

February 1, 2017

The Honorable Mitch McConnell  
Senate Majority Leader  
317 Russell Senate Office Building  
Washington, DC 20510

The Honorable Chuck Schumer  
Senate Minority Leader  
322 Hart Senate Office Building  
Washington, DC 20510

Re: NACBHDD and NARMH Letter of Support for the CRA on the SSA NICS Rule

Dear Leader McConnell and Leader Schumer:

NACBHDD and NARMH 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."<sup>1</sup> 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).

NACBHDD is a national organization that represents county mental health, substance use, and developmental; disability directors in Washington, DC. NARMH represents rural mental health in the Capital.

Prior to the issuance of the Final Rule, NACBHDD and NARMH conveyed our opposition to the rule through a letter to [the Obama Administration](#) and through [the public comment process](#). We join many of our mental health coalition members and advocates who -- 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.

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<sup>1</sup> 81 Fed. Reg. 91702 (Dec. 19, 2016).

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 new rule and prevent the damage that it inflicts on the disability community.

Sincerely yours,

A handwritten signature in dark ink, reading "Ron Manderscheid". The signature is fluid and cursive, with the first name "Ron" being more prominent than the last name.

Ron Manderscheid, PhD  
Executive Director  
NACBHDD – The National Assn of County Behavioral Health and Developmental Disability Directors  
NARMH – The National Assn for Rural Mental Health