



March 17, 2017

The Honorable Phil Roe
Chairman
House Veterans' Committee
335 Cannon House Office Building
Washington, DC 20515 Washington, DC 20515

Re: National Disability Rights Network letter of support for H.R. 1181, "the Veterans 2nd Amendment Protection Act"

Dear Chairman Roe:

The National Disability Rights Network (NDRN) writes in support of H.R. 1181, the "Veterans 2nd Amendment Protection Act". We appreciate your strong advocacy on this important topic.

The National Disability Rights Network (NDRN) is the non-profit membership organization for the federally mandated Protection and Advocacy (P&A) and Client Assistance Program (CAP) systems for individuals with disabilities. The P&As and CAPs were established by the United States Congress to protect the rights of people with disabilities and their families through legal support, advocacy, referral, and education. P&As and CAPs are in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Territories (American Samoa, Guam, Northern Mariana Islands, and the US Virgin Islands), and there is a P&A and CAP affiliated with the Native American Consortium which includes the Hopi, Navaho and San Juan Southern Paiute Nations in the Four Corners region of the Southwest. Collectively, the P&A and CAP Network is the largest provider of legally based advocacy services to people with disabilities in the United States.

H.R. 1181 prohibits the Department of Veterans Affairs, from considering a veteran to be adjudicated as "mentally defective" for purposes of the right to receive or transport firearms without the order or finding of a judicial authority that such person is a danger to himself or herself or others. We oppose the reporting of names without full adjudication for a number of reasons, including:

□ The damaging message of a policy that focuses on reporting individuals who, for example, receive assistance in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the VA policy will reinforce those unfounded assumptions.

- The absence of any data suggesting that there is any connection between a beneficiary who is assisted by a fiduciary and a propensity toward gun violence.

- The absence of any meaningful due process protections by not requiring an adjudication by a court of competent jurisdiction. Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been “adjudicated” to lack the capacity to manage their own affairs, VA’s process does not, without a decision of a judicial authority, constitute an adjudication. Veterans should not lose the Constitutional rights they have fought to protect and defend without proper due process.

We urge Congress to act, through passing H.R. 1181, to prevent the damage the current VA practice to report names of veterans with disabilities to the NICS background check system without proper adjudication is causing on veterans with disabilities.

Please contact Amanda Lowe, Senior Public Policy Analyst at amand.lowe@ndrn.org or 202-408-9514 ext. 101 with any questions.

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Curt Decker
Executive Director