

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 705
OFFERED BY Mr. Takano

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans 2nd Amend-
3 ment Protection and Lethal Means Safety Training Act”.

4 **SEC. 2. DETERMINATION ON DANGER TO SELF OR OTHERS**
5 **IN CONNECTION WITH CERTAIN MENTAL**
6 **COMPETENCE DETERMINATIONS.**

7 (a) DETERMINATION ON DANGER TO SELF OR OTH-
8 ERS.—Chapter 55 of title 38, United States Code, is
9 amended by adding at the end the following new section
10 (and conforming the table of sections at the beginning of
11 such chapter accordingly):

12 **“§ 5501B. Determination on danger to self or others**
13 **in connection with certain mental com-**
14 **petence determinations**

15 “(a) DETERMINATION.—In connection with each de-
16 termination concerning the mental capacity of a bene-
17 ficiary to manage monetary benefits under section 5501A
18 of this title, the Secretary shall make an additional deter-

1 mination, based on any opinions described in subsection
2 (d) that have been obtained by the Secretary with respect
3 to the beneficiary (regardless of whether the opinion is ob-
4 tained during a medical examination occurring in connec-
5 tion with or prior to such determination), as to whether
6 the beneficiary is a danger to themselves or others.

7 “(b) PROHIBITION ON TRANSMISSION OF CERTAIN
8 INFORMATION.—Notwithstanding section 103(e) of the
9 Brady Handgun Violence Prevention Act (34 U.S.C.
10 40901(e)), if the Secretary determines that a beneficiary
11 is not a danger to themselves or others pursuant to sub-
12 section (a), the Secretary may not transmit to any entity
13 in the Department of Justice, for use by the national in-
14 stant criminal background check system established under
15 section 103(b) of such Act (34 U.S.C. 40901(b)), person-
16 ally identifiable information of the beneficiary solely on the
17 basis of an adverse determination concerning the mental
18 capacity of a beneficiary to manage monetary benefits
19 under section 5501A of this title.

20 “(c) RELATION TO MENTAL COMPETENCE DETER-
21 MINATION.—A determination that a beneficiary is not a
22 danger to themselves or others pursuant to subsection (a)
23 may not preclude the Secretary from making an adverse
24 determination concerning the mental capacity of a bene-

1 ficiary to manage monetary benefits under section 5501A
2 of this title.

3 “(d) OPINIONS DESCRIBED.—An opinion described
4 in this subsection is an opinion from a licensed mental
5 health professional as to whether a beneficiary is a danger
6 to themselves or others.”

7 (b) APPLICABILITY.—The amendments made by sub-
8 section (a) shall apply with respect to determinations con-
9 cerning the mental capacity of a beneficiary to manage
10 monetary benefits occurring on or after the date of the
11 enactment of this Act.

12 **SEC. 3. SUICIDE RISK MANAGEMENT AND PREVENTION**
13 **AND LETHAL MEANS TRAINING.**

14 (a) UPDATES REQUIRED.—

15 (1) INITIAL UPDATE.—Not later than 180 days
16 after the date of the enactment of this Act, the Sec-
17 retary of Veterans Affairs, in consultation with the
18 entities described in subsection (c), shall update the
19 Lethal Means Safety and Suicide Prevention train-
20 ing course of the Department of Veterans Affairs (or
21 successor course) to ensure that it is culturally ap-
22 propriate and uses best practices identified by such
23 entities.

24 (2) SUBSEQUENT UPDATES.—Not less fre-
25 quently than once each year, the Secretary shall—

1 (A) update the training course referred to
2 in paragraph (1) as appropriate, in accordance
3 with such paragraph; and

4 (B) publish on an internet website of the
5 Department a report that includes the percent-
6 age of individuals in each category specified in
7 paragraphs (2), (3), and (4) of subsection (b),
8 respectively, who completed such training
9 course during the year covered by the report.

10 (b) TRAINING.—

11 (1) REQUIREMENT.—The Secretary shall re-
12 quire each individual described in paragraph (2) to
13 take the most recently updated version of the train-
14 ing course referred to in subsection (a)—

15 (A) not later than 90 days after the date
16 such person is initially hired by the Depart-
17 ment; and

18 (B) at least once every year thereafter.

19 (2) COVERED INDIVIDUALS.—An individual de-
20 scribed in this paragraph is any of the following:

21 (A) An employee of the Veterans Health
22 Administration or Veterans Benefits Adminis-
23 tration who regularly interacts with veterans in
24 the course of performing the responsibilities of
25 the employee.

1 (B) An employee or contractor of the De-
2 partment who performs compensation and pen-
3 sion examinations under the laws administered
4 by the Secretary.

5 (C) An employee of a Vet Center or a vo-
6 cational rehabilitation facility of the Depart-
7 ment.

8 (3) COMMUNITY CARE PROVIDERS.—As a condi-
9 tion of furnishing care through a non-Department
10 provider under section 1703 of title 38, United
11 States Code, the Secretary shall require any em-
12 ployee of such provider who provides such care to
13 take the most recently updated version of the train-
14 ing course referred to in subsection (a)—

15 (A) not later than 90 days after the date
16 on which the Secretary first agrees to furnish
17 any such care through such provider; and

18 (B) at least once every year thereafter.

19 (4) FAMILY CAREGIVERS.—As a condition of
20 providing support to a family caregiver under section
21 1720G of title 38, United States Code, the Secretary
22 shall require the family caregiver to take the most
23 recently updated version of the training course re-
24 ferred to in subsection (a)—

1 (d) PUBLIC AVAILABILITY.—The Secretary shall
2 make the training course referred to in subsection (a) pub-
3 licly available on an internet website of the Department.

4 (e) DEFINITIONS.—In this section:

5 (1) The term “family caregiver” has the mean-
6 ing given such term in section 1720G(d) of title 38,
7 United States Code.

8 (2) The term “Vet Center” has the meaning
9 given such term in section 1712A(h) of such title.

Amend the title so as to read: “A bill to amend title 38, United States Code, to make certain improvements relating to mental competence determinations by the Secretary of Veterans Affairs and the lethal means safety and suicide prevention training of the Department of Veterans Affairs, and for other purposes.”.



