Dear Speaker Pelosi, Leader McCarthy, Chairman Nadler, and Ranking Member Collins:

The undersigned members and allies of the Consortium of Citizens with Disabilities (CCD) write in opposition to Section 3 of H.R. 1112, “Enhanced Background Checks Act of 2019.” The Consortium for Citizens with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

The proposed legislation would change the language of subsections (d)(4) and (g)(4) the Gun Control Act\(^1\) to remove the phrase “adjudicated as a mental defective” (currently defined to include individuals determined by a court, board, commission or other lawful authority to be a danger to themselves or others due to a mental impairment or to lack the mental capacity to contract or manage their own affairs\(^2\)) and replace it with “adjudicated with mental illness, severe developmental disability, or severe emotional instability.”\(^3\) While we have long disagreed with the use of the term “mental defective,” the new language proposed would dramatically expand who is reported to the NICS gun database and would cause grave harm. This language, which is wholly unsupported by evidence,\(^4\) perpetuates unfounded assumptions that people with mental disabilities should be considered dangerous. It conveys a message that individuals with mental disabilities are to be feared, avoided, and unwelcome.

\(^1\) 18 U.S.C. § 922 (d)(4) and (g)(4).
\(^2\) 27 C.F.R. § 478.11.
\(^4\) Approximately four percent of violence is committed by individuals with mental illness.
The National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has condemned such overbroad and unfounded scapegoating of individuals with disabilities in gun violence prevention efforts, stating that “restrictions on gun possession or ownership based on psychiatric or intellectual disability must be based on a verifiable concern as to whether the individual poses a heightened risk of danger to themselves or others if they are in possession of a weapon.”5 The CCD Rights Task Force has voiced similar concerns.6 The newly proposed language above, authorizing people with mental disabilities to be reported to the gun database solely based on their disabilities, has no connection to “verifiable concerns,” will do little or nothing to prevent gun violence, and will cause great harm.

We urge you to avoid harming people with disabilities and remove Section 3 from H.R. 1112 before it is brought to the floor for a vote.

Sincerely,

ACCSES
The Advocacy Institute
American Association of People with Disabilities
American Association on Intellectual and Developmental Disabilities
American Civil Liberties Union
American Psychological Association
The Arc of the United States
Autistic Self Advocacy Network
Autistic Women and Nonbinary Network
Bazelon Center for Mental Health Law
Brain Injury Association of America
Center for Public Representation

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Disability Rights Education and Defense Fund
Intentional Peer Support

National Association of Councils on Developmental Disabilities

National Coalition of Latinx with Disabilities

National Council on Independent Living

National Disability Rights Network

Paralyzed Veterans of America