

January 31, 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

Dear Majority Leader McConnell and Minority Leader Schumer:

The National Disability Leadership Alliance (NDLA) 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."¹ 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).

NDLA is a national cross-disability coalition that represents the authentic voice of people with disabilities. NDLA is led by 14 national organizations run by people with disabilities with identifiable grassroots constituencies around the country. The NDLA steering committee includes: ADAPT, the American Association of People with Disabilities, the American Council of the Blind, the Association of Programs for Rural Independent Living, the Autistic Self Advocacy Network, the Hearing Loss Association of America, Little People of America, the National Association of the Deaf, the National Coalition for Mental Health Recovery, the National Council on Independent Living, the National Federation of the Blind, the National Organization of Nurses with Disabilities, Not Dead Yet, Self Advocates Becoming Empowered, and the United Spinal Association.

Prior to the issuance of the Final Rule, NDLA conveyed its opposition to the rule through letters [to Vice President Biden](#), [to President Obama](#), and [to Congress](#). NDLA members also raised concerns through letters to [the Obama Administration](#) and through [the public comment process](#). 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

¹ 81 Fed. Reg. 91702 (Dec. 19, 2016).

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.

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,

ADAPT

American Association of People with Disabilities

Association of Programs for Rural Independent Living (APRIL)

Autistic Self Advocacy Network

Little People of America

National Association of the Deaf

National Coalition for Mental Health Recovery

National Council on Independent Living

National Organization of Nurses with Disabilities

Not Dead Yet

CC: Senate Judiciary Committee members