

May 20, 2026

Vote YES for the Veterans 2nd Amendment Protection Act (H.R. 1041)

Dear Representative:

On behalf of the American Civil Liberties Union, we urge you to vote in favor of H.R. 1041, the Veterans 2nd Amendment Protection Act, as amended, when it comes to the House floor for a vote. We support this legislation because it ends a government practice that discriminates against, stigmatizes, and harms veterans with mental disabilities. For this reason, **we will score this vote.**



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The Department of Veteran Affairs (VA) assigns a fiduciary to veterans who are unable to manage their VA benefits. The VA does so upon a showing of clear and convincing medical evidence that the veteran, because of injury or disease, lacks the mental capacity to contract or to manage his or her own affairs. It was, until recently, the Department's practice to report all veterans who have been determined to be "mentally incompetent," pursuant to this process, to the National Instant Criminal Background Check System (NICS). This referral makes it unlawful for the veteran to possess a firearm. While the VA has paused this process of referrals voluntarily, it retains authority to resume referrals at any time.

The Veterans Second Amendment Protection Act would prohibit the automatic referral of veterans with fiduciaries unless there has been a separate judicial finding or order that the veteran is "a danger to themselves or others." It would also require the Attorney General to remove the veterans currently on the NICS who were placed there by the VA solely because they were assigned a fiduciary.

We urge Members to vote for this legislation because it combats the false and misguided, but unfortunately pervasive, belief that people with mental disabilities, a vast and diverse group of citizens, are violent and therefore should not own a firearm. There is simply no data to support a connection between a propensity towards gun violence and needing help to manage one's VA benefits because of disability. Opponents of the bill report that the most common disabilities among veterans assigned a fiduciary are post-traumatic stress disorder, traumatic brain injury, schizophrenia, bipolar disorder, and dementia. But these conditions are not evidence of dangerousness to self or others, and they should not be used as the sole basis for denying veterans a constitutional right.

The few research studies cited to support the placement of veterans with fiduciaries on NICS are too speculative to support widespread curtailment of rights. Indeed, one study acknowledges that previous studies on this issue did not examine veterans with fiduciaries and did not directly assess the

issue in question: the risk that a veteran with a fiduciary would misuse a firearm.¹

Instead of acknowledging this lack of evidence, some have concluded that the fiduciary process serves as an adequate proxy for a determination of dangerousness. We strongly disagree and urge you to reject this assertion. It is discriminatory to assume that veterans with mental illness or other disabilities who need help managing their benefits are a danger to themselves and others. Every veteran has the right to be judged on her individual capabilities, not the characteristics and capabilities that are sometimes attributed (often mistakenly) to any group or class to which they belong. A disability must not constitute grounds for the automatic per se denial of any right or privilege, including gun ownership.



Additionally, relying on assumptions rooted in harmful stereotypes does not advance the safety goals -- for veterans themselves, their loved ones, and the general public -- we all share. Indeed, it is possible that a substantial number of veterans who were not assigned a fiduciary are a danger to themselves or others and those who do have a fiduciary are, in fact, not a danger to themselves or others.

We recognize the grave concerns members of Congress, and many others, have expressed about both the impact of gun violence in our communities and the imperative to reduce access to some firearms. But the policy at issue here is the wrong approach. It scapegoats and stereotypes veterans with disabilities who need help with their VA benefits without evidence that they are a danger to themselves or others. Gun violence prevention should not be advanced by perpetuating discrimination against people with disabilities.

There are few, if any, issues with more universal support than providing our veterans with the tools and resources they need to minimize the risk of self-harm and prevent suicide. Their courage and sacrifice deserve nothing less. Congress should continue its attention to that urgent task, but with tailored solutions that directly address the problem rather than discriminatory proxies.

We urge Members to vote for this legislation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Zamore", is written over a horizontal line.

Mike Zamore
National Director of Policy
& Government Affairs

A handwritten signature in blue ink, appearing to read "Vania Levielle", is written over a horizontal line.

Vania Levielle
Senior Legislative Counsel

¹ Jeffrey Swanson, Michele Easter, et al., *Informing Federal Policy on Firearm Restrictions for Veterans with Fiduciaries: Risk Indicators in the Post-Deployment Mental Health Study* at 675, 681 (May 24, 2018).