

19 (1) BYRNE JAG PROGRAM.—Section 501(a)(1)
20 of title I of the Omnibus Crime Control and Safe
21 Streets Act of 1968 (34 U.S.C. 10152(a)(1)) is
22 amended—

23 (A) in the matter preceding subparagraph
24 (A), by striking “or civil proceedings”; and

25 (B) by striking subparagraph (I).

1 (2) ANNUAL REPORT ON CRISIS INTERVENTION
2 PROGRAMS.—Section 501 of title I of the Omnibus
3 Crime Control and Safe Streets Act of 1968 (34
4 U.S.C. 10152) is amended by striking subsection
5 (h).

6 (d) SECTION 12005 OF THE BIPARTISAN SAFER
7 COMMUNITIES ACT.—

8 (1) DEFINING “DATING RELATIONSHIP”.—Sec-
9 tion 921(a) of title 18, United States Code, is
10 amended—

11 (A) in paragraph (33)(A)(ii)—

12 (i) by striking “by a person similarly”
13 and inserting “or by a person similarly”;
14 and

15 (ii) by striking “, or by a person who
16 has a current or recent former dating rela-
17 tionship with the victim”; and

18 (B) by striking paragraph (37).

19 (2) ELIMINATING UNCONSTITUTIONAL PROHIB-
20 ITED PERSON CATEGORY.—Not later than 30 days
21 after the date of enactment of this Act, the Attorney
22 General shall—

23 (A) remove each name added to the na-
24 tional instant criminal background check sys-
25 tem established under section 103 of the Brady

1 Handgun Violence Prevention Act (34 U.S.C.
2 40901) between June 25, 2022, and the date of
3 enactment of this Act as a result of the amend-
4 ments made under section 12005(a) of the Bi-
5 partisan Safer Communities Act (Public Law
6 117–159; 136 Stat. 1332); and

7 (B) certify to Congress that the Attorney
8 General has made the removal required under
9 subparagraph (A).

10 (3) LIMITATIONS ON CONVICTIONS OF CRIMES
11 OF DOMESTIC VIOLENCE WITH RESPECT TO DATING
12 RELATIONSHIPS.—Section 921(a)(33) of title 18,
13 United States Code, is amended—

14 (A) in subparagraph (A), in the matter
15 preceding clause (i), by striking “subparagraphs
16 (B) and (C)” and inserting “subparagraph
17 (C)”; and

18 (B) by striking subparagraph (C).

19 (e) SECTION 13401 OF THE BIPARTISAN SAFER
20 COMMUNITIES ACT.—Section 8526 of the Elementary and
21 Secondary Education Act of 1965 (20 U.S.C. 7906) is
22 amended—

23 (1) in paragraph (5), by inserting “or” at the
24 end;

1 (2) in paragraph (6), by striking “; or” at the
2 end and inserting a period; and

3 (3) by striking paragraph (7).

4 **SEC. 4. REPEAL OF THE NICS DENIAL NOTIFICATION ACT**
5 **OF 2022.**

6 (1) UNITED STATES CODE.—Title 18, United
7 States Code, is amended—

8 (A) in section 921(a), by striking para-
9 graph (36); and

10 (B) in Chapter 44—

11 (i) by striking section 925B; and

12 (ii) by striking section 925C.

13 (2) CLERICAL AMENDMENTS.—The table of sec-
14 tions for chapter 44 of title 18, United States Code,
15 is amended—

16 (A) by striking the item related to section
17 925B; and

18 (B) by striking the item related to section
19 925C.

20 **SEC. 5. REPEAL OF SPECIAL ASSISTANT U.S. ATTORNEYS**
21 **AND CROSS-DEPUTIZED ATTORNEYS EN-**
22 **FORCING FEDERAL GUN CONTROL LAWS.**

23 (a) IN GENERAL.—Chapter 44 of title 18, United
24 States Code, is amended by striking section 925D.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for chapter 44 of title 18, United States Code, is amended
3 by striking the item relating to section 925D.

4 **SEC. 6. REPEAL OF UNCONSTITUTIONAL PILOT PROGRAM**
5 **ON SAFE STORAGE OF PERSONALLY OWNED**
6 **FIREARMS.**

7 Section 595 of the James M. Inhofe National Defense
8 Authorization Act for Fiscal Year 2023 (Public Law 117–
9 263) is repealed.

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