



January 26, 2017

The Honorable Paul Ryan
Speaker of the House
H-232 The Capitol
Washington, DC 20515

The Honorable Nancy Pelosi
Office of the Democratic Leader
H-207 US Capitol
Washington, DC 20515

Dear Speaker Ryan and Democratic Leader Pelosi:

The American Association of People with Disabilities (AAPD) urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, "Implementation of the NICS Improvement Amendments Act of 2007." This rule would require the Social Security Administration to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

AAPD is a national disability rights organization that works to improve the lives of people with disabilities by acting as a convener, connector, and catalyst for change, increasing the economic and political power of people with disabilities.

Prior to the issuance of the Final Rule, AAPD conveyed its opposition to the rule to the Obama Administration. We, and many other disability rights organizations, opposed the rule for a number of reasons, including:

- The damaging message that may be sent by a SSA policy change, which focused on reporting individuals who receive assistance from representative payees 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 kind of policy change encompassed by this rule will reinforce those unfounded assumptions.
- The absence of any data suggesting that there is any connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence.
- The absence of any meaningful due process protections prior to the SSA's transmittal of names to the NICS database. 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, SSA's process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

AAPD urges Congress to act, through the CRA process, to disapprove this new rule to prevent the damage that it inflicts on the disability community and the extraordinarily damaging message it sends to society that people with mental impairments could should be feared and shunned.

Thank you for taking our position into consideration. If you have any questions or concerns, please do not hesitate to contact me at (202) 521-4315 or at hberger@aapd.com.



Yours truly,

A handwritten signature in blue ink, appearing to read "H. Berger", is positioned below the text "Yours truly,".

Helena R. Berger
President & CEO