

Chairman Bost, Ranking Member Takano, and Members of the Committee:

The National Association for Gun Rights (NAGR) appreciates the opportunity to submit this statement for the record in strong support of the Veterans 2nd Amendment Protection Act. Our organization is dedicated to defending the constitutional rights of all Americans, and we are particularly concerned with ensuring that those who have honorably served our nation in uniform are not unjustly stripped of their Second Amendment rights.

According to the most recent figures published by the FBI ¹, nearly 200,000 veterans and VA beneficiaries have been improperly reported to the National Instant Criminal Background Check System (NICS) simply because the Department of Veterans Affairs (VA) has appointed a fiduciary to assist them in managing their benefits. This practice, which lacks due process and fails to account for an individual's actual competency to exercise their constitutional rights, is an unacceptable infringement upon the freedoms these brave men and women fought to protect.

One example of just how abusive this policy is for our veterans is the story of National Association for Gun Rights member Christopher Hawley. Mr. Hawley served his country in the United States Navy, suffering an injury that would eventually lead to multiple back surgeries.

Despite that injury, upon being honorably discharged, Mr. Hawley continued his career of public service with nearly 30 years in law enforcement and public safety. He has worked for the City of North Miami Police Department, G4S Secure Solutions, the Broward County Sheriff's Office, and more. He has served as an armed transportation security officer and still holds a Law Enforcement Officer Certification in the state of Florida.

Mr. Hawley was also a certified firearms and pistol instructor and a gunsmith. He was licensed to carry in Florida and is an asset to his community and state.

Despite all that, the VA decided Mr. Hawley should not be allowed to carry a gun – despite no court finding of dangerousness.

This determination came when Mr. Hawley applied for additional VA benefits following two surgeries. While the VA granted him the benefits increase with one hand, they stripped away his gun rights with the other. They instructed him to select a fiduciary to handle his financial benefits and informed him that his Second Amendment rights had been taken away.

Mr. Hawley has never been accused of being a danger to himself or others and no court has ever determined that he was unfit to bear arms. Like many veterans in similar circumstances, he did not realize that his increased VA benefits had the side effect of losing his Second Amendment rights, and by the time he was aware, the appeal period had already expired.

As a result of the VA bureaucracy's decision to strip away his gun rights, Mr. Hawley can no longer seek or hold employment as a firearms instructor or gunsmith. He has accordingly been denied multiple employment opportunities, including as a range officer and armorer with a sheriff's office. He has also been unable to renew his licenses and certifications.

Mr. Hawley is only one of many, many American heroes who, instead of being honored by their country for their service, have had their rights trampled by the very agency tasked with caring for them. This is not what America stands for, and it is not what the Second Amendment stands for.

The Veterans 2nd Amendment Protection Act is a necessary and long-overdue step toward restoring justice by preventing the VA from reporting veterans to NICS without a judicial determination that they are a danger to themselves or others. However, while this legislation is a critical reform, we urge the committee to take further action to correct past injustices by implementing a process to retroactively remove veterans from NICS who were improperly added without due process.

Specifically, we urge the committee to consider provisions that:

1. **Mandate the Removal of Veterans Names from NICS** – Direct the VA and the FBI to automatically remove the names of veterans and other VA beneficiaries who were added to NICS solely due to fiduciary appointments where no judicial finding of mental incompetency exists.
2. **Create an Appeals Pathway** – Establish a clear and expedited judicial mechanism for veterans to contest their inclusion in NICS and have their Second Amendment rights restored, ensuring their cases are heard fairly and efficiently. Current appeals processes rely on “appealing” these rulings to through internal VA procedures with limited time windows. This is not due process. A court of law must be involved.
3. **Prohibit Future Unjust Reporting** – Strengthen statutory language to prevent any future policies or administrative actions that would allow a government agency to strip veterans or any law-abiding American of their rights without proper legal adjudication. Specifically, we ask for the removal of the phrase “*board, commission, or other lawful authority*” found in 27 CFR § 478.11 - Meaning of terms - Adjudicated as a mental defective – paragraph (a).

We recognize and appreciate the committee’s efforts to address this critical issue, and we stand ready to assist in implementing legislative solutions that not only prevent future rights violations but also correct past wrongs. Our nation’s veterans deserve nothing less than full restoration of the rights they have risked their lives to defend.

Thank you for your attention to this urgent matter. We look forward to working with the committee to ensure that justice is served for all veterans affected by this unconstitutional policy.

Sincerely,

Hunter M. King
Director of Political Affairs
National Association for Gun Rights

Footnotes:

1 = Active Entries in the NICS Indices as of December 31, 2024

<https://www.fbi.gov/file-repository/download-active-entries-in-the-nics-indices-as-of-december-31-2023.pdf/view>