

1 tion with or prior to such determination), as to whether
2 the beneficiary is a danger to themselves or others.

3 “(b) PROHIBITION ON TRANSMISSION OF CERTAIN
4 INFORMATION.—Notwithstanding section 103(e) of the
5 Brady Handgun Violence Prevention Act (34 U.S.C.
6 40901(e)), if the Secretary determines that a beneficiary
7 is not a danger to themselves or others pursuant to sub-
8 section (a), the Secretary may not transmit to any entity
9 in the Department of Justice, for use by the national in-
10 stant criminal background check system established under
11 section 103(b) of such Act (34 U.S.C. 40901(b)), person-
12 ally identifiable information of the beneficiary solely on the
13 basis of an adverse determination concerning the mental
14 capacity of a beneficiary to manage monetary benefits
15 under section 5501A of this title.

16 “(c) RELATION TO MENTAL COMPETENCE DETER-
17 MINATION.—A determination that a beneficiary is not a
18 danger to themselves or others pursuant to subsection (a)
19 may not preclude the Secretary from making an adverse
20 determination concerning the mental capacity of a bene-
21 ficiary to manage monetary benefits under section 5501A
22 of this title.

23 “(d) OPINIONS DESCRIBED.—An opinion described
24 in this subsection is an opinion from a licensed mental

1 health professional as to whether a beneficiary is a danger
2 to themselves or others.”.

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

