

May 5, 2025

The Honorable Mike Bost
Chair, Veterans Affairs Committee
352 Cannon HOB
Washington, DC 20515

The Honorable Mark Takano
Ranking Member, Veterans Affairs Committee
2078 Rayburn HOB
Washington, DC 20515

Dear Chair Bost and Ranking Member Takano:

The Bazelon Center for Mental Health Law supports the amended version of H.R. 1041, the Veterans' Second Amendment Protection Act. The Center, established in 1972 as the Mental Health Law Project, is a national non-profit legal advocacy organization that protects and advances equal opportunity for adults and children with mental health disabilities in all aspects of life.

This bill would correct a troubling practice of reporting all Department of Veterans Affairs beneficiaries who have been appointed a fiduciary to manage their V.A. benefits to the National Instant Criminal Background Check System (NICS).

This practice is inconsistent with the statute it purports to implement, has no evidentiary justification, wrongly perpetuated inaccurate stereotypes of individuals with mental disabilities as dangerous, and if continued, would divert already scarce VA resources away from efforts to address the agency's critical mission.

First, there is no statutory basis for the practice. The NICS statute authorizes the reporting of an individual to the NICS database on the basis of a determination that the person "lacks the capacity to contract or manage his own affairs" as a result of "marked subnormal intelligence, or mental illness, incompetency condition or disease."¹ The appointment of a fiduciary simply does not meet this standard. It indicates only that the individual needs help *managing benefits received from the VA*.

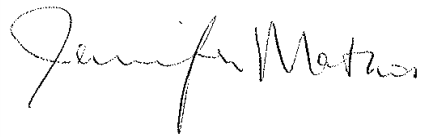
Second, the practice is an ineffective strategy to address gun violence, devoid of any evidentiary basis, targeting individuals with fiduciaries as potential perpetrators of gun violence despite the lack of any connection between a person's need for assistance managing V.A. benefits and dangerousness or propensity to engage in gun violence. Third, the practice perpetuates the prevalent false association of mental health disabilities with violence and undermines important efforts to promote community integration and employment of people with disabilities.

¹ 18 U.S.C. § 922(g); 27 C.F.R. § 478.11.

Finally, implementation of this practice diverts scarce resources away from the core work of the VA at a time when the agency is struggling in light of recent staffing cuts and rule changes that may seriously impede its ability to serve our nation's veterans.

We urge the Committee to pass the amended version of H.R. 1041 and prevent the damage that this practice inflicts on veterans with disabilities.

Sincerely,



Jennifer Mathis
Deputy Director