



## National Council on Disability

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An independent federal agency making recommendations to the President and Congress to enhance the quality of life for all Americans with disabilities and their families.

September 16, 2015

Chairman Sam Johnson  
Subcommittee on Social Security  
Committee on Ways and Means  
U.S. House of Representatives  
B-317 Rayburn House Office Building  
Washington, DC 20515

Dear Congressman Johnson,

I write on behalf of the National Council on Disability (NCD), an independent non-partisan federal agency that provides counsel to the President, Congress and other federal agencies regarding disability policy with our review of the recently introduced "Social Security Beneficiary 2nd Amendment Rights Protection Act" and to commend the bill's intent to rightly delink one's need for a representative payee with a presumption of incapacity to exercise a Constitutionally protected right.

NCD has consistently expressed concern about the conflation of mental health disabilities with gun violence as a myth, which, in each instance of its use, exacerbates harmful stereotypes about psychiatric disability and increases the level of stigma associated with seeking and receiving mental health treatment.

As an agency whose mission is focused on enhancing the quality of life for individuals with disabilities and their families, it is important to note that NCD takes no position with respect to many of the often debated issues around the availability of guns in our society. However, linking the need for a representative payee with a presumption of incapacity to exercise any right sets a dangerous precedent that undermines the goals of the ADA: equality of opportunity, full participation, independent living, and economic self-sufficiency.

NCD has expressed these concerns since it wrote a letter to Vice President's Taskforce in 2013 with policy recommendations.<sup>1</sup> In that letter, NCD warned that needing a representative payee to assist with receiving and managing Social Security benefits should not be grounds for an inference that the individual is incapable of exercising his or her rights. Specifically, NCD cautioned against

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<sup>1</sup> Letter from the National Council on Disability to Vice President Joe Biden, "Regarding Anticipated Taskforce Recommendations." (Jan. 14, 2013) available from: <http://www.ncd.gov/publications/2013/Jan142013> .

linking this status to the National Instant Criminal Background Check System (NICS).

With the understanding that the “Social Security Beneficiary 2nd Amendment Rights Protection Act” seeks to prevent this kind of discriminatory determination and for this reason, we offer our positive review of the bill.

We thank you for the opportunity to review this legislation and look forward to working with your office on any effort to avoid the stigma and discrimination that would result if the ability to own, possess, or purchase a firearm was linked to a determination that an individual receiving Social Security benefits needed a representative payee.

We look forward to participating in this ongoing and important policy conversation. Please contact our Legislative Affairs Specialist, Phoebe Ball, at (202) 272-0104 or at [pball@ncd.gov](mailto:pball@ncd.gov), with any questions or requests for additional information.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jeff Rosen', with a stylized flourish at the end.

Jeff Rosen,  
Chair