

119TH CONGRESS
1ST SESSION

H. R. 496

To direct the Secretary of Veterans Affairs to notify the Attorney General that basis for the transmission of certain information to the Department of Justice for use by the national instant criminal background check system was improper, does not apply, or no longer applies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2025

Mr. CRANE introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Veterans Affairs to notify the Attorney General that basis for the transmission of certain information to the Department of Justice for use by the national instant criminal background check system was improper, does not apply, or no longer applies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans 2nd Amend-
3 ment Restoration Act of 2025”.

4 **SEC. 2. NOTIFICATION OF LACK OF BASIS FOR THE SEC-**
5 **RETARY OF VETERANS AFFAIRS TO HAVE**
6 **TRANSMITTED CERTAIN INFORMATION TO**
7 **THE DEPARTMENT OF JUSTICE FOR USE BY**
8 **THE NATIONAL INSTANT CRIMINAL BACK-**
9 **GROUND CHECK SYSTEM.**

10 The Secretary of Veterans Affairs shall, within 30
11 days of enactment of this Act, and in accordance with sec-
12 tion 40901(e)(1)(D) of title 34, United States Code, notify
13 the Attorney General that the basis for the transmittal,
14 on or after November 30, 1993, by the Secretary of Vet-
15 erans Affairs, of personally identifiable information of a
16 beneficiary, solely on the basis of a determination by the
17 Secretary to pay benefits to a fiduciary for the use and
18 benefit of the beneficiary under section 5502 of this title
19 38, United States Code, to any entity in the Department
20 of Justice, for use by the national instant criminal back-
21 ground check system established under section 103 of the
22 Brady Handgun Violence Prevention Act, was improper,
23 does not apply, or no longer applies.

1 **SEC. 3. DETERMINATION BY THE SECRETARY OF VET-**
2 **ERANS AFFAIRS THAT A PERSON IS MEN-**
3 **TALLY INCOMPETENT IS INSUFFICIENT TO**
4 **TREAT SUCH PERSON AS A MENTAL DEFEC-**
5 **TIVE FOR CERTAIN PURPOSES REGARDING**
6 **FIREARMS OR AMMUNITION.**

7 For purposes of section 922 of title 18, United States
8 Code, a person shall not be treated as having been adju-
9 dicated as a mental defective solely on the basis that the
10 Secretary of Veterans Affairs has determined that such
11 person—

12 (1) is mentally incompetent under section 3.353
13 of title 38, Code of Federal Regulations (or suc-
14 cessor regulation); or

15 (2) requires a fiduciary under section 5502 of
16 title 38, United States Code.

○