



January 31, 2017

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

The Honorable Nancy Pelosi
Office of the Democratic Leader
H-204 US Capitol
Washington, DC 20515

Dear Speaker Ryan and Democratic Leader Pelosi:

The National Alliance on Mental Illness (NAMI) writes to urge 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 and Supplemental Security Income (SSI) disability beneficiaries who use a representative payee to help manage their benefits, and who have been found eligible by meeting or equaling an SSA mental impairment listing, to the National Instant Criminal Background Check System (NICS).

NAMI is the nation's largest grassroots mental health organization dedicated to building better lives for the millions of Americans affected by mental illness, with more than 1,100 state and local affiliates nationwide. NAMI recognizes and supports the need to prioritize reducing gun violence in the U.S. However, we are gravely concerned that the rule, as adopted, perpetuates unfounded stereotypes about people with mental illness and other mental disabilities that have no basis in fact. Moreover, we believe that the rule may have unintended negative consequences, including deterring individuals from seeking or receiving help when they need it.

Our specific concerns about the rule are the following:

- There is no evidence supporting the proposition that people who are assigned Representative Payees on the basis of mental illness or other mental disabilities pose increased risks for gun violence or threats to public safety;
- 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, the assignment of a Representative Payee to a recipient of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) is not equivalent to an adjudication. Rather, it is a unilateral determination by the SSA that a person may need help in managing his or her benefits. There is no hearing, the beneficiary is afforded no opportunity to testify or provide evidence why he or she should not be assigned a Representative Payee, and there are no other due process protections typically associated with formal adjudications.
- The new rule reinforces unfounded perceptions associating mental illness and other mental disabilities with violence. Scientific studies that have assessed risk factors for violence

contain no evidence linking difficulties with managing benefits with increased risks for violence.

- SSI and SSDI provide vital links to medical benefits for people with mental illness. The rule may deter individuals from applying for these benefits for fear that their names will be added to a public database maintained by the FBI. Without such benefits, access to mental health treatment and services will be impeded.

Mr. Speaker and Madam Leader, NAMI asserts that the adoption of this misguided rule in the aftermath of Congressional adoption of a comprehensive bill to improve mental health care in America is exactly the wrong step to take. We therefore urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage it inflicts on people with mental illness and other disabilities.

Thank you for your prompt attention to these concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Giliberti". The signature is written in a cursive style with a large initial "M" and a long, sweeping underline.

Mary Giliberti, J.D.
Chief Executive Officer