

VIA ELECTRONIC SUBMISSION (regulations.gov)

Director
Bureau of Alcohol, Tobacco, Firearms and Explosives
U.S. Department of Justice
99 New York Avenue NE
Washington, DC 20226

Re: Comments of the California Department of Veterans Affairs on Revising Definitions of "Adjudicated as a Mental Defective" and "Committed to a Mental Institution", RIN 1140-AB04, Docket No. ATF-2026-0337, FR Doc. 2026-09156, 91 FR 25166 (May 8, 2026)

Dear Director:

The California Department of Veterans Affairs (CalVet) submits these comments on the proposed revision of the federal mental-health firearms prohibitor. CalVet serves California's veteran population, operates the state's Veterans Homes, and administers veteran suicide-prevention and behavioral health programming. We offer this comment because, as ATF's analysis acknowledges but undervalues, this change could have a unique negative effect on the risk of suicide among veterans. Accordingly, CalVet asks ATF to withdraw the proposed rule, review relevant data, including that provided by CalVet, and propose a more appropriately tailored rule.

1. ATF identified the risk to veterans and proceeded anyway

ATF's own analysis states it plainly: "For example, suicide is among the leading causes of death in the U.S., with almost 50,000 Americans each year dying by suicide. More than 70 percent of suicides by veterans use a firearm, while that figure is about 50 percent for the overall U.S. population. Given that this population is at risk, narrowing the prohibition and allowing automatic restoration of firearms across the board *could have a negative impact on this group* and other similarly at-risk groups" (91 FR 25182) (emphasis added).

That is ATF's finding, not California's characterization. The agency identified an at-risk population, identified the mechanism by which its rule would reach that population, and stated that the effect could be negative.

ATF then quantifies the scope. It states that "the proposed rule would default most, if not all, persons assigned fiduciaries by the VA (e.g., a large segment of the VA's NICS Indices section 922(g)(4) entries) as not being prohibited from owning and handling firearms on that basis, even though some members of this pool could potentially be dangerous" (91 FR 25182).

And ATF states the limit of its own confidence: its proposed solution "runs the risk of overcorrecting in the opposite direction and allowing relief to a greater segment of the affected population than warranted, given the scarcity of the data" (91 FR 25182).

An agency that has written all three of those findings into its own preamble has documented the case for reproposal on a better record. CalVet does not need to supply the argument; it needs to supply the data.

2. What CalVet knows that the federal record does not contain

California is home to nearly 1.6 million veterans, representing approximately eight percent of the total United States veteran population. CalVet directly supports this community through an expansive, statewide network of services, housing, and benefits administration.

Statewide Service Volume: CalVet, in coordination with County Veterans Service Offices (CVSOs), manages an exceptional administrative footprint, executing approximately 12 percent of all veteran claims submitted nationally to the U.S. Department of Veterans Affairs. This massive intake apparatus provides direct, daily contact with veterans navigating the federal benefits system.

Departmental Operational Reach: Beyond benefits processing, CalVet's operational reach spans long-term residential care, direct veteran advocacy, housing support services, and transitional assistance. Our department directly operates eight Veterans Homes across California, housing a continuous census of approximately 2,000 veterans and eligible spouses, while providing interconnected outreach and safety-net services to veterans in every county. This extensive presence gives CalVet unparalleled insight into the real-world, daily needs of the state's diverse veteran community.

Localized Suicide Disparities: According to data from the California Department of Public Health Office of Suicide Prevention, California records more than 500 veteran suicide deaths annually. While the national average for firearm use in

civilian suicides sits at approximately 50 percent, state-level tracking reveals a much more acute disparity: **68 percent of veteran suicides in California involve a firearm**. This localized data demonstrates that firearm access is a significantly sharper, more concentrated risk factor in veteran self-harm within our state than national trends suggest.

State-Funded Behavioral Programming: Through the California Veterans Health Initiative (CVHI), CalVet actively funds and coordinates a statewide network of community-based mental health services, crisis intervention networks, and outreach programming. This state-level infrastructure relies on a stable, predictable environment to accurately allocate grants and target behavioral health resources to vulnerable populations. By implementing a swift, blanket policy change without a case-by-case transition plan, the ATF introduces an unexamined variable into California's veteran support network. This shifts an immediate, unquantified burden onto state-funded programs to adapt their outreach and monitoring efforts for at-risk individuals without a corresponding increase in state resources.

3. The fiduciary population is not an administrative category

CalVet does not believe that VA fiduciary assignment should be treated as a permanent, unreviewable bar and recognizes the substantial and long-standing concerns of veterans and veterans' advocates that the current definition sweeps too broadly and deters veterans from seeking care. Those concerns are real, and a narrowing rule built on an adequate record could address them.

This is not that rule. ATF proposes to move from a standard it describes as overinclusive to a default of non-prohibition for "most, if not all" of the fiduciary population, while stating in the same paragraph that "some members of this pool could potentially be dangerous" (91 FR 25182) and that it is acting "given the scarcity of the data" (91 FR 25182). Replacing an overbroad rule with an underinclusive one, on an admittedly thin record, is not a correction. Both errors fall on veterans, particularly without concurrent rulemaking proposed to 38 CFR 3.353 to provide determinations applicable to 27 CFR 478.11(a)(1).

4. Conclusion

ATF has stated that "the primary cost that ATF's proposed rule would introduce is an increase in public safety risk" (91 FR 25181). Where that cost is concentrated in a population a state agency exists to serve, the state agency's data belongs in the record before the rule is finalized. CalVet asks ATF to withdraw the rule, review relevant data, including the information provided in this letter, and propose a more appropriately tailored rule.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lindsey Sin", with a long horizontal flourish extending to the right.

Lindsey Sin
Secretary, California Department of Veterans Affairs