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## U.S. House of Representatives

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ONE HUNDRED EIGHTEENTH CONGRESS

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March 11, 2024

The Honorable Denis McDonough  
 Secretary  
 U.S. Department of Veterans Affairs  
 810 Vermont Avenue, NW  
 Washington, DC 20420

Dear Secretary McDonough:

On Saturday, March 9, 2024, H.R. 4366, *the Consolidated Appropriations Act of 2024*, was signed into law by President Biden. It includes the Military Construction, Veterans Affairs and Related, Agencies Appropriations Act of 2024 (MilCon-VA). As you know, this appropriations bill includes section 413 – language I have long championed – that safeguards every veterans' Second Amendment right to bear arms for which they fought to protect.

Since the passage of the Brady Handgun Violence Prevention Act (*Pub. L. 103-159*) in 1993, and prior to current law, when the Department of Veterans Affairs (VA) assigned a fiduciary to assist a veteran with managing their VA benefits, VA has immediately reported that veteran to the FBI's National Instant Criminal Background Check System (NICS). This resulted in them being stripped them of their Second Amendment right to legally purchase and own a firearm. Section 413 of the FY 2024 MilCon-VA appropriations bill now **prohibits** VA from using any funds to report any veteran, including veterans assigned a fiduciary, to NICS without a court order or finding that that veteran is a danger to himself or herself or others.

Though I understand that VA will now need to create policies and processes to implement section 413, there is no reason why VA cannot immediately end its practice of reporting veterans to NICS without due process. I am committed to ensuring that VA effectively implements section 413 of FY 2024 MilCon-VA as soon as possible.

Therefore, I ask that you provide the following information no later than **March 18, 2024**:

1. The date that VA has ended or will end its practice of reporting veterans to NICS without due process.

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2. A detailed plan for how VA will obtain – or otherwise receive notice of – any order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that any veteran is a danger to himself or herself or others, as well as whether and how VA will act on any such order.

Should you have any questions regarding this request, please contact my staff.

Sincerely,



**MIKE BOST**  
Chairman

cc: The Honorable Mark Takano, Ranking Member