



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

**H.R. 3826: The Veterans 2<sup>nd</sup> Amendment Protection Act**

**Background:**

Under VA's interpretation of current law, if the Department of Veterans Affairs (VA) appoints a fiduciary to help a veteran (or beneficiary) manage their VA benefits, then VA is required to send their name to the Federal Bureau of Investigation's National Instant Criminal Background Check System (NICS). As a result, they may be prohibited from legally purchasing or owning a firearm. These consequential decisions are made by VA general schedule employees, not a court or similar judicial authority, and single out only VA beneficiaries among all government agencies. Hundreds of thousands have been denied their constitutional right to bear arms because of this practice. This is despite there being no evidence that those who need a fiduciary are more prone to violence than other people.

The Veterans 2nd Amendment Protection Act would prohibit VA from sending information on veterans (or beneficiaries) who are assisted by a fiduciary to NICS without a judicial ruling that they are a danger to themselves or others. This would ensure that veterans are afforded the same due process that every other American receives before any action is taken that would deprive them of one of the constitutional rights that they fought to protect.

**The Message:**

- The Veterans 2nd Amendment Protection Act would ensure that no veteran loses their Second Amendment right to bear arms simply because VA appoints someone to help them manage their VA benefits
- Veterans deserve the same due process rights as every other American.
- Those who put their lives on the line in defense of our country should, at the very least, be afforded the rights that they fought for, unless a court rules otherwise.