

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 1041  
OFFERED BY Mr. Takano**

Strike sections 2 through 4 and insert the following:

1 **SEC. 2. DETERMINATION ON DANGER TO SELF OR OTHERS**  
2 **IN CONNECTION WITH CERTAIN MENTAL**  
3 **COMPETENCE DETERMINATIONS.**

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

9 **“§ 5501B. Determination on danger to self or others**  
10 **in connection with certain mental com-**  
11 **petence determinations**

12 “(a) DETERMINATION.—In connection with each de-  
13 termination concerning the mental capacity of a bene-  
14 ficiary to manage monetary benefits under section 5501A  
15 of this title, the Secretary shall make an additional deter-  
16 mination, based on any opinions described in subsection  
17 (d) that have been obtained by the Secretary with respect  
18 to the beneficiary (regardless of whether the opinion is ob-  
19 tained during a medical examination occurring in connec-

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

“(b) PROHIBITION ON TRANSMISSION OF CERTAIN INFORMATION.—Notwithstanding section 103(e) of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901(e)), if the Secretary determines that a beneficiary is not a danger to themselves or others pursuant to subsection (a), the Secretary may not transmit to any entity in the Department of Justice, for use by the national instant criminal background check system established under section 103(b) of such Act (34 U.S.C. 40901(b)), personally identifiable information of the beneficiary solely on the basis of an adverse determination concerning the mental capacity of a beneficiary to manage monetary benefits under section 5501A of this title.

“(c) RELATION TO MENTAL COMPETENCE DETERMINATION.—A determination that a beneficiary is not a danger to themselves or others pursuant to subsection (a) may not preclude the Secretary from making an adverse determination concerning the mental capacity of a beneficiary to manage monetary benefits under section 5501A of this title.

“(d) OPINIONS DESCRIBED.—An opinion described 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.

