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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from transmitting certain information to the Department of Justice for use by the national instant criminal background check system.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from transmitting certain information to the Department of Justice for use by the national instant criminal background check system.

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

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

1 **SEC. 2. 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.**

6 The Secretary of Veterans Affairs shall not treat a
7 person as having been adjudicated as a mental defective
8 solely on the basis that the Secretary has determined that
9 such person—

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

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