

July 10, 2024

The Honorable Morgan Luttrell
Chair, Subcommittee on Disability Assistance and Memorial Affairs
House Committee on Veterans Affairs
364 Cannon House Office Building
Washington, DC 20003

The Honorable Chris Pappas
Ranking Member, Subcommittee on Disability Assistance and Memorial Affairs
House Committee on Veterans Affairs
550 Cannon House Office Building
Washington, DC 20003

Dear Chairman Luttrell and Ranking Member Pappas:

As representatives of the nation's largest gun violence prevention organizations, we write in strong opposition to two bills before the Subcommittee on Disability Assistance and Memorial Affairs: the "Safeguarding Veterans 2nd Amendment Rights Act of 2024" and the "Veterans 2nd Amendment Restoration Act of 2024." These bills represent significant threats to both the well-being of our veterans and the safety of our communities.

American veterans are disproportionately impacted by the suicide crisis, with more than 6,500 veterans dying by suicide each year,¹ and more than 70% of veterans' suicides involving firearms, compared with 51% of all suicides nationwide.² Easy access to firearms greatly increases the risk of death by suicide, since the presence of a firearm significantly increases the likelihood that a suicide attempt will be fatal.³ Veterans own firearms at a higher rate than non-veterans.⁴ The combination of higher ownership rates along with increased risk from firearms in the home has led to a veteran gun suicide rate that is 1.6 times the non-veteran adult rate.⁵ Both of these bills would deprive the Department of Veterans Affairs (VA) of critical tools to

¹ Based on an average of the five most recent years of available data: 2016-2020. "National Suicide Data Report Appendix, 2022" US Department of Veterans Affairs, Office of Mental Health and Suicide Prevention, https://www.mentalhealth.va.gov/suicide_prevention/data.asp.

² "National Suicide Data Report Appendix, 2022" US Department of Veterans Affairs, Office of Mental Health and Suicide Prevention, https://www.mentalhealth.va.gov/suicide_prevention/data.asp; Centers for Disease Control and Prevention, Wide-ranging Online Data for Epidemiologic Research (WONDER), "Fatal Injury Data," last accessed Oct. 15, 2018, <https://wonder.cdc.gov/Deaths-by-Underlying-Cause.html>.

³ Andrew Anglemyer, Tara Horvath, and George Rutherford, "The Accessibility of Firearms and Risk for Suicide and Homicide Victimization Among Household Members: a Systematic Review and Meta-analysis," *Annals of Internal Medicine* 160, no. 2 (2014): 101–110.

⁴ Emily C. Cleveland et al., "Firearm Ownership among American Veterans: Findings from the 2015 National Firearm Survey," *Injury Epidemiology* 4, no. 1 (2017); Katherine Schaeffer, "Key Facts About Americans and Guns," Pew Research Center, September 13, 2021, <https://www.pewresearch.org/fact-tank/2021/09/13/key-facts-about-americans-and-guns/>.

⁵ Based on 2020 data. "2022 National Veteran Suicide Prevention Annual Report," US Department of Veterans Affairs, Office of Mental Health and Suicide Prevention, September 2022, <https://www.mentalhealth.va.gov/docs/data-sheets/2022/2022-National-Veteran-Suicide-Prevention-Annual-Report-FINAL-508.pdf>.

protect those beneficiaries who may be at risk of harming themselves or others, resulting in even more tragedies.

The “Veterans 2nd Amendment Restoration Act of 2024” would require the VA to notify the Department of Justice that records on VA beneficiaries transmitted by the VA “solely on the basis of a determination . . . to pay benefits to a fiduciary” without a judicial order or finding of dangerousness for use by the National Instant Criminal Background Check System (NICS) “was improper” because such beneficiaries “were not adjudicated as a mental defective under 18 U.S.C. 922(g).” For decades, the VA has provided these records to NICS based on longstanding federal law and regulations, and has done so because these beneficiaries have been determined to be “mentally incompetent” due to injury or disease, including schizophrenia, panic disorder, PTSD, and others, which renders them prohibited from purchasing and possessing firearms. The VA does so through a robust process with strong due process protections built in, as Congress has required, including avenues to appeal and have their firearm rights restored through both the VA and the courts.

This legislation, however, would require the VA to look back at the hundreds of thousands of these records that have been transmitted to NICS using this process and, in effect, require their removal where there is not a judicial order or finding of dangerousness. To that end, the Veterans 2nd Amendment Restoration Act goes much further than the Consolidated Appropriations Act, 2024, that was enacted in March, and H.R. 705, the Veterans 2nd Amendment Protection Act that the House Committee on Veterans Affairs passed in May. Section 413 of the Consolidated Appropriations Act, 2024, prohibits the VA from using funds to report these VA beneficiaries to NICS absent a judicial order or finding of dangerousness—without changing the underlying laws or regulations that make them prohibited persons. H.R. 705 would prohibit the VA outright from transmitting these records to NICS. The Veterans 2nd Amendment Restoration Act, however, would be retroactive and legalize firearm purchase and possession for this population of VA beneficiaries who, for decades, have been unable to purchase or possess firearms. It would invariably put hundreds of thousands of veterans and VA beneficiaries at risk of firearm suicide and represents one of the most significant weakenings of NICS in recent years.

The “Safeguarding Veterans 2nd Amendment Rights Act of 2024” would prohibit the VA from initiating, participating, or advocating in what the gun lobby has deemed “gun confiscation” proceedings at the state-level—more appropriately called “Extreme Risk Protection Order” (ERPO) programs. 21 states—red, purple, and blue—and Washington DC have enacted ERPO laws, which authorize courts to order, on the basis of evidence, the temporary removal of a firearm from someone determined to be a danger to themselves or others. In 2022, Congress made an historic bipartisan investment—\$750 million between Fiscal Year 2022 and Fiscal Year 2026—to support the implementation of these programs and other state crisis intervention programs with the landmark Bipartisan Safer Communities Act.

That’s because ERPO programs save lives: Researchers estimate that for every 10 to 20 gun removals carried out under the ERPO laws in Connecticut and Indiana, one life was saved

through an averted suicide.⁶ For veterans, this has the potential to be even more impactful. Over nine million veterans receive health care through the Veterans Health Administration, meaning that VA medical practitioners may well be the first to observe warning signs that are a cause for alarm and are in a unique position to intervene to protect veterans in crisis from harming themselves or someone else. The VA should be encouraged and incentivized to use state-level ERPO programs, when and where appropriate, to do just that, but the Safeguarding Veterans 2nd Amendment Rights Act does just the opposite.

Limiting access to guns for veterans and other VA beneficiaries who may be in crisis is a critical step to help keep them safe, especially for veterans who are at the highest risk for suicide. However, these two bills are dangerous, and would undermine the work the VA does to save lives and keep veterans safe. We ask this Subcommittee to prioritize the safety and well-being of our veterans by opposing this legislation and, instead, supporting measures that truly protect those who have served our nation. Thank you for your attention to this urgent matter.

Sincerely,

Tanya Schardt, Senior Counsel and Director, State and Federal Policy, Brady
David Bond, Director, Federal Government Affairs, Everytown
Vanessa Gonzalez, Vice President, Government and Political Affairs, GIFFORDS
Zeenat Yahya, Director of Policy, March for Our Lives

⁶ Jeffrey W. Swanson, et al., "Implementation and Effectiveness of Connecticut's Risk-based Gun Removal Law: Does it Prevent Suicides," *Law & Contemporary Problems* 80, (2017): 179–208; Jeffrey W. Swanson, et al., "Criminal Justice and Suicide Outcomes with Indiana's Risk-Based Gun Seizure Law," *The Journal of the American Academy of Psychiatry and the Law* 47, no. 2 (2019): 188-197.