



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

The Honorable Nancy Pelosi
Speaker of the House
H-232 The Capitol
Washington, D.C. 20515

The Honorable Kevin McCarthy
Office of the Republican Leader
H-204, The Capitol
Washington, D.C. 20515

Chairman Jerrold Nadler
U.S. House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

Ranking Member Doug Collins
U.S. House Committee on the Judiciary
2142 Rayburn House Office Building
Washington, D.C. 20515

February 27, 2019

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 Act¹ 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 affairs²) 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.

³ Enhanced Background Checks Act of 2019, H.R. 1112, 116th Cong. (2019).

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

⁵ National Council on Disability, NCD Letter to Congress Regarding Repeal of SSA NICS Rule (2017), <https://ncd.gov/publications/2017/ncd-letter-repeal-SSA-NICS-rule>.

⁶ Consortium for Citizens with Disabilities, Letter in Support of S.J.Res 14 (2017), <http://www.c-c-d.org/fichiers/CCD-Rights-TF-Senate-Letter-CRA-on-SSI-NICS-Jan2017.pdf>; CCD Letter Supporting; Consortium for Citizens with Disabilities, Letter in Support of H.J.Res 40 (2017), <http://c-c-d.org/fichiers/CCD-Rights-TF-House-Letter-of-Support-for-CRA-on-SSA-NICS-Jan-2017.pdf>.

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