



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

January 26, 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

Dear Speaker Ryan and Democratic Leader Pelosi:

The Co-Chairs of the Rights Task Force of the Consortium of Citizens with Disabilities (CCD) 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).

The Consortium for Citizens with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

Prior to the issuance of the Final Rule, the CCD Rights Task Force conveyed 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 may be sent by a SSA policy change, which focused on reporting individuals who receive assistance from

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

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.

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.

On behalf of the CCD Rights Task Force, the undersigned Co-Chairs,



Dara Baldwin  
National Disability Rights Network



Samantha Crane  
Autistic Self-Advocacy Network

*A. K. Finucane*

Sandy Finucane  
Epilepsy Foundation  
Law

*Jennifer Mathis*

Jennifer Mathis  
Bazelon Center for Mental Health

*Mark Richert*

Mark Richert  
American Foundation for the Blind

CC: Ways and Means Committee  
Judiciary Committee  
Rules Committee  
All of the House members