



THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

March 15, 2024

The Honorable Mike Bost
Chairman
Committee on Veterans' Affairs
U.S. House of Representatives
Washington, DC 20515

Dear *Mr. Chairman*:

Thank you for your March 11, 2024, letter relating to the Department of Veterans Affairs' (VA) implementation of Section 413 of H.R. 4366, *the Consolidated Appropriations Act of 2024*. I appreciate the opportunity to address your concerns.

When a Veteran or other beneficiary is determined to be mentally incompetent, VA is required by the Brady Handgun Violence Prevention Act to notify the National Instant Criminal Background Check System (NICS) that the person has been adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18, United States Code. Specifically, VA previously reported to NICS in situations when the Veterans Benefits Administration determined – based on clear and convincing evidence or a court order – that a VA beneficiary was unable to manage their financial affairs.

The *Consolidated Appropriations Act of 2024* restricts VA from using funds appropriated under that Act to report a beneficiary unless there is an order or finding from a judge, magistrate, or other judicial authority of competent jurisdiction that the beneficiary is a danger to themselves or others. Therefore, through the remainder of Fiscal Year 2024, VA will report to NICS in instances when VA is aware that a mentally incompetent beneficiary has been found by a judicial authority to be a danger to themselves or others.

While we implement this change and update our electronic reporting, on March 11, 2024, VA stopped all weekly reporting to NICS of mentally incompetent beneficiaries. This stoppage also prevents VA from reporting any beneficiary who should be removed from NICS. VA is working diligently to make the necessary updates so that we may resume reporting in accordance with the *Consolidated Appropriations Act of 2024's* requirements as soon as possible.

VA will continue its planning and implementation efforts, including a review of the notification, training, and education VA provides mentally incompetent beneficiaries, their fiduciaries, and VA employees. These efforts will also consider how VA may obtain or otherwise receive notice of orders and findings of judicial authorities that a beneficiary is a danger to themselves or others. VA will continue to provide updates on our progress with these efforts.

I appreciate your engagement on this important matter impacting our nation's Veterans. Thank you for your continued support of our mission.

Sincerely,

A handwritten signature in black ink, appearing to read "Denis McDonough". The signature is fluid and cursive, with the first name "Denis" and last name "McDonough" clearly distinguishable.

Denis McDonough

Cc: The Honorable Mark Takano