

**[Discussion Draft]**

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1181  
OFFERED BY MS. ESTY**

Strike all after the enacting clause and insert the following:

1 **SEC. 1. CONDITIONS FOR TREATMENT OF CERTAIN PER-**  
2 **SONS AS ADJUDICATED MENTALLY INCOM-**  
3 **PETENT FOR CERTAIN PURPOSES.**

4 (a) APPEAL OF DETERMINATION.—Section 5501A of  
5 title 38, United States Code, is amended—

6 (1) by striking “The Secretary” and inserting  
7 “(a) DETERMINATIONS.—The Secretary”; and

8 (2) by adding at the end the following new sub-  
9 section:

10 “(b) APPEALS.—(1) If the Secretary determines a  
11 beneficiary to be mentally incompetent for purposes of this  
12 title, the Secretary shall provide such beneficiary with a  
13 written statement that—

14 “(A) details the reasons for such determination;  
15 and

16 “(B) notifies the beneficiary of the right to ap-  
17 peal the determination under paragraph (2).

1       “(2) A beneficiary whom the Secretary has deter-  
2 mined to be mentally incompetent for purposes of this title  
3 may appeal such determination to a United States mag-  
4 istrate judge.”.

5       (b) NATIONAL INSTANT CRIMINAL BACKGROUND  
6 CHECK SYSTEM.—Chapter 55 of title 38, United States  
7 Code, is amended by inserting after section 5501A the fol-  
8 lowing new section:

9       “§ 5501B. **Conditions for treatment of certain persons**  
10                               **as adjudicated mentally incompetent for**  
11                               **certain purposes**

12       “If the Secretary determines under section 5501A of  
13 this title that a beneficiary is mentally incompetent for  
14 purposes of this title, the Secretary shall submit a record  
15 of such determination to the Attorney General for use in  
16 determining whether the beneficiary is disqualified from  
17 possessing or receiving a firearm under subsection (d)(4)  
18 or (g)(4) of section 922 of title 18 for use in background  
19 checks performed by the National Instant Criminal Back-  
20 ground Check System.”.

21       (c) CLERICAL AMENDMENT.—The table of sections  
22 at the beginning of chapter 55 of such title is amended  
23 by inserting after the item relating to section 5501A the  
24 following new item:”.

“5501B. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.”.

