

STATEMENT OF
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MISSION ROLL CALL (MRC)
A PROGRAM OF AMERICA'S WARRIOR PARTNERSHIP
FOR THE RECORD
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON VETERANS' AFFAIRS
WITH RESPECT TO
PENDING LEGISLATION

WASHINGTON, D.C.
JULY 18, 2023

Chairman Bost, Ranking Member Takano, and members of the committee, on behalf of Mission Roll Call, a non-partisan program of America's Warrior Partnership, and the roughly 1.4 million veterans and supporters who have opted-in to our digital advocacy network, thank you for the opportunity to provide their feedback through our remarks on pending legislation.

In 2022, Mission Roll Call sent out 30 policy-based polls with approximately 159,000 responses and spoke to 5,000 veterans in-person around the country, seeking the ground truth. Based on those interactions, MRC's three main priorities are veteran suicide prevention, access to healthcare and benefits, and amplifying the voices of traditionally underserved populations. As these topics are broad and complicated to tackle, MRC continuously polls veterans and supporters on a wide range of topics, usually when Congress, the VA, or the White House releases policy that may directly or tangentially affect veterans across the United States, or at the suggestion of a member of Congress or committee that wishes to ascertain the veteran communities' opinion on a particular topic. I welcome all members of this committee to use MRC as a resource as you seek to craft thoughtful legislation with respect to veteran issues.

H.R. 705, Veterans 2nd Amendment Protection Act

MRC supports H.R. 705, the Veterans 2nd Amendment Protection Act, as a necessity to ensure veterans receive the same due process as the average American, whose rights they served to protect.

Currently, the VA is the only federal agency to refer veterans to the FBI's NICS database following a determination by agency officials, not a court, that the veteran cannot manage their own VA benefits.

Under the Brady Act of 1993, Congress authorized the DOJ to receive data from government agencies on any person whose receipt or possession of firearms violated the Gun Control Act of

1968. As part of the implementation process, the VA defined a “mentally incompetent person” as “one who because of injury or disease lacks the mental capacity to contract or to manage his or her own affairs, including disbursement of funds without limitation.” This determination does not include any consideration of whether the person is considered to have a propensity for violence or is considered a threat to themselves or others. Thus, for example, a veteran who during the determination process for disability compensation indicates that because of a traumatic brain injury he is experiencing some short-term memory loss which affects his ability to manage his finances, could be determined to be “mentally incompetent” even if there is no evidence that this veteran’s condition would impair his ability to safely own or handle a firearm or that he is a threat to himself or others.

Since 1998, VA has provided records to the FBI for inclusion in the NICS index on beneficiaries for whom a fiduciary has been appointed by VA on his or her behalf. The appointment of a fiduciary is based on a VA determination that the beneficiary is “mentally incompetent” under the previous mentioned definition in VA regulations. As of December 2020, federal agencies have contributed 263,225 records to NICS, of which the VA contributed 98.1% of the total number.

This incongruity in the implementation of the law, between the VA and other federal agencies, unfairly prejudices veterans by stigmatizing those who are challenged with service-related healthcare issues as inherently dangerous to others, when in fact, several studies and data from the U.S. Bureau of Justice Statistics show no evidence that military veterans — including those who saw combat — are more prone to lethal violence than the general population.¹ Furthermore, veterans convicted of violent gun-related crimes in the federal prison system accounted for less than 1% of the entire federal prison population and were almost 7% less likely to be incarcerated for a gun-related charge than the civilian population, per the United States Sentencing Commission.² Veterans across this country know that, despite challenges with a few bad apples, our community is one of service that abides by the laws they were sworn to protect, and in fact less dangerous and less prone to extremism, as some have argued.

These points are likely why, when asked about the VA’s current policy of referral to NICS per the Brady Act in a recent MRC poll, 83% of veterans said Congress should change the law out of 9,968 responses.

Finally, there are those that would use the alarming rate of veteran suicide to justify a lower standard of referral to NICS, citing access to guns as a prime driver of veteran suicide rates. While data from the U.S. Department of Veterans Affairs asserts veterans who kill themselves are more likely to use a firearm, only track declared suicides and fail to account for self-injury mortality. Per the [interim results of Operation Deep Dive](#) published last year, over 80% of self-injury mortalities are overdose deaths. Accordingly, a more upstream approach to tackle veteran suicide rather than focusing on the lethal means of carrying out the deed, would serve to prevent far more veteran suicide deaths. This is in line with the wishes of many veterans throughout the

¹ <https://bjs.ojp.gov/content/pub/pdf/vpspi16st.pdf>

² https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20211028_armed-forces.pdf

nation who are begging the VA to approach suicide prevention in a more holistic way, looking proactively instead of reactively at the issue.

The current status quo of a fiduciary determination and referral to NICS for veterans simply undermines the spirit of justice veterans fought to defend, taking away a constitutionally enumerated right by a bureaucratic determination rather than a court order. The results of MRC's poll were clear: Congress should pass legislation protecting veterans' rights.

Chairman Bost, Ranking Member Takano, this concludes my testimony. Thank you again for the opportunity to be here today, and I'm happy to answer any questions you or other committee members may have.