



Congress of the United States
House of Representatives
Washington, DC 20515

April 12, 2024

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

Dear Secretary McDonough,

I am writing to express my concern with Section 413 of the recently passed "minibus" appropriations bill that included six out of the twelve government funding bills, including the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act.

Section 413, commonly referred to as the "Kennedy Amendment," prohibits you, the Secretary, from using funds made available through the VA fiduciary program to report a person to the National Instant Criminal Background Check System (NICS) who is deemed "mentally incapacitated, mentally incompetent, or to be experiencing an extended loss of consciousness as a person who has been adjudicated as a mental defective, without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others."

To avoid a disastrous government shutdown, I voted to pass this minibuss (which included this amendment), but I write to make clear that this should not signal my blanket support for this specific Kennedy Amendment. I am a member of the Gun Violence Prevention Task Force, a member of the House Veterans Affairs Committee, and a veteran myself, so it should not surprise you to learn that I share concerns about the unacceptable rates of veteran suicide by firearms. I would like to focus on two issues that deserve attention to tackle veteran suicide.

First, now that being assigned a fiduciary no longer equates on its own to being considered a "mental defective" and therefore reportable to NICS, I look forward to learning about the revised definition from the Department of Justice and processes implemented by the VA. I trust they will diligently ensure that veterans being (re)evaluated for Veterans Benefits Administration (VBA) benefits can still be identified to NICS if they are considered a danger to themselves or others.

Second, I urge you to undertake a study into the effects that this amendment has on the rate of veteran suicide. The data for such a study is already collected as part of your National Veteran Suicide Prevention Annual Report. Therefore, obtaining the number of veterans who die by

firearm suicide who were assigned to fiduciaries before Kennedy amendment implementation (and were reported to NICS) should be easy to then compare to those following the amendment.

On October 10, 2023, a veteran died by suicide with a gun on the campus of the H. John Heinz III VA Medical Center in my district. I was shocked and saddened to hear about this tragedy—unfortunately this is not the only incident of its kind among my fellow veterans. Veteran suicides are far too high, and working to bring this number down to zero is one of my main priorities in Congress. I know this is your number one clinical priority as well.

Thank you for your attention to this matter. My office stands ready to assist you and I look forward to continuing to work together in service to our veterans.

Very respectfully,

A handwritten signature in blue ink that reads "Christopher R. Deluzio". The signature is fluid and cursive, with the first name "Christopher" being more prominent than the last name "Deluzio".

Chris Deluzio
Member of Congress