



January 30, 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-204 US Capitol
Washington, DC 20515

Re: National Disability Rights Network letter of support for Use of Congressional Review Act on the Social Security Administration NICS Rule

Dear Speaker Ryan and Democratic Leader Pelosi:

The National Disability Rights Network (NDRN) urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration on December 19, 2016, "Implementation of the NICS Improvement Amendments Act of 2007."¹ This rule would require the Social Security Administration (SSA) 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).

NDRN is the nonprofit membership organization for the federally mandated Protection and Advocacy (P&A) and Client Assistance Program (CAP) agencies for individuals with disabilities. Collectively, the P&A/CAP Network is the largest provider of legally based advocacy services to people with disabilities in the United States.

Prior to the issuance of the Final Rule, NDRN joined the Consortium for Citizens with Disabilities (CCD) Rights Task Force conveying its opposition to the rule through a letter to [the Obama Administration](#) and through [the public comment process](#). We – and many other members of CCD -- opposed the rule for a number of reasons, including:

- The damaging message that would be sent by a SSA policy change, which focuses on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public

¹ 81 Fed. Reg. 91702 (Dec. 19, 2016).

- 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 SSDI 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.

Based on similar concerns, [the National Council on Disability](#), an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule.

We urge Congress to act, through the CRA process, to disapprove this rule and prevent the damage that it may cause on the disability community.

We look forward to an opportunity to speak with you and your staff about our concerns. Please contact Dara Baldwin, Senior Public Policy Analyst at dara.baldwin@ndrn.org or 202-408-9514 ext. 102 with any questions.

Sincerely,



Curt Decker
Executive Director

Cc: House Ways and Means Committee
House Judiciary Committee
House Rules Committee