

Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loeb sack
Lofgren

Lowenthal
Lowey
Lujan Grisham,
M.
Luján, Ben Ray
Lynch
Maloney,
Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascarell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz

Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—14

Brady (PA)
Buchon
Clark (MA)
Hastings
Hudson

Jones
Meehan
Moore
Mulvaney
Price, Tom (GA)

Rush
Russell
Walker
Zinke

□ 1328

Messrs. DAVID SCOTT of Georgia and GENE GREEN of Texas changed their vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. MEEHAN. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted “yea” on rollcall No. 74.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 190, not voting 10, as follows:

[Roll No. 75]

AYES—232

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr

Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)

Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Buchon
Budd
Burgess
Byrne
Calvert

Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dunovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Huizenga

Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey

Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOES—190

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan
F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cardenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clarke (NY)
Clay
Cleaver

Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael
F.
Ellison
Engel
Eshoo
Española

Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna

Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Neal
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loeb sack
Lofgren
Lowenthal
Lowey
Lujan Grisham,
M.
Luján, Ben Ray
Lynch
Maloney,
Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore

Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascarell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider

Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—10

Clark (MA)
Hastings
Hudson
Jones

Mulvaney
Price, Tom (GA)
Rush
Smith (TX)

Walker
Zinke

□ 1336

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HUDSON. Mr. Speaker, on rollcall No. 74 and 75 I was unable to cast my vote in person due to an emergency dental procedure. Had I been present, I would have voted “Yes.”

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 1 o'clock and 38 minutes p.m.), the House stood in recess.

□ 1341

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PALAZZO) at 1 o'clock and 41 minutes p.m.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SOCIAL SECURITY ADMINISTRATION

Mr. GOODLATTE. Mr. Speaker, pursuant to House Resolution 71, I call up the joint resolution (H.J. Res. 40) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007,

and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 71, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007 (published at 81 Fed. Reg. 91702 (December 19, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The joint resolution shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their designees.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials to H.J. Res. 40.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in strong support of H.J. Res. 40, a joint resolution providing for congressional disapproval of the rules submitted by the Social Security Administration relating to implementation of the NICS Improvement Amendments Act of 2007.

On December 19, 2016, in the waning days of the previous administration, the Social Security Administration published a rule finalizing the criteria for sending the names of certain Social Security beneficiaries to the National Instant Criminal Background Check System, NICS.

Under the rule, an individual's name will be sent to the NICS if they receive disability insurance or supplemental security income benefits based on having a mental disorder, the person is between age 18 and the full retirement age, and the SSA determines that the person needs a representative payee to manage their benefits. Individuals who meet these criteria would be prohibited from exercising their Second Amendment right to possess firearms.

This rule is a slap in the face of those in the disabled community because it paints all those who suffer from mental disorders with the same broad brush. It assumes that simply because an individual suffers from a mental condition,

that individual is unfit to exercise his or her Second Amendment rights. No data exists to support such an egregious assertion. In fact, studies show that those who suffer from mental disorders are more likely to be victims of crime rather than perpetrators of crime.

Furthermore, there is a total absence of any meaningful due process protections under the rule. Currently, citizens lose their right to possess a firearm when they have been convicted by a judge or jury of a felony or misdemeanor crime of domestic violence, when they have been dishonorably discharged after given a hearing, or when they have been deemed a fugitive after being given an option to appear and avail themselves of their due process rights, among other reasons.

□ 1345

All of these have one thing in common: they all provide due process to the affected individual.

Under the SSA rule, the affected party has no ability to defend himself or to even introduce evidence before the SSA denies his right to possess a firearm. Additionally, at no time during the process during which the SSA is seeking to deny someone his Second Amendment rights must the Social Security Administration make a determination that the individual poses a risk to himself or others. This is the standard that has long been used to determine if the right to possess a firearm should be prohibited.

Some may point to the rule's appeals process as providing a form of due process. However, the appeals process is severely flawed because it puts the burden on individuals to prove that restoring their Second Amendment rights would not pose a danger to public safety or be contrary to the public interest. In every other instance in which someone is facing a loss of his ability to possess a firearm, the burden is on the government to prove that the individual should have his right taken away. Under this flawed system, the individual bears the burden against the government. This is not what due process looks like.

During debate on the rule for this joint resolution, I heard a number of reasons from my colleagues on the other side of the aisle as to why they opposed this joint resolution. Quite frankly, I am shocked at what little regard they have for the disabled community. The gentleman from Massachusetts claimed that this joint resolution was done at the bidding of the National Rifle Association. Yes, the National Rifle Association does support H.J. Res. 40. However, what my colleague from Massachusetts failed to mention during the debate yesterday was who else supports the joint resolution.

Supporters include the American Association of People with Disabilities, the National Disability Rights Network, the Autistic Self Advocacy Network, the Bazelon Center for Mental

Health Law, the Arc of the United States, the Consortium for Citizens with Disabilities, the Disability Law Center of Alaska, the National Council on Independent Living, and the National Coalition for Mental Health Recovery. Even the National Council on Disability—an independent Federal agency that makes recommendations to the President and Congress to enhance the quality of life for all Americans with disabilities and their families—has called on Congress to utilize the Congressional Review Act in order to repeal this rule.

It was also mentioned—and will, undoubtedly, be mentioned here later today—that this rule received over 91,000 comments. What they didn't tell you, and what I am guessing they won't tell you today, is that the overwhelming majority of the comments opposed the rule. Opposition wasn't based on small, technical issues. It was based on the fundamentally flawed concept of the rule. Many of the organizations I mentioned earlier provided comments to the agency. Rather than listen to the organizations advocating for the rights of the disabled, the previous administration decided to ignore them.

I thank the gentleman from the State of Texas (Mr. SAM JOHNSON) for his hard work on this important issue that affects law-abiding citizens in every congressional district in America.

I ask my colleagues to support this resolution—to stand with the disabled community and to stand with the Constitution. Support H.J. Res. 40.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent to yield the control of the balance of my time to the gentleman from Texas (Mr. SAM JOHNSON), the sponsor of this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to H.J. Res. 40, a measure that would vacate an important rule issued by the Social Security Administration to help reduce gun violence.

This resolution of disapproval is particularly problematic because, pursuant to the Congressional Review Act, it would not only invalidate this rule but prohibit the agency from adopting substantially the same rule in the future, even an improved version of the rule. How unusual.

As we consider this resolution today, I ask my colleagues to consider, for just a moment, how we arrived at this point and, more precisely, what is at stake.

In 1968, after a decade of assassinations and gun violence, Congress worked to pass the Gun Control Act. That law lists certain categories of individuals who are prohibited from purchasing and possessing firearms, including felons, fugitives, those who

have renounced their citizenship, those who have been dishonorably discharged, and also those “adjudicated mentally defective.” Today, we don’t commonly use that outdated and unfortunate terminology. Instead, we refer to the “Federal mental health prohibitor,” which remains an important—although challenging—feature of our Federal gun laws.

Because it was common sense that we needed a system to help prevent guns from getting into the hands of those who were legally prohibited from possessing them, Congress took bipartisan action to enact the Brady Act in 1993. That statute established a National Instant Criminal Background Check System—some call it NICS—and it requires federally licensed gun dealers to conduct checks on prospective purchasers in order to verify that they are not prohibited on the basis of the statutory categories.

Although unwisely limited only to sales conducted by licensed gun dealers, the NICS system is extremely beneficial as far as it goes. Critically, however, this background check system is only as good as the completeness of the records it includes. This fact was tragically underscored in 2007, when a student on the campus of Virginia Tech shot and killed 32 people. The shooter had a mental health record that was serious enough that it should have been reported to the system, but it was not.

As a result, Congress enacted the bipartisan NICS Improvement Amendments Act that same year in order to provide incentives for States to do a better job of submitting disqualifying mental health records to the system. The law also requires Federal agencies to submit any such information that they have. While some States have done a great job of complying with the law, others have not, which remains a critical challenge. As we expect States to do more to comply, we must also ensure Federal agencies are doing their part.

The rule under consideration, which was finalized last December after an extensive rulemaking process that considered more than 91,000 comments from the public, is intended to impact only a very narrow range of individuals whom the agency determines should be prohibited from possessing firearms under the statutory mental health prohibitor, which has been the law for decades. The rule applies only to those individuals who have a very severe, long-term mental disorder that makes them unable to do any kind of work in the American economy, including even part time or at very low wages.

These individuals must have been determined through an evaluation of all of the evidence that they are not capable of managing their own benefits and must be assigned a representative payee. This designation is given only after an individual is notified orally and in writing at the outset of the process that the gun eligibility deter-

mination would be the result of the assignment of a representative payee. After the determination is made, the affected individuals may appeal the decision to the agency and then, ultimately, to a Federal court.

Of course, we must avoid taking actions that would unfairly stigmatize individuals who suffer from mental illness or a disability. This is true in many respects, but, with regard to issues of public safety, we must recognize that people who suffer from mental illness should not be assumed to be dangerous. In fact, they are much more likely to be victims of crime than to be perpetrators. With those considerations in mind, my colleagues, it can be difficult to apply the mental health prohibitor, but, still, we must apply and enforce the law.

If I were proposing such a rule, I cannot say whether this process would be exactly what I would recommend. We have not held hearings on this issue, and we have not had the chance to examine all appropriate considerations. I can say that the agency has undertaken a commendable effort in accordance with President Obama’s directive to ensure that the NICS background check system has the information that it believes, after a thorough rule-making process, corresponds to a long-standing category of firearms prohibition.

Accordingly, we should not completely disregard the agency’s efforts, and I urge my colleagues to strenuously oppose H.J. Res. 40.

Mr. Speaker, I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Former President Obama was never a champion of the Second Amendment right to keep and bear arms. He fought to deny Americans their constitutional rights throughout his whole 8 years in office. In fact, on his way out the door, former President Obama finalized a rule that discriminates against individuals with disabilities and that deprives law-abiding Americans of their Second Amendment rights. Under this rule, certain Social Security disability beneficiaries, who also need help, would be stripped of their Second Amendment rights. More specifically, their names would be reported to the National Instant Criminal Background Check System.

Mr. Speaker, just because someone has a disability does not mean he is a threat to society. Furthermore, needing help to manage your benefit does not make you dangerous; but you don’t have to take my word for it as the disability community has also raised serious concerns with regard to this rule.

The National Council on Disability, which is the independent agency that is charged with advising Congress and the President on disability policy, said:

“There is, simply put, no nexus between the inability to manage money and the ability to safely and responsibly own, possess or use a firearm.”

In addition, Mr. Speaker, I include in the RECORD many letters of support I have received for my bill from one of the disability community’s Second Amendment groups and civil rights groups and others.

NATIONAL COUNCIL ON DISABILITY,
Washington, DC, January 24, 2017.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. PAUL RYAN,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MAJORITY LEADER MCCONNELL AND SPEAKER RYAN: I write on behalf of the National Council on Disability (NCD) regarding the final rule the Social Security Administration (SSA) released on December 19th, 2016, implementing provisions of the National Instant Criminal Background Check System (NICS) Improvement Amendments Act of 2007, 81 FR 91702. In accordance with our mandate to advise the President, Congress, and other federal agencies regarding policies, programs, practices, and procedures that affect people with disabilities, NCD submitted comments to SSA on the proposed rule on June 30th, 2016. In our comments, we cautioned against implementation of the proposed rule because:

“[t]here is, simply put, no nexus between the inability to manage money and the ability to safely and responsibly own, possess or use a firearm. This arbitrary linkage not only unnecessarily and unreasonably deprives individuals with disabilities of a constitutional right, it increases the stigma for those who, due to their disabilities, may need a representative payee[.]”

Despite our objections and that of many other individuals and organizations received by SSA regarding the proposed rule, the final rule released in late December was largely unchanged. Because of the importance of the constitutional right at stake and the very real stigma that this rule legitimizes, NCD recommends that Congress consider utilizing the Congressional Review Act (CRA) to repeal this rule.

NCD is a nonpartisan, independent federal agency with no stated position with respect to gun-ownership or gun-control other than our long-held position that restrictions on gun possession or ownership based on psychiatric or intellectual disability must be based on a verifiable concern as to whether the individual poses a heightened risk of danger to themselves or others if they are in possession of a weapon. Additionally, it is critically important that any restriction on gun possession or ownership on this basis is imposed only after the individual has been afforded due process and given an opportunity to respond to allegations that they are not able to safely possess or own a firearm due to his or her disability. NCD believes that SSA’s final rule falls far short of meeting these criteria.

Additionally, as NCD also cautioned SSA in our comments on the proposed rule, we have concerns regarding the ability of SSA to fairly and effectively implement this rule—assuming it would be possible to do so—given the long-standing issues SSA already has regarding long delays in adjudication and difficulty in providing consistent, prompt service to beneficiaries with respect to its core mission. This rule creates an entirely new function for an agency that has long noted that it has not been given sufficient resources to do the important work it is already charged with doing. With all due respect to SSA, our federal partner, this rule is simply a bridge too far. In fact, it is conceivable that attempts to implement this rule may strain the already scarce administrative resources available to the agency,

further impairing its ability to carry out its core mission.

The CRA is a powerful mechanism for controlling regulatory overreach, and NCD urges its use advisedly and cautiously. In this particular case, the potential for real harm to the constitutional rights of people with psychiatric and intellectual disabilities is grave as is the potential to undermine the essential mission of an agency that millions of people with and without disabilities rely upon to meet their basic needs. Therefore, in this instance, NCD feels that utilizing the CRA to repeal the final rule is not only warranted, but necessary.

Regards,

CLYDE E. TERRY,
Chair.

NATIONAL RIFLE ASSOCIATION
OF AMERICA,
Fairfax, VA.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.

Hon. NANCY PELOSI,
House Minority Leader,
Washington, DC.

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: I am writing on behalf of the National Rifle Association Institute for Legislative Action (NRA-ILA) to urge you to vote yes on H.J. Res. 40. This measure is a joint resolution to disapprove, under the Congressional Review Act, a Social Security Administration (SSA) rule that would result in hundreds of thousands of law-abiding Americans permanently losing their Second Amendment rights.

SSA claims its rule was mandated by the NICS Improvement Amendments Act of 2007 (NIAA), as interpreted by the Obama administration's Department of Justice. The supposed intent of the rule is for SSA to identify disability or Supplementary Security Income beneficiaries who qualify as prohibited "mental defectives" under the Gun Control Act (GCA) and report them to the National Instant Criminal Background Check System (NICS).

NICS came online nearly 20 years ago, but at no point before this new regulation did SSA consider its own operations or decisions as somehow implicated by the prohibitions in the GCA. Clearly this was not provoked because of the NIAA or because of changes in the SSA's own procedures, but because of the antigun politics of the Obama administration. President Obama made clear that if Congress would not support his desire for increased gun control, he would act on his own. That's why he issued this proposal in the final days of his administration.

The SSA received over 91,000 comments in response to its proposed rule, the overwhelming majority of them in opposition. Comments submitted by NRA-ILA explained in detail how the rule misread the underlying statutes; ignored binding case law; targeted harmless individuals who do not pose a risk of harm; violated due process; and hijacked the SSA's legitimate functions for political purposes.

Our opposition was joined by mental health professionals and advocates for the mentally ill, who argued that the proposal was not supported by evidence or science; added to the stigma of mental illness; and created disincentives for mentally ill persons to seek help and benefits to which they are entitled.

Reporting law-abiding, non-dangerous individuals to NICS and forcing them, as a condition of removal, to prove they are not a threat to society is inconsistent with the GCA, the Second Amendment and basic due process.

For these reasons, the NRA strongly supports H.J. Res. 40. Because of the importance

of this issue to NRA members and gun owners throughout the country, votes on H.J. Res. 40 will be considered in future candidate evaluations and we will notify our members accordingly.

Sincerely,

CHRIS W. COX.

NATIONAL COALITION FOR
MENTAL HEALTH RECOVERY,
Washington, DC, January 29, 2017.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.

Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: I write on behalf of the National Coalition for Mental Health Recovery (NCMHR) regarding the final rule the Social Security Administration (SSA) released on December 19th, 2016, implementing provisions of the National Instant Criminal Background Check System (NICS) Improvement Amendments Act of 2007, 81 FR 91702.

NCMHR submitted comments to SSA on the proposed rule in June 2016. In our comments, we cautioned against implementation of the proposed rule because there is no causal connection between the inability to manage money and the ability to safely and responsibly own, possess or use a firearm. This arbitrary linkage not only unnecessarily and unreasonably deprives individuals with disabilities of a constitutional right, it increases the stigma for those who, due to their disabilities, may need a representative payee.

Despite our objections and that of many other individuals and organizations received by SSA regarding the proposed rule, the final rule released in late December was largely unchanged. Because of the importance of the constitutional right at stake and the very real stigma that this rule legitimizes, NCMHR recommends that Congress consider utilizing the Congressional Review Act (CRA) to repeal this rule.

NCMHR is a nonpartisan, is a nonpartisan, nonprofit with no stated position with respect to gun-ownership or gun-control other than our long-held position that restrictions on gun possession or ownership based on psychiatric or intellectual disability must be based on a verifiable concern as to whether the individual poses a heightened risk of danger to themselves or others if they are in possession of a weapon. Additionally, it is critically important that any restriction on gun possession or ownership on this basis is imposed only after the individual has been afforded due process and given an opportunity to respond to allegations that they are not able to safely possess or own a firearm due to his or her disability. NCMHR believes that SSA's final rule falls far short of meeting these criteria.

The CRA is a powerful mechanism for controlling regulatory overreach, and NCMHR urges its use advisedly and cautiously. In this particular case, the potential for real harm to the constitutional rights of people with psychiatric and intellectual disabilities is grave as is the potential to undermine the essential mission of an agency that millions of people with and without disabilities rely upon to meet their basic needs. Therefore, in this instance, NCMHR feels that utilizing the CRA to repeal the final rule is not only warranted, but necessary.

Sincerely,

DANIEL B. FISHER, M.D., Ph.D.,
Chair NCMHR.

CONSORTIUM FOR
CITIZENS WITH DISABILITIES,
Washington, DC, January 26, 2017.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.

Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

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." 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 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.*
SANDY FINUCANE,
*Epilepsy Foundation,
Law.*
JENNIFER MATHIS,
*Bazelon Center for
Mental Health.*
MARK RICHERT,
*American Foundation
for the Blind.*

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, February 1, 2017.

Vote YES on the Resolution of Disapproval,
H.J. Res. 40 (Social Security Administra-
tion NICS Final Rule)

Vote NO on the Resolution of Disapproval,
H.J. Res. 37 (Federal Acquisition Regula-
tion/Fair Pay and Safe Workplaces EO)

DEAR REPRESENTATIVES: On behalf of the American Civil Liberties Union (ACLU), we urge members of the House of Representatives to support the resolution disapproving the final rule of the Social Security Administration which implements the National Instant Criminal Background Check System Improvement Amendment Acts of 2007.

Additionally we urge members to oppose the resolution of disapproval of the rule submitted by the Department of Defense, the General Services Administration, and NASA relating to the Federal Acquisition Regulation that implement the Fair Pay and Safe Workplaces Executive Order 13673.

SOCIAL SECURITY ADMINISTRATION (SSA)'S IMPLEMENTATION OF THE NICS IMPROVEMENT AMENDMENT ACTS OF 2007 HARMS PEOPLE WITH DISABILITIES

In December 2016, the SSA promulgated a final rule that would require the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients—who, because of a mental impairment, use a representative payee to help manage their benefits—be submitted to the National Instant Criminal Background Check System (NICS), which is used during gun purchases.

We oppose this rule because it advances and reinforces the harmful stereotype that people with mental disabilities, a vast and diverse group of citizens, are violent. There is no data to support a connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence. The rule further demonstrates the damaging phenomenon of "spread," or the perception that a disabled individual with one area of impairment automatically has additional, negative and unrelated attributes. Here, the rule automatically conflates one disability-related characteristic, that is, difficulty managing money, with the inability to safely possess a firearm.

The rule includes no meaningful due process protections prior to the SSA's transmittal of names to the NICS database. The determination by SSA line staff that a beneficiary needs a representative payee to manage their money benefit is simply not an "adjudication" in any ordinary meaning of the word. Nor is it a determination that the person "[l]acks the mental capacity to contract or manage his own affairs" as required by the NICS. Indeed, the law and the SSA clearly state that representative payees are appointed for many individuals who are legally competent.

We recognize that enacting new regulations relating to firearms can raise difficult questions. The ACLU believes that the right

to own and use guns is not absolute or free from government regulation, since firearms are inherently dangerous instrumentalities and their use, unlike other activities protected by the Bill of Rights, can inflict serious bodily injury or death. Therefore, firearms are subject to reasonable regulation in the interests of public safety, crime prevention, maintaining the peace, environmental protection, and public health. We do not oppose regulation of firearms as long as it is reasonably related to these legitimate government interests.

At the same time, regulation of firearms and individual gun ownership or use must be consistent with civil liberties principles, such as due process, equal protection, freedom from unlawful searches, and privacy. All individuals have the right to be judged on the basis of their individual capabilities, not the characteristics and capabilities that are sometimes attributed (often mistakenly) to any group or class to which they belong. A disability should not constitute grounds for the automatic per se denial of any right or privilege, including gun ownership.

FAIR PAY AND SAFE WORKPLACES REGULATIONS ADVANCE WORKER SAFETY AND RIGHTS

The rules implementing the Fair Pay and Safe Workplaces Executive Order take an important step towards creating more equitable and safe work conditions by ensuring that federal contractors provide workplaces that comply with federal labor and civil rights laws.

Employers that have the privilege of doing business with the federal government must meet their legal obligations. The Fair Pay and Safe Workplace regulations are crucial because they help ensure that federal contractors behave responsibly and ethically with respect to labor standards and civil rights laws and that they are complying with federal labor and employment laws such as the Fair Labor Standards Act (which includes the Equal Pay Act), Title VII of the Civil Rights Act, the Americans with Disabilities Act of 1990 and the Occupational Safety and Health Act, and their state law equivalents. The Executive Order also bans contractors from forcing employees to arbitrate claims under Title VII of the Civil Rights Act as well as claims of sexual harassment and sexual assault.

Congress should stand with workers, increase the accountability of federal contractors and oppose any attempts to undo the Fair Pay and Safe Workplaces regulations. These rules will help ensure that the federal government does not contract with employers that routinely violate workplace health and safety protections, engage in age, disability, race, and sex discrimination, withhold wages, or commit other labor violations.

If you have any questions, please feel free to contact Vania Leveille, senior legislative counsel.

Sincerely,

FAIZ SHAKIR,
*Director, Washington
Legislative Counsel.*

VANIA LEVEILLE,
*Senior Legislative
Counsel, Wash-
ington Legislative
Office.*

THE JUDGE DAVID L. BAZELON CEN-
TER FOR MENTAL HEALTH LAW,
Washington, DC, January 30, 2017.

Hon. PAUL RYAN,
*Speaker of the House,
Washington, DC.*

Hon. NANCY PELOSI,
*Office of the Democratic Leader,
Washington, DC.*

DEAR SPEAKER RYAN AND DEMOCRATIC
LEADER PELOSI: The Bazelon Center for Men-

tal Health Law 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." The Center is a national legal advocacy organization that protects and advances the rights of adults and children with mental disabilities.

This rule would require the Social Security Administration to forward the names of 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 rule is inconsistent with the statute it implements, has no evidentiary justification, would wrongly perpetuate inaccurate stereotypes of individuals with mental disabilities as dangerous, and would divert already too-scarce SSA resources away from efforts to address the agency's longstanding backlog of unprocessed benefits applications toward a mission in which the agency has little expertise.

First, there is no statutory basis for the rule. The National Instant Criminal Background Check System (NICS) statute authorizes the reporting of an individual to the NICS database on the basis of a determination that the person "lacks the capacity to contract or manage his own affairs" as a result of "marked subnormal intelligence, or mental illness, incompetency condition or disease." The appointment of a representative payee simply does not meet this standard. It indicates only that the individual needs help managing benefits received from SSA.

Second, the rule puts in place an ineffective strategy to address gun violence, devoid of any evidentiary basis, targeting individuals with representative payees and mental impairments as potential perpetrators of gun violence. In doing so, it also creates a false sense that meaningful action has been taken to address gun violence and detracts from potential prevention efforts targeting actual risks for gun violence.

Third, the rule perpetuates the prevalent false association of mental disabilities with violence and undermines important efforts to promote community integration and employment of people with disabilities. The rule may also dissuade people with mental impairments from seeking appropriate treatment or services, or from applying for financial and medical assistance programs.

Finally, the rule creates enormous new burdens on SSA without providing any additional resources. Implementation of the rule will divert scarce resources away from the core work of the SSA at a time when the agency is struggling to overcome record backlogs and prospective beneficiaries are waiting for months and years for determinations of their benefits eligibility. Moreover, SSA lacks the expertise to make the determinations about safety that it would be called upon to make as part of the relief process established by the rule.

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,

JENNIFER MATHIS,
Director of Policy and Legal Advocacy.

□ 1400

Mr. SAM JOHNSON of Texas. Mr. Speaker, we need to put a stop to this rule now. That is why I introduced H.J. Res. 40, along with Congressman ABRAHAM, to overturn this rule and make sure the constitutional rights of individuals with disabilities are protected. I urge my colleagues to vote "yes" and pass this resolution.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I rise in opposition to H.J. Res. 40. This resolution undermines our NICS background check system.

I am a gun owner and a strong supporter of the Second Amendment, but this isn't about denying people the right to own a gun. It is about upholding the law, and the law is very clear on who should be reported to the NICS system.

The law was passed more than a decade ago to keep guns out of the hands of people who can't responsibly own them. These are not people just having a bad day. These are not people simply suffering from depression or anxiety or agoraphobics. These are people with a severe mental illness who can't hold any kind of job or make any decisions about their affairs. So the law says very clearly that they shouldn't have a firearm.

The Supreme Court in the Heller decision recognized that the Second Amendment grants Americans the right to own firearms, but they also stated that reasonable restrictions to that right can apply, such as when a person is diagnosed with a severe mental illness.

The Social Security Administration is simply obeying the law.

So what exactly is the objection here?

Passage of this resolution puts Americans at risk. It would prevent the Social Security Administration from reporting the names of those who should not have a gun and prohibit that indefinitely.

If there are concerns about the rules, let's revise it. But the CRA process is not a revision. It would ban Social Security from even amending their rule. This is a dangerous overstep, and I urge Members to consider the safety of our districts. No one wants another Virginia Tech. No one wants another Newtown.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. ABRAHAM).

Mr. ABRAHAM. Mr. Speaker, I am honored to introduce this resolution with my good friend, Representative SAM JOHNSON of Texas, one of the greatest patriots I have had the honor to come in contact with and a lifelong defender of our freedoms in America.

This resolution can be boiled down to one point: no bureaucrat should be able to deny an American his or her constitutional rights just because someone else handles their finances.

In the midnight hour of President Obama's last days in office, the Social Security Administration finalized a rule that would allow it to send the name of any beneficiary to the FBI's criminal background check system if they are assigned a representative payee due to mental impairment.

Allowing bureaucrats at the Social Security Administration to determine whether or not a beneficiary is fit to exercise their Second Amendment rights is a clear violation of due process that every American is afforded.

When this awful rule was proposed in 2015, both Representative SAM JOHNSON of Texas and I introduced legislation to prevent the Social Security Administration from carrying it out. With the introduction of this joint resolution, I am pleased that Congress and the President will now have the opportunity to review and to reverse this terrible rule.

That is why I strongly urge my colleagues, in both the House and the Senate, to pass this resolution and keep the government bureaucracies from putting themselves before the Constitution.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, at a time here in America when mass shootings have become all too frequent, at a time when bullets literally rip apart human bodies and human families and cause so much pain, at a time when effective groups like Moms Demand Action for Gun Sense and Texas Gun Sense and the P.E.A.C.E. Initiative are asking this Congress to act to reduce gun violence, this Congress has committed itself to doing absolutely nothing about that violence.

If you are on the terrorist watch list and you cannot fly, not to worry about buying a gun. It's "No fly," but you can still buy.

Today we are told the problem isn't that there are too many guns out there causing too much harm to American families. There are not enough. A group is being left out, omitted from access to guns.

There are a group of Americans, who either from birth or by contracting some mental disability later in life, have a mental impairment that is so significant that we ask taxpayers across America to provide them support through the Social Security disability system. They are declared to be disabled.

And within that group that is taxpayer funded, there is a much smaller group whose disability is so severe that they can't handle their own affairs. They can't receive a check. But these folks say don't worry that you can't place a check in their hand and you have to give it to someone else, it is okay to put a gun in their hands. That is what this proposal does.

Now, we have, as they have failed to point out, a system in place at the Veterans' Administration so that if some-

one is a veteran and they are disabled, there is a process by which they are included within this system.

The SPEAKER pro tempore (Mr. SIMPSON). The time of the gentleman has expired.

Mr. CONYERS. Mr. Speaker, I yield an additional 1 minute to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, but these folks, instead of reaching out to do something about gun violence in America, propose to make them more accessible to individuals that are so impaired they cannot take care of themselves in many ways and cannot even accept a check and are saying: Give them a gun.

There are already safeguards in this Rule. Someone can appeal being listed and say: You know, I can't accept a check, but I do have the ability to own a gun. And they can do that through the Social Security Administration, as soon as they see their name on the list. Or if they are denied a purchase at a later time and they are someone who doesn't belong on this list, there is a way for them to get off the list.

In short, there is due process to ensure they are not unfairly denied gun access. But the American people and the families that are being hurt day after day by gun violence, they deserve some due process, too.

Let's uphold this Rule and reject this giant step backward that will only produce more gun violence and more families torn asunder.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Speaker, I rise today in support of this resolution to repeal a rule which would arbitrarily revoke the Second Amendment rights of certain Social Security beneficiaries. The inability to manage one's Social Security benefits does not correlate with the capacity to judiciously use firearms.

By adding Social Security beneficiaries to the NICS list with no judicial review and forcing them to go through an appeals process to be removed, this rule would also violate the due process rights of these Americans.

I would also like to focus on the component of this rule which would inhibit the ability of Social Security disability beneficiaries to be approved by the Bureau of Alcohol, Tobacco, Firearms and Explosives to work with or around certain materials.

Mr. Speaker, there is bipartisan agreement we should be investing in and rebuilding our infrastructure. There is also bipartisan agreement we should be empowering people receiving benefits, like disability insurance, to return to work if they are able to do so.

However, this rule will create a new barrier for beneficiaries seeking to return to work in industries like construction by forcing them to navigate a complex appeals process before they can be reemployed.

Let me say again, if we do nothing about this rule, it will prevent law-

abiding Americans who are able to do so from getting off the disability rolls and returning to work.

We can work together on constructive ways to prevent those who would do us harm from having access to firearms and explosives. This rule is not the way to do so.

I urge support for the resolution.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HIGGINS).

Mr. HIGGINS of New York. Mr. Speaker, I rise in opposition to H.J. Res. 40 with a message, and that is: Do not repeal this rule.

The Social Security Administration rule is intended to promote and to preserve the integrity of gun ownership in America.

I have heard it said by gun owner advocates that a steady hand is the best gun control. I believe that, but a steady hand requires a rationale mind.

The Social Security Administration rule that my colleagues on the other side want to eliminate is written carefully and narrowly, affecting a very small group of people with a very severe, long-term mental disorder that makes them unable to do any kind of work in the U.S. economy, even part-time or with very low wages and, also, people not mentally capable of managing their own benefits.

The Social Security Administration rule ensures that individuals, who are already prohibited from having guns under existing Federal law, have their names included on the National Instant Criminal Background Check System.

Mr. Speaker, 93 percent of Americans support background checks and believe that systems should be in place to ensure that guns are not in the hands of individuals who have been determined already by Federal law to be unable to use them safely.

I urge my colleagues to reject H.J. Res. 40.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. RENACCI).

Mr. RENACCI. Mr. Speaker, I thank Chairman SAM JOHNSON of Texas for his work on this important resolution and his many years of service to our country.

Mr. Speaker, in the final weeks of President Obama's final term, the Social Security Administration finalized a rule that flat out discriminates against millions of individuals with disabilities by denying them their Second Amendment rights.

But it gets worse. Not only does the rule place these innocent individuals' names in the National Instant Criminal Background Check System, it does so in a way that strips them of their due process. Specifically, it would subject these people to a very timely appeals process requiring them to prove their own innocence before their name could be removed.

In other words, this rule turns due process on its head by shifting the bur-

den of proof from the government to the individual to ensure their constitutional right is not stripped away.

Moreover, as a member of the Social Security subcommittee, I am very concerned that this rule falls way outside the bounds of the Social Security Administration's mission. Instead of using the Social Security administrator's field office staff to help Ohioans manage and understand their benefits, this rule diverts resources away from that core mission toward one that is constitutionally suspect.

That is why I am proud to be an original cosponsor of Chairman SAM JOHNSON of Texas' resolution that protects Americans' Second Amendment rights and protects Americans with disabilities, their constitutional right, to due process under the law.

I urge my colleagues to support this joint resolution of disapproval.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Members of the House, we have some organizational support for opposing this resolution. The first is the AFL-CIO, one of our largest unions in the country. The second is the Consumer Federation of America, and then there is this great organization, Everytown for Gun Safety across the country.

In addition, the Americans for Responsible Solutions organization is opposed to H.J. Res. 40. Finally, the Brady Center to Prevent Gun Violence is also opposed to this measure, as is the Consumer Federation of America.

□ 1415

If Members believe this rule needs further refinement or that it does not afford adequate due process, then we should have the conversation with an eye toward improving the rule, but that is not what has been done. Unfortunately, this is what we are not discussing today. Instead, H.J. Res. 40 would invalidate all aspects of this rule and prohibit the agency from adopting substantially the same rule.

We should not summarily dismiss this rule, which would undermine the effort to make the NICS more effective. If H.J. Res. 40 passes Congress and is signed into law, some individuals will be able to pass firearm background checks solely because Congress prevented relevant records from being submitted to the system.

The Social Security Administration's rule is about making Americans safer from the scourge of gun violence and, unfortunately, believe me, H.J. Res. 40 would do the opposite.

Mr. Speaker, I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentlewoman from Indiana (Mrs. WALORSKI).

Mrs. WALORSKI. Mr. Speaker, I rise today in strong support of H.J. Res. 40.

As part of our bold agenda for the American people, we are reining in the out-of-control bureaucracy in Washington. We are taking action to roll

back 8 years of Obama administration overreach.

Today we are stopping an egregious violation that flies in the face of the Constitution. This regulation, finalized in the final days of the Obama Presidency, would deny certain Social Security recipients their Second Amendment rights without due process.

If you receive Social Security disability payments and someone helps you manage those payments, this regulation stops you from being able to purchase a firearm, your name gets added to a Federal database, and the burden is on you to prove it doesn't belong there. This is absolutely outrageous.

This regulation discriminates against individuals with disabilities by denying them their Second Amendment rights and violating their rights of due process. And it gives far too much power to bureaucrats at the Social Security Administration, who should be focused on making sure people get the benefits they deserve, not deciding who can own a gun.

This is why we are standing up for the Second Amendment rights of all disabled citizens. Being disabled doesn't make you a danger to society, and getting help managing your benefits doesn't mean you forfeit your constitutional rights.

Mr. Speaker, I want to absolutely thank Congressman SAM JOHNSON and Congressman RALPH ABRAHAM for their leadership on this issue. I strongly support this resolution, and I urge my colleagues to do the same.

Mr. Speaker, I include in the RECORD additional letters of support.

NATIONAL ASSOCIATION OF COUNTY
BEHAVIORAL HEALTH & DEVELOP-
MENT DISABILITY DIRECTORS,

Washington, DC, February 1, 2017.

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

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.

Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: 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. 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.

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,

RON MANDERSCHIED, PHD,
Executive Director.

NATIONAL ALLIANCE
ON MENTAL ILLNESS,
Arlington, VA, January 31, 2017.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.

Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The National Alliance on Mental Illness (NAMI) writes to 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." This rule would require the Social Security Administration to forward the names of all Social Security and Supplemental Security Income (SSI) disability beneficiaries who use a representative payee to help manage their benefits, and who have been found eligible by meeting or equaling an SSA mental impairment listing, to the National Instant Criminal Background Check System (NICS).

NAMI is the nation's largest grassroots mental health organization dedicated to building better lives for the millions of Americans affected by mental illness, with more than 1,100 state and local affiliates nationwide. NAMI recognizes and supports the need to prioritize reducing gun violence in the U.S. However, we are gravely concerned that the rule, as adopted, perpetuates unfounded stereotypes about people with mental illness and other mental disabilities that have no basis in fact. Moreover, we believe that the rule may have unintended negative consequences, including deterring individuals from seeking or receiving help when they need it.

Our specific concerns about the rule are the following:

There is no evidence supporting the proposition that people who are assigned Representative Payees on the basis of mental illness or other mental disabilities pose increased risks for gun violence or threats to public safety;

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, the assignment of a Representative Payee to a recipient of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) is not equivalent to an adjudication. Rather, it is a unilateral determination by the SSA that a person may need help in managing his or her benefits. There is no hearing, the beneficiary is afforded no opportunity to testify or provide evidence why he or she should not be assigned a Representative Payee, and there are no other due process protections typically associated with formal adjudications.

The new rule reinforces unfounded perceptions associating mental illness and other mental disabilities with violence. Scientific studies that have assessed risk factors for violence contain no evidence linking difficulties with managing benefits with increased risks for violence.

SSI and SSDI provide vital links to medical benefits for people with mental illness. The rule may deter individuals from applying for these benefits for fear that their names will be added to a public database maintained by the FBI. Without such benefits, access to mental health treatment and services will be impeded.

Mr. Speaker and Madam Leader, NAMI asserts that the adoption of this misguided rule in the aftermath of Congressional adoption of a comprehensive bill to improve mental health care in America is exactly the wrong step to take. We therefore urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage it inflicts on people with mental illness and other disabilities.

Thank you for your prompt attention to these concerns.

Sincerely,

MARY GILBERTI, J.D.,
Chief Executive Officer.

NATIONAL ASSOCIATION FOR RIGHTS
PROTECTION AND ADVOCACY,
Huntsville, LA, January 31, 2017.

Hon. MITCH MCCONNELL,
Senate Majority Leader,
Washington, DC.

Hon. CHUCK SCHUMER,
Senate Minority Leader,
Washington, DC.

DEAR MAJORITY LEADER MCCONNELL AND MINORITY LEADER SCHUMER: The National Association of Rights Protection and Advocacy (NARPA) 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." NARPA was formed in 1981 to provide education and advocacy in the mental health arena. Members are attorneys, people with psychiatric histories, mental health professionals and administrators, academics, and non-legal advocates. Central to NARPA's mission is the promotion of those policies and strategies that represent the preferred options of people who have been diagnosed with psychiatric disabilities.

This rule requires the Social Security Administration to forward the names of 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 rule is inconsistent with the statute it implements, has no evidentiary justification, would wrongly perpetuate inaccurate stereotypes of individuals with mental disabilities as dangerous, and would divert already too-scarce SSA resources away from efforts to address the agency's longstanding backlog of unprocessed benefits applications toward a mission in which the agency has little expertise.

First, there is no statutory basis for the rule. The National Instant Criminal Background Check System (NICS) statute authorizes the reporting of an individual to the NICS database on the basis of a determination that the person "lacks the capacity to contract or manage his own affairs" as a result of "marked subnormal intelligence, or mental illness, incompetency condition or disease." The appointment of a representative payee simply does not meet this standard. It indicates only that the individual needs help managing benefits received from SSA.

Second, the rule puts in place an ineffective strategy to address gun violence, devoid of any evidentiary basis, targeting individuals with representative payees and mental impairments as potential perpetrators of gun violence. In doing so, it also creates a false sense that meaningful action has been taken to address gun violence and detracts from potential prevention efforts targeting actual risks for gun violence.

Third, the rule perpetuates the prevalent false association of mental disabilities with violence and undermines important efforts to promote community integration and employment of people with disabilities. The rule may also dissuade people with mental impairments from seeking appropriate treatment or services, or from applying for financial and medical assistance programs.

Finally, the rule creates enormous new burdens on SSA without providing any additional resources. Implementation of the rule will divert scarce resources away from the core work of the SSA at a time when the agency is struggling to overcome record backlogs and prospective beneficiaries are waiting for months and years for determinations of their benefits eligibility. Moreover, SSA lacks the expertise to make the determinations about safety that it would be called upon to make as part of the relief process established by the rule.

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,

ANN RIDER,
President.

NATIONAL COUNCIL
ON INDEPENDENT LIVING,

Rochester, New York, January 27, 2017.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.

Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The National Council on Independent Living (NCIL) 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." 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).

NCIL represents people with disabilities, Centers for Independent Living (CILs), Statewide Independent Living Councils (SILCs), and other organizations that advocate for the human and civil rights of people with disabilities throughout the country.

Prior to the issuance of the Final Rule, NCIL joined the CCD Rights Task Force to convey 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 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.

We look forward to an opportunity to speak with you and your staff about our concerns.

Respectfully,

KELLY BUCKLAND,
Executive Director.

JANUARY 31, 2017.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.

Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: 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." This rule would require the Social Security Administration to forward the names of all Social Security Disability In-

surance (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 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.

NATIONAL DISABILITY

RIGHTS NETWORK,

Washington, DC, January 30, 2017.

Re National Disability Rights Network letter of support for Use of Congressional Review Act on the Social Security Administration NICS Rule.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.

Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: 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 on December 19, 2016, "Implementation of the NICS Improvement Amendments Act of 2007." This rule would require the Social Security Administration (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 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 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 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 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 SSDI 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.

Sincerely,

CURT DECKER,
Executive Director.

NEW YORK ASSOCIATION OF PSY-
CHIATRIC REHABILITATION SER-
VICES, INC.,

Albany, NY, January 31, 2017.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.

Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: On behalf of thousands of New Yorkers with psychiatric disabilities, the New York Association of Psychiatric Rehabilitation Services (NYAPRS) 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."

By way of reference, NYAPRS is a 36 year old statewide coalition that has brought together New Yorkers with psychiatric disabilities and community recovery providers to advance policies, programs and social conditions that advance recovery, rehabilitation, rights and community inclusion.

This rule would require the Social Security Administration to forward the names of 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 rule is inconsistent with the statute it implements, has no evidentiary justification, would wrongly perpetuate inaccurate stereotypes of individuals with mental disabilities as dangerous, and would divert already too-scarce SSA resources away from efforts to address the agency's longstanding backlog of unprocessed benefits applications toward a mission in which the agency has little expertise.

First, there is no statutory basis for the rule. The National Instant Criminal Background Check System (NICS) statute authorizes the reporting of an individual to the NICS database on the basis of a determination that the person "lacks the capacity to contract or manage his own affairs" as a result of "marked subnormal intelligence, or mental illness, incompetency condition or disease." The appointment of a representative payee simply does not meet this standard. It indicates only that the individual needs help managing benefits received from SSA. Second, the rule puts in place an ineffective strategy to address gun violence, devoid of any evidentiary basis, targeting individuals with representative payees and mental impairments as potential perpetrators of gun violence. In doing so, it also creates a false sense that meaningful action has been taken to address gun violence and detracts from potential prevention efforts targeting actual risks for gun violence.

Third, the rule perpetuates the prevalent false association of mental disabilities with violence and undermines important efforts to promote community integration and employment of people with disabilities. The rule may also dissuade people with mental impairments from seeking appropriate treatment or services, or from applying for financial and medical assistance programs.

Finally, the rule creates enormous new burdens on SSA without providing any additional resources. Implementation of the rule will divert scarce resources away from the core work of the SSA at a time when the agency is struggling to overcome record

backlogs and prospective beneficiaries are waiting for months and years for determinations of their benefits eligibility. Moreover, SSA lacks the expertise to make the determinations about safety that it would be called upon to make as part of the relief process established by the rule.

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.

Please feel free to contact me at any time.

Sincerely,

HARVEY ROSENTHAL,
Executive Director.

SAFARI CLUB INTERNATIONAL,
Washington, DC, January 31, 2017.

Re Safari Club International Support for
House Joint Resolution 40.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.

Hon. NANCY PELOSI,
House Minority Leader,
Washington, DC.

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: Safari Club International (Safari Club) supports House Joint Resolution 40, which provides for Congressional disapproval under the Congressional Review Act of the final rule submitted by the Social Security Administration (SSA) relating to "Implementation of the NICS Improvement Amendments Act of 2007," adopted on December 19, 2016, 81 Fed. Reg. 91702.

Safari Club seeks Congressional disapproval of the rule for several reasons. It deprives an individual of the ability to receive or possess a firearm, including for recreational hunting, due to that individual's inability to manage his or her financial affairs (Firearms Rule). Under the Firearms Rule, the prohibition would apply when the SSA designates a representative payee because of the individual's mental impairment. A mental impairment that makes an individual incapable of handling his/her financial affairs does not necessarily equate to an inability to properly abide by the law in the use of firearms. The Firearms Rule unfairly attributes illegal conduct to law abiding citizens.

In addition, the Firearms Rule fails in its attempt to rectify its unfair treatment of individuals with mental impairments through its program for individuals to request relief from Federal Firearms prohibitions. This program places on the individual with a mental impairment the costly and burdensome task of collecting and presenting data to overcome the presumption that he or she is incapable of abiding by the law. This program forces upon law-abiding citizens the task of confronting a federal bureaucracy just to prove that they should not be unfairly treated as a criminal due to a mental impairment.

For these reasons, Safari Club supports a joint resolution stating "that Congress disapproves the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007, and such rule shall have no force or effect."

Sincerely,

LARRY HIGGINS,
President, Safari Club International.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ARRINGTON).

Mr. ARRINGTON. Mr. Speaker, the regulatory state in America is alive and well. I wish I could say as much for our economy and our personal freedoms, but I believe that that is about to change thanks in large part to the recent Presidential election.

Over the last 8 years, we have replaced a free enterprise system with a regulatory bureaucracy that has crushed our economy, stifled our innovation, and quashed the great American spirit.

America has never seen such an onslaught of abusive and burdensome actions from the fourth branch of government. The cumulative cost of regulations on our American economy is almost \$2 trillion. It costs almost \$60 billion just to enforce all the regulations on the books.

Let me give you, though, an example of a regulation that is far worse in its effects than just simply economic burden or burden on our people.

Today, I stand with my friend and great American hero, SAM JOHNSON, in strong support of H.J. Res. 40 to strike down the Obama administration's last-ditch effort to infringe upon our Second Amendment rights. In the 11th hour, the Obama administration quietly sneaked in a rule that threatens to deny certain Social Security beneficiaries their right to purchase a firearm. Federal law makes it a crime already to possess a firearm if an individual has been adjudicated as a mental defective or has been committed to a mental institution. This midnight rule designates Social Security beneficiaries as having a mental impairment simply because they ask someone to manage their finances.

Just because an elderly or disabled individual chooses to delegate their financial responsibilities to another does not make them mentally incompetent, nor does it waive their right to due process. Many people, even in this Chamber, are designated to manage the finances of their parents on Social Security, and they do so because their parents may prefer not to deal with the complexities of our current financial environment.

Not only would this proposed rule be a continuation of the Obama administration's regulatory fiat, it would be irresponsible and dangerous and a breach of one of our fundamental rights. We cannot allow the Federal Government to haphazardly restrict our freedoms and the freedoms of over 4 million law-abiding Americans who would otherwise be responsible gun owners. In fact, they are some of the most vulnerable Americans who need to be able to protect themselves.

As noted by the Founders and in the plain language of our Constitution, the Federal Government shall not infringe upon our right to keep and bear arms.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume,

and I would like to emphasize several points additionally.

The degree of impairment required for reporting to the NICS is extremely high, to the extent that someone is not capable of working at any job in the economy, no matter how basic. Someone receiving Social Security benefits as a retiree, even if they have mental impairment and have been assigned a representative payee, would not meet the criteria for reporting to the NICS because they are not receiving benefits because of disability.

Further, the rule went into effect in January, but compliance is not required until December of this year. This would only impact claims going forward and will not involve retroactively assessing individuals already receiving Social Security disability payments based on mental impairment.

Mr. Speaker, I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. YOHOO).

Mr. YOHOO. Mr. Speaker, I thank Chairman JOHNSON for standing up and defending our Nation's Constitution again, not just in his service to our country during the Vietnam era, but here in Congress and his many years here.

Mr. Speaker, I rise in support of this legislation. As a tireless advocate for the protection of our Second Amendment rights, I am disappointed, but not surprised, in the Obama administration's attempt to impair Americans' right to own firearms, by fiat, in its last days of existence. It is unconscionable and unthinkable that a President would do that to the citizens of this country.

This rule claims to strengthen the National Instant Criminal Background Check but, in reality, acted as a gun grab on individuals who receive disability insurance benefits or Supplemental Security Income payments. Participants in those programs should not be forced to worry that, in order to receive government assistance, they must sacrifice their constitutional liberty at the random whim of a government bureaucrat. The Second Amendment to our Constitution states very clearly that the right to keep and bear arms "shall not be infringed," and Congress cannot stand by and allow unaccountable rulemaking from a previous administration to infringe on that right.

I urge my colleagues to support this legislation.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. JUDY CHU), my colleague, a member of the Judiciary Committee.

Ms. JUDY CHU of California. Mr. Speaker, I rise in strong opposition to this use of the Congressional Review Act to repeal the Social Security Administration's rule strengthening the National Instant Criminal Background Check System. The rule in question implements already-existing law to es-

tablish a commonsense streamlining of information which will help improve our background check system for gun purchases.

It is important to note that individuals with disabilities are actually more likely to be victims than perpetrators of gun violence, which is why I support more far-reaching gun safety measures like universal background checks and a ban on the most dangerous weapons.

However, when there have been instances of mass shootings committed by those with a history of mental health issues, top Republicans, including Speaker RYAN, have stood on this very floor to say that they believe we should focus on mental health issues. Well, this is their chance to prove that those were not just empty words; but, instead, they are showing their true loyalties and again resisting any attempt to strengthen basic safeguards to ensure responsible gun ownership.

This is a commonsense regulation that sets a high bar for referring names to the background check system. No one's rights are unduly restricted. An appeals process has been built in to afford due process. So it is clear that my Republican colleagues' concerns are not about safety, but about maximizing profits for gun manufacturers, even if it costs the lives of fellow Americans.

And worse, they are using the restrictive Congressional Review Act to do so. This will not only make it easier for even those with severe mental health issues to buy a gun, but it will also take the option for writing similar rules off the table forever, tying the hands of all future administrations.

This is reckless. Gun deaths are a daily scourge in our country, and it is up to us to do whatever we can to mitigate the risk of the dangerous weapons in the wrong hands. I urge my colleagues to vote "no" on this resolution.

Mr. SAM JOHNSON of Texas. Mr. Speaker, having no other speakers, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Members of the House, this is a very serious matter. This rule, and I have to emphasize this, does not run afoul of the Second Amendment. You can oppose this—well, let's put it like this: The Heller Court, in the Supreme Court case, said that "nothing in the Court's opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill." I emphasize "and the mentally ill."

And it is in that sense that I join with the AFL-CIO, Consumer Federation of America, Everytown for Gun Safety, Americans for Responsible Solutions, the Brady Center to Prevent Gun Violence, and many thoughtful citizens who support the Second Amendment in opposing the measure that is on the floor now.

I urge Members to vote "no."

Mr. Speaker, I yield back the balance of my time.

□ 1430

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself the balance of my time.

This is about constitutional rights of individuals with disabilities. Just because someone has a disability does not mean they are a threat to society. Furthermore, needing help to manage your benefits does not make you dangerous.

Mr. Speaker, I include in the RECORD additional letters of support.

AMERICAN ASSOCIATION OF
PEOPLE WITH DISABILITIES,
Washington, DC, January 26, 2017.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.
Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The American Association of People with Disabilities (AAPD) 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." 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).

AAPD is a national disability rights organization that works to improve the lives of people with disabilities by acting as a convener, connector, and catalyst for change, increasing the economic and political power of people with disabilities.

Prior to the issuance of the Final Rule, AAPD conveyed its opposition to the rule to the Obama Administration. We, and many other disability rights organizations, opposed the rule for a number of reasons, including:

1) 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.

2) 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.

3) 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.

AAPD urges Congress to act, through the CRA process, to disapprove this new rule to prevent the damage that it inflicts on the disability community and the extraordinarily damaging message it sends to society that people with mental impairments could should be feared and shunned.

Thank you for taking our position into consideration.

Yours truly,

HELENA R. BERGER,
President & CEO.

— ADAPT,
Rochester, NY, January 31, 2017.

ADAPT 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." 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).

ADAPT is a national grass-roots community that organizes disability rights activists to engage in nonviolent direct action, including civil disobedience, to assure the civil and human rights of people with disabilities to live in freedom.

We oppose the rule for a number of reasons, including:

1) 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.

2) 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.

3) 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, have 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.

We look forward to an opportunity to speak with you and your staff about our concerns.

Sincerely,

BRUCE DARLING,
National Organizer.

ASSOCIATION OF MATURE
AMERICAN CITIZENS,
February 1, 2017.

Hon. CHUCK GRASSLEY,
U.S. Senator, Iowa,
Washington, DC.

Hon. RALPH ABRAHAM,
5th District, Louisiana,
Washington, DC.

Hon. SAM JOHNSON,
Chairman, Social Security Subcommittee, House
Committee on Ways and Means, Wash-
ington, DC.

DEAR SENATOR GRASSLEY, CHAIRMAN JOHNSON, AND CONGRESSMAN ABRAHAM: On behalf of the 1.3 million members of AMAC, the Association of Mature American Citizens, I am writing in support of the Joint Resolution to protect certain Americans' Second Amendment rights, H.J. Res. 40. Using the Congressional Review Act, this Joint Resolution is meant to undo a Social Security Administration (SSA) regulation that would deprive thousands of Americans who are disabled and who utilize a "representative payee" in order to acquire their benefits of their ability to purchase a firearm. This regulation is both unnecessary and unfair to thousands of law-abiding seniors and citizens who wish to exercise their basic Second Amendment rights.

In December 2016, SSA finalized a rule providing that any American receiving disability benefits due to a "mental disability" and who are also receiving assistance in managing their benefits should be labeled "mentally defective." As a result, those who are inappropriately labeled as "mentally defective" are mandatorily reported to the National Instant Criminal Background Check System—a federal list of people who are barred from purchasing firearms—as required by the Gun Control Act. This finalized rule unjustly equates persons with disabilities and those who require assistance to manage their benefits to those who are actually "mentally defective."

Aside from the fact that this regulation inappropriately equates disabled persons relying on representative payees with those who are "mentally defective," AMAC objects to the way in which this regulation has been implemented. Over the past several years, Americans, particularly seniors, have been at the mercy of executive overreach and mandate. As millions of American seniors rely on SSA for their retirement income, the burden of this regulation has been largely concentrated in our communities. This Joint Resolution is a welcome reprieve to seniors who have had their Second Amendment rights subverted by an administration and agency with significant influence over their retirement income.

As an organization committed to representing the interests of mature Americans and seniors, AMAC is dedicated to ensuring senior citizens' interests are protected. This midnight regulation has placed an undue burden on those requiring assistance to manage their benefits and who suffer from disability. As an organization, we thank Senator Grassley, Chairman Johnson, Congressman Abraham, and their respective staffs for their quick response and steady resolve to protect seniors and those who have been affected by this regulation. We ask Congress to quickly pass this Joint Resolution and restore the basic Second Amendment rights this rule has abridged.

Sincerely,

DAN WEBER,
President and Founder of AMAC.

THE ARC,
Washington, DC, January 30, 2017.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.
Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The Arc of the United States (The Arc) writes to 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." This rule would require the Social Security Administration to forward the names of all Social Security and Supplemental Security Income (SSI) disability beneficiaries who use a representative payee to help manage their benefits, and who have been found eligible by meeting or equaling an SSA mental impairment listing, to the National Instant Criminal Background Check System (NICS).

The Arc is the largest national community-based organization advocating for people with intellectual and developmental disabilities (IDD) and their families, with over 660 state and local chapters nationwide. The Arc is devoted to promoting and protecting the human and civil rights of people with intellectual and developmental disabilities and has over 60-years of history of advocating for the rights of children and adults with disabilities. The Arc is concerned about the safety of all Americans, including through gun violence. However, The Arc—and many other members of the Consortium for Citizens with Disabilities (CCD)—opposes the rule for a number of reasons, including:

The damaging message that may be sent by an 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 when interfering with an individual's constitutional right, 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.

The potential for the rule to deter some people with mental impairments from seeking access to the Social Security and SSI disability benefits that they are eligible for, out fear of being added to the NICS or having their privacy violated.

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.

Respectfully Submitted,

MARTY FORD,
Senior Executive Officer, Public Policy.

AUTISTIC SELF ADVOCACY NETWORK,
Washington, DC, January 30, 2017.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.

Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The Autistic Self Advocacy Network (ASAN) 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." 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 Autistic Self Advocacy Network is a nationwide 501(c)(3) advocacy organization run by and for autistic people ourselves. ASAN promotes public education and public policies that are aimed at eliminating stigmatizing attitudes and increasing autistic Americans' access to all aspects of the community.

Prior to the issuance of the Final Rule, the Autistic Self Advocacy Network conveyed its opposition to the rule through a letter to the Obama Administration and through the public comment process, in addition to joining in public comments as a member of the Consortium of Citizens with Disabilities Rights Task Force. We—and many other disability rights organizations—opposed the rule for a number of reasons, including:

1) 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.

2) 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.

3) 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,

SAMANTHA CRANE,
Director of Public Policy,
Autistic Self-Advocacy Network.

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
Washington, DC, February 1, 2017.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE, You will soon consider a number of resolutions that will disapprove rules offered within the last six months of the Obama Administration, pursuant to the Congressional Review Act. On behalf of the more than one million members and supporters of the Council for Citizens Against Government Waste (CCAGW), I urge you to support the following resolutions:

Rep. Bill Johnson's (R-Ohio) resolution to disapprove the Department of the Interior's (DOI) Stream Protection rule. The rule rewrites more than 400 regulations, while threatening one-third of the nation's coal mining workforce. The rule would also override preferable existing regulations at both the state and federal level.

Rep. Bill Huizenga's (R-Mich.) resolution to disapprove the Securities and Exchange Commission's (SEC) rule, "Disclosure of Payments by Resource Extraction Issuers." The SEC, whose mission is to maintain efficient markets, estimates compliance of the rule could reach \$591 million annually. The rule also fails to protect investors and prevent capital formation.

Rep. Sam Johnson's (R-Texas) resolution to disapprove a rule promulgated by the Social Security Administration relating to the National Instant Criminal Background Check System (NICS). This rule misinterprets the NICS Improvements Amendment Act, and it allows disability or Supplemental Security Income beneficiaries to be deemed "mental defectives" in NICS without any due process as required by law.

Rep. Virginia Foxx's (R-N.C.) resolution to disapprove the so-called "blacklisting" rule promulgated by the Department of Defense, General Services Administration, and National Aeronautics and Space Administration. This rule requires employers bidding on federal contracts to disclose both violations and alleged violations of state and federal labor laws for every contract bid, and to update that information every six months during the contract. This rule unnecessarily drives up the cost of projects, violates due process, and puts small business at a disadvantage.

Rep. Rob Bishop's (R-Utah) resolution to disapprove the Bureau of Land Management's (BLM) Venting and Flaring rule. This rule is an example of agency overreach, as BLM lacks the statutory authority to regulate air quality. Further, the rule fails to address BLM's real problem: a backlog of permits for the pipelines, in turn forcing the methane companies to vent and flare gases wastefully.

It is critical that Congress removes as many of the "midnight regulations" as possible forced on taxpayers by the previous administration. All votes on these resolutions will be among those considered for CCAGW's 2017 Congressional Ratings.

Sincerely,

TOM SCHATZ,
President.

DISABILITY LAW CENTER,
Anchorage, AK, January 25, 2017.

Re: Social Security "Implementation of the NICS Improvement Amendments Act of 2007".

Sen. LISA MURKOWSKI,
Anchorage, Alaska.

Sen. DAN SULLIVAN,
Anchorage, Alaska.

Congressman DON YOUNG,
Anchorage, Alaska.

DEAR SENATORS MURKOWSKI AND SULLIVAN, AND CONGRESSMAN YOUNG: This past summer,

our office commented on Social Security's proposal to report certain beneficiaries to the federal firearms database. A copy of these comments is attached. Despite those comments, and many others, the agency went ahead with its proposal. 81 Fed. Reg. 91702 (December 19, 2016). According to press reports today, you will soon have before you a joint resolution disapproving these new regulations. This is to urge you carefully to consider, and, if appropriate, pass this joint resolution.

This is not a situation where Congress would be asserting its political will over an agency that carefully analyzed the comments on its proposed regulations and responded to those comments in a thoughtful way. Instead, in its responses to comments, Social Security:

1) Simply failed to take into account that its disability determination process does not purport to decide whether someone is a "mental defective," that Social Security is not the kind of "court, board, commission, or other lawful authority" that makes such findings, and that written decisions saying that someone qualifies for benefits typically do not mention whether the person meets or equals the mental Listings, thus omitting information necessary for people to decide whether to appeal. 81 Fed. Reg. at 91703.

2) Relied, repeatedly, for its legal analysis on a DOJ Guidance that has not been published anywhere, let alone published in the Federal Register. 81 Fed. Reg. at 91703, 91704, 91706.

3) Responded to the suggestion that people might not apply for disability benefits they deserved because they would be reported to the database by saying that the reason they were on the database would be kept private, so they would not be "stigmatized" or "embarrassed." 81 Fed. Reg. at 91707. It isn't a matter of stigmas or embarrassments. It's a matter of wanting to own a firearm and being discouraged from applying for benefits because you know that if you get benefits you may lose your property.

4) Agreed that the process can assign someone a representative payee even though the person is competent, 81 Fed. Reg. at 91709-10, but did not see that this fact ought to keep that person from going onto the federal firearms database; and

5) Completely failed to analyze whether putting someone on the database restricts Alaskan subsistence activities as protected by ANILCA.

This is agency decisionmaking that is, for want of a better word, wrong. It deserves to be analyzed and rejected under the Congressional Review Act.

Mr. SAM JOHNSON of Texas. Mr. Speaker, as the ACLU said: "We oppose this rule because it advances and reinforces the harmful stereotype that people with mental disabilities, a vast and diverse group of citizens, are violent. There is no data to support a connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence."

Mr. Speaker, we must act today to protect the rights of individuals with disabilities.

Mr. Speaker, I urge the adoption of H.J. Res. 40, and I yield back the balance of my time.

Mr. HOYER. Mr. Speaker, I have always been a strong ally of the disability community and have paid close attention to the concerns many have had with this rule.

I'm proud to have been the lead sponsor of the Americans with Disabilities Act in 1990,

which opened doors of independence, access, opportunity, and equity for millions of Americans with differing abilities.

In Congress, Democrats have put forward commonsense gun safety laws that would prevent violent and dangerous individuals with mental disabilities from purchasing firearms. However, the Republican-led Congress would not allow even a vote on such legislation.

President Obama took a series of limited steps within his authority, one of which was this rule, whose aim has been to prevent those who shouldn't have guns from obtaining them. I believe that, absent action from Congress to enhance our background check system, this rule represents an imperfect but necessary step.

It is imperfect because it stigmatizes the disability community unfairly and needs a stronger appeals process to protect the rights of those who fall under its purview. I disagree with the premise that having a mental disability that precludes independent management of one's finances correlates with a heightened risk of violence. I have read the rule and recognize that it was written in a narrow way so that it applies only to those with severe mental illnesses.

I've had many discussions over the past several days with leaders in the disability community. I've grappled with the very difficult questions this resolution poses and ultimately decided that, given these circumstances, the best step right now is to oppose this resolution.

I look forward to working closely with the disability community and gun safety advocates to push for Congress to take up legislation that keeps all Americans safe from gun violence while protecting the rights of those with differing abilities.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I rise in strong opposition to this misguided resolution that will only imperil the lives of more Americans.

In 2007, this body passed the National Instant Criminal Background Check System Improvement bill with a unanimous voice vote.

We all agreed that the background check system needed better information, especially after dangerous individuals slipped through the cracks and were able to purchase guns they never should have been allowed to buy in the first place.

Like Jared Loughner, who killed six people in Arizona who were at a grocery store to meet our colleague Gabby Giffords.

He passed background checks even though he had a history of drug use and disturbing behavior that should have been in the system.

So the Obama Administration, at Congress's direction wrote this rule to make sure that federal mental health records make their way into the background check system, so that it can effectively deny purchases to individuals who are already prohibited from buying guns.

And let's be clear about what we're talking about.

This rule only affects those with very severe, long-term mental disorders, and who have been identified by doctors and psychologists as severely mentally disabled.

It does not paint disability recipients with a broad brush.

8.8 million Americans receive Social Security disability benefits, yet SSA estimates only 75,000 would meet the criteria under this rule.

That is less than one percent.

Let's also be clear: this resolution is an attempt to hamstring our federal agencies and to keep them from improving the background check system.

Rather than work with a new administrator to improve the rule, the Majority would rather have no rule at all because this bill not only repeals this background check improvement rule, it also prohibits the federal government from issuing a similar rule in the future.

We've got it backwards. We shouldn't be repealing gun safety rules, we should be strengthening them. Gun violence is an epidemic in this country and we have done literally nothing in Congress about it since Republicans took the majority in the House in 2011.

I urge my colleagues to oppose this bill.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I strongly oppose this bill that uses dangerous procedure to advance dangerous policy to erode our important firearms background check system and undermine public safety.

In response to the tragic mass shooting at Virginia Tech, the National Instant Criminal Background Check System Improvement Amendment Act was passed by Congress unanimously and signed into law by President Bush because everyone agreed that we need federal and State agencies to submit relevant information to maintain an accurate, effective system.

This bill directly undermines public safety by permanently blocking a federal agency from submitting records to this critical safeguard system.

I know the high cost of gun violence on families and communities. I know that policy makers have an obligation to address public safety carefully and responsibly. Reasonable people can disagree about whether the rule by the Social Security Administration struck the right balance between the threshold and process reporting to the background system. While opponents have raised some concerns about whether there is sufficient due process in this rule, the solution is not to block the rule entirely. Rather, the solution is to fix it.

Therefore, I oppose this CRA because it would permanently prohibit the Social Security Administration from ever reporting individuals to this critical safety system, which is an extreme, dangerous, irresponsible, and irreversible action that threatens the safety of our communities.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 71, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF DEFENSE, THE GENERAL SERVICES ADMINISTRATION, AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. CHAFFETZ. Mr. Speaker, pursuant to House Resolution 74, I call up the joint resolution (H.J. Res. 37) disapproving the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 74, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 37

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation (published at 81 Fed. Reg. 58562 (August 25, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Utah (Mr. CHAFFETZ) and the gentleman from Maryland (Mr. CUMMINGS) each will control 30 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.J. Res. 37.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of the resolution.

During the past 8 years, the number of newly issued regulations and the costs of those regulations have surged. By the prior administration's own estimates, Federal regulations promulgated over the last 10 years alone have imposed a cost of more than \$100 billion annually on American taxpayers.

H.J. Res. 37, which we are considering today under the Congressional Review Act procedures, represents an important step toward rolling back this tsunami of rules. Once a CRA resolution of disapproval for a rule is enacted, agencies cannot reissue the rule or any substantially similar rules in the future.

H.J. Res. 37 revokes the Fair Pay and Safe Workplaces rule, otherwise known as the blacklisting rule.

I want to thank Chairwoman Foxx for her leadership on this resolution of