



Written by [David Kelly](#) on January 13, 2023

Gun Bill to Identify Illegal Aliens Challenged by 2nd Amendment Group

House Speaker Kevin McCarthy (R-Calif.) has a number of “ready to go” bills being brought to the House floor to start off the 118th Congress that address challenges facing hard-working families on issues ranging from energy, inflation, border security, life, taxpayer protection, and more. House Majority Leader Steve Scalise (R-La.) posted an [outline](#) of these bills being introduced, with one bill, the [Illegal Alien NICS Alert Act](#), already facing scrutiny.

The bill requires the National Instant Criminal Background Check system (NICS) to notify U.S. Immigration and Customs Enforcement (ICE) and relevant local law enforcement when a firearm transferee is illegally present in the United States. The purpose is to help find people who are in the United States illegally.

However, Gun Owners of America (GOA), a Second Amendment advocacy group, sent out an [alert](#) to its members about the legislation, warning that it’s “NOT a pro-gun bill.” According to the GOA, “The bill would expand the FBI’s power to punish Americans who attempt to legally purchase a firearm from a commercial gun dealer by reporting them to Immigration and Customs Enforcement. This is why gun owners can’t blindly trust Congress to fight for our 2A rights.”

The Epoch Times [reported](#) that Scalise “put the bill ... on the public list outlining the legislation to be brought to the floor for a vote in the first two weeks in session. [The bill](#), H.R. 355, was first introduced by Rep. Gregory Steube (R-Fla.) in January 2021. It has not yet been filed in the new Congress.”

This gun bill would reportedly amend the Brady Handgun Violence Prevention Act of 1993 to direct the Department of Justice to transmit a person’s information to U.S. Immigration and Customs Enforcement and state and local law enforcement every time NICS flags a firearm transferee as possibly in the United States illegally.

The NICS is the federal electronic background check system run by the FBI to check whether a person is legally prohibited from owning a gun, including being an illegal alien. The system has a number of issues that the [Crime Prevention Research Center](#) (CPRC) has discovered.

John Lott, president of CPRC, told *The Epoch Times*, “The problem with the NICS system is the overwhelmingly high error rate. The error rate is something around 99 percent,” Lott added. “It is one thing to stop a felon from buying a gun, but it is another thing to stop someone who simply has a roughly phonetically similar name and similar birthday to a felon’s. The errors discriminate against black and Hispanic males.”



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GOA attorney Gilbert Ambler shared “that with all of the other failures of the NICS system, rather than fix the system itself, the bill would encourage additional law enforcement action based on what we know is often erroneous data.”

The Federation for American Immigration Reform (FAIR) posted an [article](#) that stated, “The bill would help ensure that unlawful purchases are prevented and also aid in removing those illegal aliens from the country and preventing further offenses.” The immigration reform group didn’t mention the flaws of the NICS system, though, as they were more focused on potential violent crime from single, young, male illegal immigrants, “who are more likely to commit crimes as they move into the interior of the country.” FAIR continued:

As just one stark [example](#) of this, officials in Richmond stopped a mass shooting plot by two illegal aliens last year that aimed to target Independence Day celebrations. Officers “seized two assault-style rifles, a handgun, and more than 200 rounds of ammunition” as part of that plot, which was only foiled after a “hero citizen” overheard them.

The invasion of our southern border — with over [2.76 million](#) illegal immigrants crossing in 2022 alone — needs to be stopped. However, this new gun bill is not the answer, as it only grows government bureaucracy and infringes on law-abiding gun owners’ rights with a flawed background-check system.

Immigration reform and truly protecting our borders should be a priority with the new Congress, but Speaker McCarthy should at the very least remove this bill from consideration, especially since it has been exposed for what it truly is — a power grab by the federal government that sacrifices Americans’ Second Amendment rights.



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