



SOCIAL SECURITY

The Commissioner

August 07, 2015

The Honorable Paul Ryan
United States House of Representatives
Washington, DC 20515

Dear Chairman Ryan:

Thank you for your July 21, 2015 letter inquiring about the possibility of the Social Security Administration (SSA) providing the names of beneficiaries to the National Instant Criminal Background Check System (NICS). Outside of the cases referred to the NICS by our Office of Inspector General (OIG) that relate to individuals engaged in criminal activity (discussed below), SSA has not provided any names of beneficiaries to the NICS and is not considering sending names based solely on the beneficiaries having representative payees. Instead, we are currently determining how we must comply with our NICS reporting obligations under Federal law.

Federal law prohibits certain individuals from purchasing or possessing a firearm. See 18 U.S.C. § 922(g). The Brady Handgun Violence Prevention Act (Public Law 103-159; 107 Stat. 1536) requires that licensed firearms dealers request a background check before transferring a firearm to an unlicensed person. To carry out this legislation, the Federal Bureau of Investigation maintains the NICS, a system that queries three databases to determine whether an individual seeking to purchase a firearm is a prohibited person under applicable law.

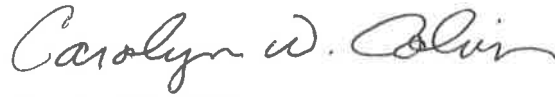
The NICS Improvement Amendments Act of 2007 (Public Law 110-180; 121 Stat. 2559) aimed to increase the quantity and quality of records available to the NICS from Federal, State, and tribal authorities. In January 2013, President Obama issued a memorandum to improve availability of relevant Executive Branch records to the NICS. This memorandum instructed Federal agencies, in consultation with the Department of Justice (DOJ), to assess whether they possess relevant records that should be made available to the NICS, consistent with applicable law. SSA has acted and continues to act consistent with this memorandum as we continue our assessment. We are looking at possible implementation scenarios. However, we are not exploring any option that would refer all SSA beneficiaries with representative payees to the NICS.

SSA's statutory responsibilities explained above do not include all of the responsibilities of our OIG. Our OIG has independent statutory obligations under the Inspector General Act of 1978 (Public Law 95-452; 92 Stat. 1101), as amended. Therefore, we have conferred with our OIG. As of June 30, 2015, our OIG reports that it has made 123 submissions to NICS in accordance with applicable law and guidance. Specifically, our OIG reports that it provides records to the NICS for individuals on whom it has opened an investigation and who are subsequently prosecuted in a State or local court. The 2013 NICS guidance lists 10 categories of individuals for whom information is requested. The OIG provides information on individuals who fall into the following listed categories: (1) certain felons (with judgment and conviction orders from a court); (2) certain fugitive felons; and (3) certain persons under indictment. The OIG does not

provide information from their investigations prosecuted in Federal Courts, as this information is already provided to NICS.

I hope this information is helpful. Please contact me if you have any questions. Staff questions may be directed to Judy L. Chesser, Deputy Commissioner for Legislation and Congressional Affairs. She can be reached at (202) 358-6030. I am sending a similar response to the co-signers of your letter.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn W. Colvin".

Carolyn W. Colvin
Acting Commissioner