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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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<http://help.senate.gov>

August 23, 2019

The Honorable Lamar Alexander
Chairman, Committee on Health, Education, Labor, and Pensions
U.S. Senate
455 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Alexander:

We write in response to your August 9th letter calling for proposals that could help prevent future mass shootings in our nation. We were deeply saddened by the recent mass shootings that took place in California, Texas, and Ohio, leading to the deaths of dozens of people and the upending of countless families' lives. Many of us on the Committee represent communities affected by mass shootings in recent years. We have spoken to families who have lost loved ones about the need to fix our nation's laws so that other families do not endure the same horrors they faced. Since the mass shooting at Sandy Hook Elementary School in 2012, there have been over 2,000 additional mass shootings in the United States¹, yet Congress continues to fail to pass legislation that could help to prevent these tragedies. The most effective steps to stop mass shootings fall outside the HELP Committee's jurisdiction; we call on you and Senate Majority Leader Mitch McConnell to join with us to end this devastating cycle and pass gun safety legislation that includes, at the barest minimum, universal background checks. Without enacting meaningful gun safety legislation, we have no hope of turning the tide on gun violence, including mass shootings, in this country.

While there is no single bill or measure that will end the scourge of gun violence, we know from real-world experience that a number of legislative measures outside the HELP Committee's jurisdiction will help mitigate the deadly impacts of gun violence in our communities. First among these measures is universal background checks. There is also bipartisan support for Extreme Risk Protection Orders, which empower law enforcement to use the judicial process to immediately remove weapons from individuals who pose a threat to themselves or others; these orders will be most effective if coupled with universal background checks to ensure that individuals seeking to obtain a firearm are not subject to such an order. Both of these policies are in the jurisdiction of the Judiciary Committee. Many members of our caucus have put forth additional proposals to enhance gun safety and reduce the ability of depraved individuals to commit mass murder with a firearm, and we are eager to enact those policies.

In particular, on February 27, 2019, the House of Representatives passed H.R. 8, the *Bipartisan Background Checks Act*, by a strong, bipartisan margin. The substance of this bill, which would require background checks for almost every sale or transfer of firearms, enjoys overwhelming

¹ <https://www.vox.com/a/mass-shootings-america-sandy-hook-gun-violence>, accessed August 14, 2019.

support from the American people; recent surveys indicate nearly 9 in 10 Americans support universal background checks². Universal background checks are a measure we know will keep guns out of the hands of dangerous individuals, but it has been six months since the House passed this important measure, and Majority Leader McConnell has not brought H.R. 8, or S. 42, the Senate companion legislation, up for a vote on the Senate floor. The Senate must act now to save lives when it reconvenes in September by passing common sense legislation to keep firearms out of the hands of dangerous individuals.

Importantly, we need to be clear that the mental health crisis cannot be used as a foil in the wake of a mass shooting. Suggesting people with mental health diagnoses are more likely to carry out mass shootings is simply false; research shows that people with mental health diagnoses are more likely to be the victims of gun violence than the perpetrators³. Furthermore, the single-minded focus on mental health after a mass shooting also threatens to further stigmatize people with mental health diagnoses⁴. Instead of inaccurately blaming mental illness for causing mass shootings, the Senate must advance gun safety legislative measures that will truly reduce gun violence in America.

After the Sandy Hook tragedy—in which a gunman murdered 26 people, including 20 children—this Committee took a number of steps to improve mental health services and ensure our nation's main K-12 education law addressed school climate issues. We knew then, as we know now, that these reforms—while important—are no substitute for the meaningful gun safety measures needed to keep families safe. As you noted, this Committee updated mental health laws as part of the *21st Century Cures Act*. Along with many other changes, those updates strengthened mental health parity requirements, promoted access to mental health care including for at-risk populations, and bolstered supports for children who had undergone trauma and other children in need of mental health care. In Title IV of the *Every Student Succeeds Act*, Congress created the Student Support and Academic Enrichment Grants Program which provides funds to states and districts for a variety of purposes, including to foster safe, healthy and supportive environments in schools. In recent years, Congress significantly increased funding for the ESSA Title IV-A program, to help provide additional resources to districts as they work to promote positive climates in their schools. We are committed to working with you to ensure ongoing oversight of these programs to ensure their effective implementation.

The top priority for our caucus is enacting key gun safety legislation within the Judiciary Committee's jurisdiction in order to reduce gun violence. Subsequently, there are a number of legislative measures within our Committee's jurisdiction that would help strengthen our communities. For example, it is well past time that we treat gun violence like the public health crisis it is, and one critical element of that is taking the long overdue step of eliminating barriers to gun violence research at both the Centers for Disease Control and Prevention and the National Institutes of Health, as well as providing critical resources to support such research. We should

² http://maristpoll.marist.edu/wp-content/uploads/2019/07/NPR_PBS-NewsHour_Marist-Poll_USA-NOS-and-Tables_1907190926.pdf#page=3, accessed August 15, 2019.

³ <https://www.psychiatry.org/newsroom/news-releases/apa-condemns-loss-of-life-from-gun-violence-disputes-link-to-mental-illness>; <http://www.bazelon.org/wp-content/uploads/2017/04/Wrong-Focus.-Mental-Health-in-the-Gun-Safety-Debate-4.17.13.pdf>

⁴ <https://time.com/5644147/mass-shootings-mental-health/>

also support efforts by state and local health departments to address gun violence in their communities. There is more to do to strengthen our country's mental health care system and build support for communities dealing with high rates of gun violence and suffering from the trauma of generations of systemic racism. This includes continuing to strengthen our mental health professional workforce, addressing the suicide epidemic head on, and sustaining and improving access to affordable mental health services across communities. The most important thing this Committee can do to support access to mental health care for families is stop the Trump Administration's efforts to sabotage health care, which jeopardize mental health services for those who gained coverage under the Affordable Care Act.

We can do more to improve the climate in our nation's schools through hiring more qualified personnel to provide supportive services to students, such as school counselors, school social workers, school psychologists, and other specialized instructional support personnel. We can also work to provide high-quality training to teachers, school leaders, and other staff in our nation's schools to help them create and sustain positive school cultures through the use of evidence-based practices such as positive behavioral interventions and supports, and trauma-informed care. We could accomplish some of this important work in schools by increasing awareness of, and access to, mental health services for all students, including students who may have behavioral health needs. Too often in the past, policies enacted in the name of school safety have detrimentally impacted students of color and students with disabilities. Therefore, we need to be vigilant to ensure that any school safety legislation or policies authorized or appropriated by Congress do not seek to turn our schools into fortresses and provide adequate civil rights protections for all our students—particularly students of color and students with disabilities.

We stand ready to work with you, Majority Leader McConnell, and our other colleagues to pass meaningful gun safety legislation when the Senate reconvenes in order to ensure our communities and our schools are safer. Without addressing gun safety, anything this Committee does to improve mental health services or promote positive school cultures will be a missed opportunity. The Senate cannot continue to allow gun violence to devastate our communities.

Sincerely,



PATTY MURRAY
Ranking Member, Senate Committee on
Health, Education, Labor & Pensions



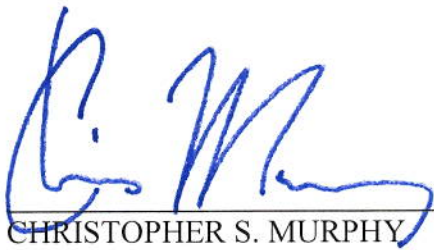
BERNARD SANDERS
United States Senator



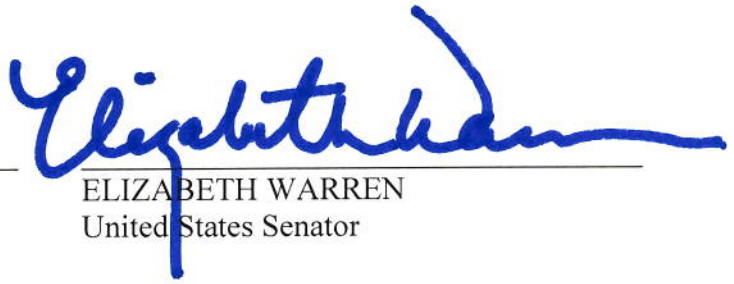
ROBERT P. CASEY, JR.
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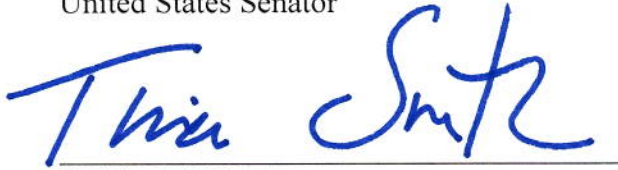
ELIZABETH WARREN
United States Senator



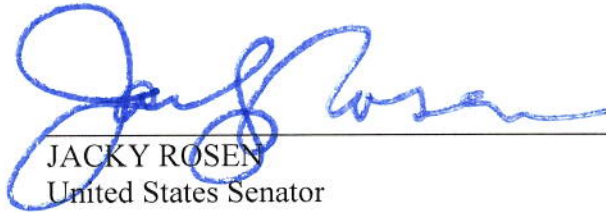
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