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# U.S. House of Representatives

## COMMITTEE ON VETERANS' AFFAIRS

ONE HUNDRED SIXTEENTH CONGRESS

B-234 LONGWORTH HOUSE OFFICE BUILDING

WASHINGTON, DC 20515

<http://veterans.house.gov>

July 19, 2019

The Honorable Mark Takano  
Chairman  
Committee on Veterans' Affairs  
B234 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Takano:

We write to request that you schedule a legislative hearing as soon as possible on legislation related to veterans' Second Amendment rights, specifically H.R. 3450 and H.R. 3826.

As you know, veterans and Veterans Service Organizations (VSO) have raised concerns that if H.R. 1112, as amended, the Enhanced Background Checks Act of 2019, is enacted, certain service-connected disabled veterans may lose their right to own or purchase a firearm. During debate on that bill, Judiciary Committee Chairman Jerrold Nadler acknowledged VSO concerns and affirmed that adjudications of service-connected disability by VA were not the intended target of the bill. To clarify and memorialize this understanding in law, H.R. 3450, which was introduced by Representative Chip Roy, would codify VA's existing practice of not sending personally identifiable information (PII) on beneficiaries to the Federal Bureau of Investigation's National Instant Criminal Background Check System (NICS), solely based on an adjudication of service-connection for a disability. This bill would ensure that the constitutional rights of service-connected disabled veterans are not negatively impacted by any unintended consequences of H.R. 1112 should it become law or should any administration alter VA's current practice by regulation.

H.R. 3826, the Veterans 2nd Amendment Protection Act, is a revised reintroduction of H.R. 1181, which passed the House during the 115th Congress. This bill would prohibit VA from providing information to NICS on VA beneficiaries who are appointed a fiduciary, without the order or finding of a judicial authority that such individual is a danger to himself/herself or others. A hearing before a judge or magistrate would ensure that veterans are afforded the same due process rights that every other American receives before any action is taken that would deprive him or her of their fundamental constitutional rights.

Our support for these bills stems from concerns that veterans may not seek VA care or benefits because they fear they will lose their Second Amendment rights. We feel strongly that a VA

adjudication of service-connected disability compensation or a determination to appoint a fiduciary for a veteran is not sufficient cause to report that individual to NICS. We believe VA should be focusing on improving access to care for veterans with mental illness, instead of creating barriers to benefits and care.

Mr. Chairman, during the February 27, 2019 Joint Senate and House Hearing, "Legislative Presentation of The American Legion," in response to Ranking Member Roe's concerns regarding the unintended consequences of H.R. 1112 (discussed above), you stated, "people on my side of the aisle are interested and committed to protecting Second Amendment rights, especially of our nation's veterans." We agree that defending veterans' Second Amendment rights should be a bipartisan issue. It's unconscionable that the veterans who put their lives on the line in defense for our country would not be afforded the very rights they protected, simply because they sought help from the government agency created to serve them. We believe the issues raised in these bills are critical and require prompt attention by the Committee. Thank you for your consideration of this request.

Sincerely,



David P. Roe  
Member of Congress



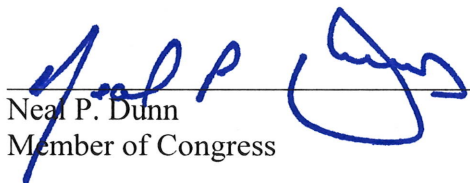
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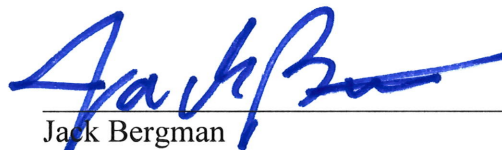
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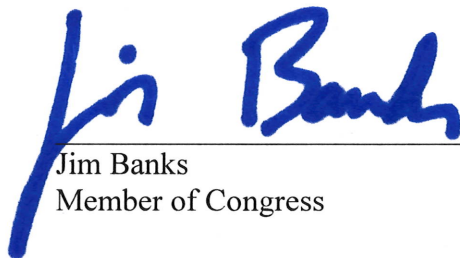
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Member of Congress



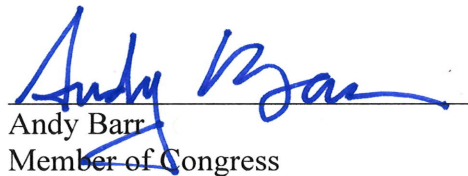
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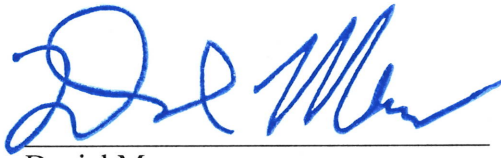
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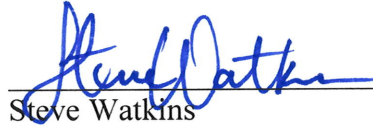
Jim Banks  
Member of Congress



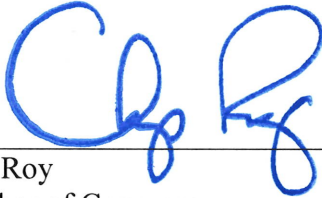
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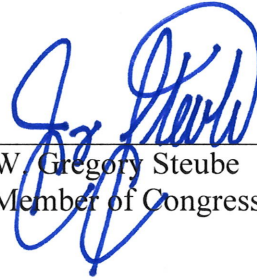
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