



January 30, 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: National Disability Rights Network letter of support for Use of Congressional Review Act on the Social Security Administration NICS Rule**

Dear Majority Leader McConnell and Minority Leader Schumer:

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 (SSA) on December 19, 2016, "Implementation of the NICS Improvement Amendments Act of 2007."<sup>1</sup> This rule would require the 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 the 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 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

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<sup>1</sup> 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 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 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](mailto:dara.baldwin@ndrn.org) or 202-408-9514 ext. 102 with any questions.

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Curt Decker  
Executive Director

Cc: United States Senate