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The Honorable Chuck Schumer  
Majority Leader  
U.S. Senate

The Honorable Mitch McConnell  
Minority Leader  
U.S. Senate

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives

The Honorable Kevin McCarthy  
Minority Leader  
U.S. House of Representatives

Dear Leader Schumer, Leader McConnell, Speaker Pelosi, and Leader McCarthy:

The National Down Syndrome Congress writes to urge you to include a ban on electroshock devices used as behavioral control on people with disabilities in an end of the year legislative package. The House passed an electroshock device ban as part of the Food and Drug Administration (FDA) User Fee legislation<sup>1</sup> and a similar ban was adopted by amendment during the Senate's mark-up for the User Fee legislation.<sup>2</sup> While we were obviously disappointed that the provision was not included in the 5-year extension of the User Fees, the clear bipartisan support for this provision makes the ban an ideal provision to include in an end of year package.

Banning the use of electrical stimulation devices (ESDs) in response to aggressive or self-injurious behaviors is supported by the medical community that specializes in treatment of people with intellectual and developmental disabilities.<sup>3</sup> ESDs are widely condemned for being ineffective and causing excruciating pain but are often used on children and adults with disabilities. On the basis of clear evidence, the FDA previously determined that these devices present an unreasonable and substantial risk of illness or injury that cannot be corrected or

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<sup>1</sup> H.R. 7667, Sec. 811 (passed 392-28, Jun. 6, 2022), <https://www.congress.gov/bill/117th-congress/house-bill/7667>.

<sup>2</sup> [Murphy S.4348 Amendment #1.pdf](#)

<sup>3</sup> No. 20-1087 JRC v FDA, Brief of Amici Curiae (Jan. 22, 2021), <https://www.iasidd.org/wp-content/uploads/2021/02/As-filed-Amicus-Brief.pdf>.

eliminated by labeling. Unfortunately, this prohibition was struck down because of a regulatory technicality. We now need Congress to reinstate the ban and protect people with disabilities.

Please help end this inhumane practice and help ensure the dignity and safety of people with disabilities by passing the ban in an end of year package. Should you have any question, please contact Cyrus Huncharek, Director of Policy and Advocacy at [cyrus@ndscenter.org](mailto:cyrus@ndscenter.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "Jordan Kough".

Jordan Kough  
Executive Director  
National Down Syndrome Congress