

116TH CONGRESS  
2D SESSION

# S. 4888

To amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from transmitting certain information to the Department of Justice for use by the national instant criminal background check system.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 10, 2020

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from transmitting certain information to the Department of Justice for use by the national instant criminal background check system.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans 2nd Amend-  
5 ment Protection Act”.

1 **SEC. 2. PROHIBITION ON SECRETARY OF VETERANS AF-**  
2 **FAIRS TRANSMITTAL OF CERTAIN INFORMA-**  
3 **TION TO THE DEPARTMENT OF JUSTICE FOR**  
4 **USE BY THE NATIONAL INSTANT CRIMINAL**  
5 **BACKGROUND CHECK SYSTEM.**

6 (a) IN GENERAL.—Chapter 55 of title 38, United  
7 States Code, is amended by inserting after section 5501A  
8 the following new section:

9 **“§ 5501B. Prohibition on transmittal of certain infor-**  
10 **mation to the Department of Justice for**  
11 **use by the national instant criminal back-**  
12 **ground check system**

13 “The Secretary may not transmit to any entity in the  
14 Department of Justice, for use by the national instant  
15 criminal background check system established under sec-  
16 tion 103 of the Brady Handgun Violence Prevention Act  
17 (34 U.S.C. 40901), personally identifiable information of  
18 a beneficiary, solely on the basis of a determination by  
19 the Secretary to pay benefits to a fiduciary for the use  
20 and benefit of the beneficiary under section 5502 of this  
21 title, without the order or finding of a judge, magistrate,  
22 or other judicial authority of competent jurisdiction that  
23 such beneficiary is a danger to themselves or others.”.

24 (b) CLERICAL AMENDMENT.—The table of sections  
25 at the beginning of chapter 55 of such title is amended

- 1 by inserting after the item relating to section 5501A the
- 2 following new item:

“5501B. Prohibition on transmittal of certain information to the Department of Justice for use by the national instant criminal background check system.”.

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