



HOUSE COMMITTEE ON
VETERANS' AFFAIRS
Chairman Phil Roe, M.D.

H.R. 1181: The Veterans 2nd Amendment Protection Act

Background:

Under current practice, if a veteran or beneficiary is appointed a fiduciary from the Department of Veterans Affairs (VA), they are labeled as mentally incompetent in VA's system, and the department automatically sends the veteran's name to the Federal Bureau of Investigation's National Criminal Background Check System (NICS). Inclusion on the NICS list may prohibit the beneficiary from legally purchasing or owning a firearm.

A beneficiary may apply for relief from the firearms prohibitions included in current policy, but that leaves a VA bureaucrat – not a magistrate or other judicial authority – with the power to determine whether or not relief is warranted.

The Veterans 2nd Amendment Protection Act would prohibit VA from considering any beneficiary who is assisted by a fiduciary as “mentally defective” without a magistrate or judicial authority ruling that the beneficiary is a danger to themselves or others.

The Message:

- It is wrong for veterans and beneficiaries who utilize a fiduciary to lose their Second Amendment rights without due process.
- This commonsense bill would ensure no veteran or beneficiary is declared “mentally defective” simply because VA appoints someone to assist with the management of the veteran's financial affairs.
- The freedoms granted by the Constitution should apply to all Americans—especially the men and women who have been willing to risk their lives to protect those freedoms—unless a court rules the veteran or beneficiary is a danger to themselves or others.