



## H.R. 1181 – Veterans 2<sup>nd</sup> Amendment Protection Act (Rep. Roe, R-TN)

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### FLOOR SCHEDULE:

Expected to be considered on March 16, 2017 under a [closed rule](#).

### TOPLINE SUMMARY:

[H.R. 1181](#) would prevent a veteran from being automatically determined to be prohibited from purchasing a firearm if they are appointed a fiduciary to manage his or her veteran's benefits.

### COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 1181 would have no significant budgetary effect.

### CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

### DETAILED SUMMARY AND ANALYSIS:

Under the Brady Act, the Attorney General can require federal agencies to submit information on individuals prohibited from purchasing a firearm to the FBI for inclusion in the National Instant Criminal Background Check System (NICS). Since 1998, the Department of Veterans Affairs (VA) has submitted information on any individual deemed to require a fiduciary in order to manage benefits to the FBI for inclusion in NICS. The VA process for determining whether a veteran is in need of a fiduciary to manage his or her financial affairs is made by a VA employee, and not on the basis of whether a veteran is a danger to himself or others. Further, if a veteran appeals the firearms prohibition determination, it is also a VA employee that oversees the appeal, not a judge. Thus, a veteran who is determined to need assistance with finances may be determined to be ineligible to purchase a firearm without appropriate due process.

H.R. 1181 would clarify that a determination made by the VA that a veteran is not competent to manage his or her VA benefits does not constitute a finding that the veteran suffers from a mental defect that would prohibit him or her from purchasing a firearm, unless such a determination is made by the order of a judge, magistrate, or other judicial official of competent jurisdiction.

**COMMITTEE ACTION:**

H.R. 1811 was introduced on February 16, 2017 and was referred to the House Committee on Veterans' Affairs, which reported the measure by voice vote.

The committee report is available [here](#).

**ADMINISTRATION POSITION:**

A Statement of Administration Policy is not yet available.

**CONSTITUTIONAL AUTHORITY:**

Congress has the power to enact this legislation pursuant to the following: "The U.S. Constitution including Article 1, Section 8." No specific enumerating clause was cited.

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