

**Congress of the United States**  
Washington, DC 20510

March 13, 2024

The Honorable Denis McDonough  
Secretary  
Department of Veterans Affairs  
810 Vermont Ave NW  
Washington, DC 20420

Dear Secretary McDonough,

As members of the Gun Violence Prevention Task Force, we are deeply concerned with Section 413 known as the Kennedy Amendment, which was included in the Senate-passed appropriations bill for Military Construction, Veterans Affairs, and Related Agencies appropriations bill, and later included in the minibus for six of the 12 government funding bills.

The Kennedy Amendment rolls back 30 years of common-sense precedent and practice which ensures that veterans who are deemed to be “mentally incompetent” are added to the National Instant Criminal Background Check System (NICS). The current process used by the Department of Veterans Affairs (VA) to make a competency determination as required by law, includes an opportunity for appeals, helps ensure that veterans who are a danger to themselves or others are flagged in the background check system if they try to purchase a firearm.

At a time when veteran suicide remains a terrible crisis, we should not be making it easier for veterans who are a danger to themselves or others to access firearms. Perversely, the Kennedy Amendment is not only a threat to the physical health of veterans, but also threatens to put troubled veterans into legal jeopardy. When the VA makes a determination that a veteran is “mentally incompetent,” the veteran automatically becomes a ‘prohibited purchaser’ under longstanding federal regulations, thereby making it a felony for the veteran to purchase a firearm. This is true whether the firearm is purchased in a private sale or through a licensed dealer, and it is true whether or not the VA has submitted information about the mental status of the veterans to NICS.

We urge the Department to take several actions to protect veterans. First, we ask you to commit to creating an automatic process to seek a judicial order for veterans the Department has found to be mentally incompetent for the purposes of appropriately adding them to the NICS background check system.

Second, we request that the Department complete a study on veterans who are determined to be “mentally incompetent,” and the veterans who die by suicide or are involved in incidents of gun violence. Understanding the sensitive nature of this information, this report should consist of anonymized numerical data and analysis.

Third, we urge the Department to make full use of state extreme risk protection order laws to flag concerning behaviors from veterans. The deadly mass shooting in Lewiston, Maine is a reminder of what can happen when red flags are not taken seriously. To that end, we encourage a concerted educational campaign highlighting the extreme risk protection order laws and processes available specific to the state VA facilities are located in. This information is vital for veterans and their families.

The Kennedy Amendment is dangerous for vulnerable veterans and makes our communities less safe. We urge you to use prior year funds to continue to submit data to the NICS system for as long as possible while the Department takes emergency action to institute changes that will address some of the issues raised by the Kennedy Amendment. We thank you for your consideration of this issue.

Sincerely,



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Mike Thompson  
Member of Congress



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Mark Takano  
Member of Congress



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Robin L. Kelly  
Member of Congress



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Lucy McBath  
Member of Congress



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Maxwell Alejandro Frost  
Member of Congress




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Katie Porter  
Member of Congress



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Barbara Lee  
Member of Congress



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Joe Courtney  
Member of Congress



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Lisa Blunt Rochester  
Member of Congress



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Salud Carbajal  
Member of Congress



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Scott H. Peters  
Member of Congress



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Nikema Williams  
Member of Congress



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Adriano Espaillat  
Member of Congress



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Henry C. "Hank" Johnson, Jr.  
Member of Congress



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Donald M. Payne, Jr.  
Member of Congress



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Betty McCollum  
Member of Congress



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James P. McGovern  
Member of Congress



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Eleanor Holmes Norton  
Member of Congress



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Julia Brownley  
Member of Congress



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Danny K. Davis  
Member of Congress



Sheila Jackson Lee  
Member of Congress



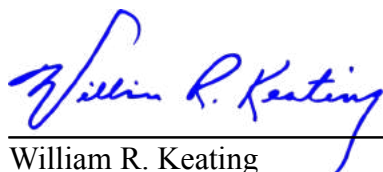
Sean Casten  
Member of Congress



Mike Quigley  
Member of Congress



Mark DeSaulnier  
Member of Congress



William R. Keating  
Member of Congress



Stephen F. Lynch  
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Delia C. Ramirez  
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Tony Cárdenas  
Member of Congress



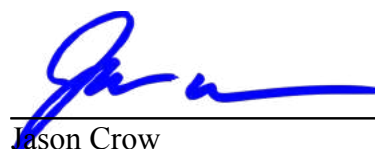
Rashida Tlaib  
Member of Congress



Robert C. "Bobby" Scott  
Member of Congress



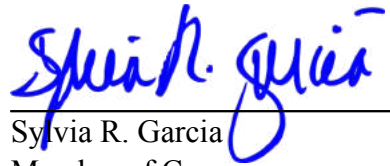
Adam Smith  
Member of Congress



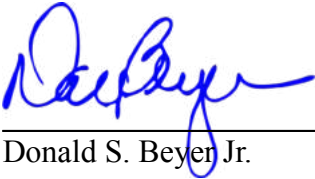
Jason Crow  
Member of Congress



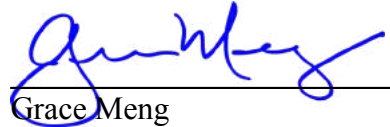
Patrick Ryan  
Member of Congress



Sylvia R. Garcia  
Member of Congress



Donald S. Beyer Jr.  
Member of Congress



Grace Meng  
Member of Congress



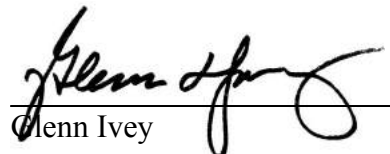
Dina Titus  
Member of Congress



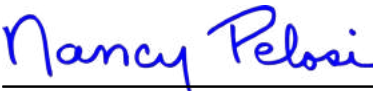
Dan Goldman  
Member of Congress



John Garamendi  
Member of Congress



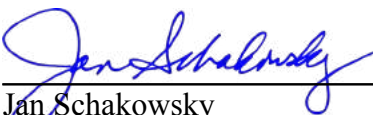
Glenn Ivey  
Member of Congress



Nancy Pelosi  
Member of Congress



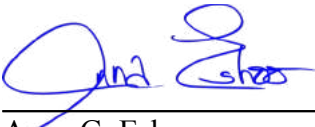
Gwen S. Moore  
Member of Congress



Jan Schakowsky  
Member of Congress



Morgan McGarvey  
Member of Congress



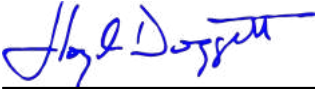
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Anna G. Eshoo  
Member of Congress



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Zoe Lofgren  
Member of Congress



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Lloyd Doggett  
Member of Congress



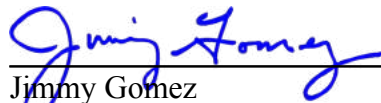
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Debbie Wasserman Schultz  
Member of Congress



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Frederica S. Wilson  
Member of Congress



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Jimmy Gomez  
Member of Congress



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Jamaal Bowman, Ed.D.  
Member of Congress



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Jake Auchincloss  
Member of Congress



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Dwight Evans  
Member of Congress



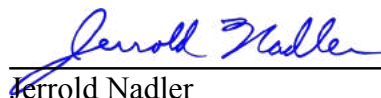
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Haley M. Stevens  
Member of Congress



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Grace F. Napolitano  
Member of Congress



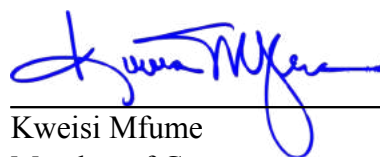
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Jerrold Nadler  
Member of Congress



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Andy Kim  
Member of Congress



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Kweisi Mfume  
Member of Congress



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Matt Cartwright  
Member of Congress



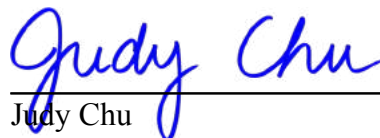
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Steve Cohen  
Member of Congress



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Gabe Amo  
Member of Congress



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Judy Chu  
Member of Congress



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Lori Trahan  
Member of Congress



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Eric Swalwell  
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Doris Matsui  
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Valerie P. Foushee  
Member of Congress



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Seth Moulton  
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Jennifer Wexton  
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Mark Pocan  
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Marilyn Strickland  
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David J. Trone  
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Paul D. Tonko  
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Frank Pallone, Jr.  
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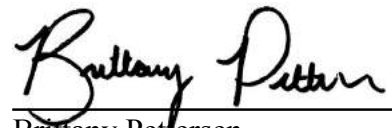
Kevin Mullin  
Member of Congress



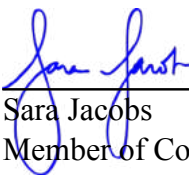
Terri A. Sewell  
Member of Congress



Madeleine Dean  
Member of Congress



Brittany Pettersen  
Member of Congress

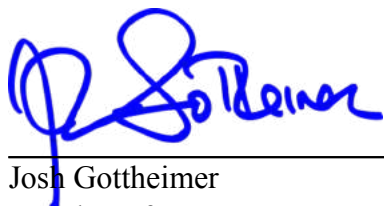


Sara Jacobs  
Member of Congress



Steven Horsford  
Member of Congress





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Josh Gottheimer  
Member of Congress



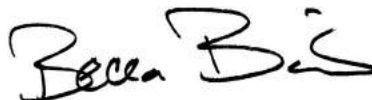
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Ritchie Torres  
Member of Congress



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Brendan F. Boyle  
Member of Congress



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Becca Balint  
Member of Congress



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Summer Lee  
Member of Congress



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Bradley Scott Schneider  
Member of Congress



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Bill Foster  
Member of Congress



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Mary Gay Scanlon  
Member of Congress



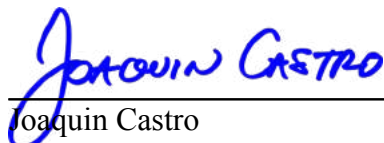
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Suzanne Bonamici  
Member of Congress



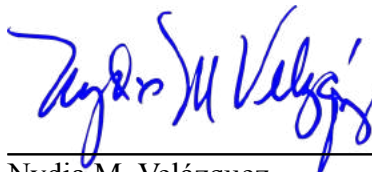
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Rosa L. DeLauro  
Member of Congress



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Joaquin Castro  
Member of Congress



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Nydia M. Velázquez  
Member of Congress



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André Carson  
Member of Congress



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Debbie Dingell  
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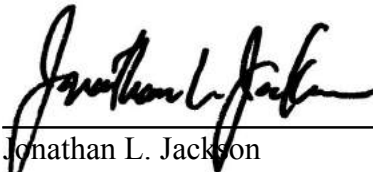
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Darren Soto  
Member of Congress



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Juan Vargas  
Member of Congress



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Jonathan L. Jackson  
Member of Congress



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John P. Sarbanes  
Member of Congress



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Ayanna Pressley  
Member of Congress



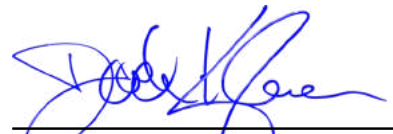
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Earl Blumenauer  
Member of Congress



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Raja Krishnamoorthi  
Member of Congress



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Derek Kilmer  
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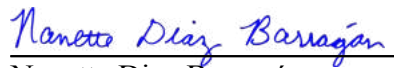
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Jahana Hayes  
Member of Congress



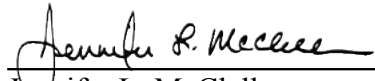
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Frank J. Mrvan  
Member of Congress



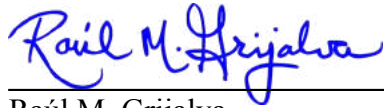
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Nanette Diaz Barragán  
Member of Congress



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Jennifer L. McClellan  
Member of Congress



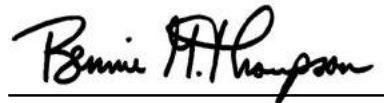
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Raúl M. Grijalva  
Member of Congress



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Lizzie Fletcher  
Member of Congress




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Bennie G. Thompson  
Member of Congress



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Chrissy Houlahan  
Member of Congress



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Pete Aguilar  
Member of Congress



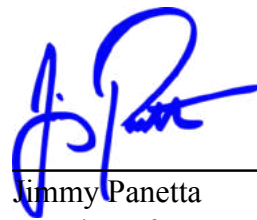
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Rick Larsen  
Member of Congress



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Joseph D. Morelle  
Member of Congress



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Jimmy Panetta  
Member of Congress



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Gerald E. Connolly  
Member of Congress



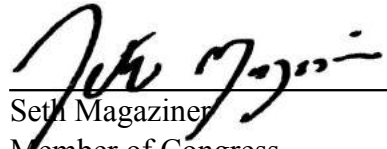
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J. Luis Correa  
Member of Congress



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Jamie Raskin  
Member of Congress



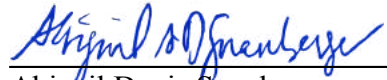
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Seth Magaziner  
Member of Congress



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Robert J. Menendez  
Member of Congress



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Abigail Davis Spanberger  
Member of Congress



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C. A. Dutch Ruppertsberger  
Member of Congress



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Bill Pascrell, Jr.  
Member of Congress



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Ami Bera, M.D.  
Member of Congress



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Robert Garcia  
Member of Congress




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Lois Frankel  
Member of Congress



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Pramila Jayapal  
Member of Congress




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Greg Casar  
Member of Congress




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Joe Neguse  
Member of Congress



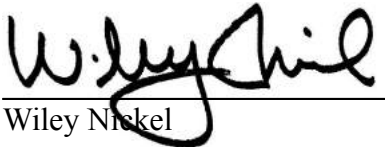
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John B. Larson  
Member of Congress




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Jared Huffman  
Member of Congress



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Wiley Nickel  
Member of Congress



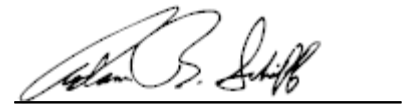
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Al Green  
Member of Congress  
Scion of the Enslaved  
Africans -  
Sacrificed to Make America  
Great




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Jim Tokuda  
Member of Congress




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Adam B. Schiff  
Member of Congress




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Diana DeGette  
Member of Congress




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Maxine Waters  
Member of Congress



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Daniel T. Kildee  
Member of Congress



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Cori Bush  
Member of Congress