



HOUSE COMMITTEE ON
VETERANS' AFFAIRS
Republicans | Ranking Member Phil Roe, M.D.

H.R. 3450: To prohibit VA from transmitting certain information to the Department of Justice for use by the national instant criminal background check system

Background:

Current law mandates that an individual “who has been adjudicated as a mental defective or committed to a mental institution” may not possess a firearm. The Department of Veterans Affairs (VA) considers a veteran or beneficiary to meet that criteria if a fiduciary has been appointed to handle their finances and, accordingly, reports them to the Federal Bureau of Investigation’s National Instant Criminal Background Check System (NICS). In February 2019, the House passed H.R. 1112, the Enhanced Background Check Act, which would amend current law to state that an individual “adjudicated with mental illness, severe developmental disability, or severe emotional instability” may not possess a firearm. This could dramatically increase the number of veterans that VA is required to report to NICS – potentially resulting in the millions of disabled veterans who have received a disability rating for a mental illness (including approximately one million veterans with a rating for post-traumatic stress disorder) losing their ability to own a firearm under the Second Amendment. Not only would this deprive these veterans of one of the constitutional rights that they risked their lives to protect, but it would also reinforce harmful stigma against mental illness that could dissuade those in need of help from seeking it and, thus, jeopardize lives. This bill would protect veterans by clarifying that a veteran should not be reported to NICS solely because they have received a disability rating for a mental illness. This would ensure that no veteran avoids seeking the care or benefits that they need due to fear of losing their Second Amendment right to own a firearm if they do.

The Message:

- This bill would protect veterans from the harmful provision of H.R. 1112 that could cause them to lose one of the freedoms they fought for, discourage them from seeking the care and benefits that they earned, and reinforce dangerous stereotypes that are known to contribute to the national suicide crisis.
- Veterans who have not been found by a judicial authority to pose a danger to themselves or others should not be told that, while they were capable of bearing arms to fight for our freedoms, they are not capable of bearing arms as a civilian solely because they are receiving disability benefits.
- No veteran should fear losing a constitutional right if they seek care or benefits for mental health issues.