

photocopy it and return the original record to you.

- Section 408.406 explains how we evaluate the evidence you give us.
- Section 408.410 explains that you must submit evidence of your age to qualify for SVB unless we have already established your age in connection with a claim for benefits under title II or title XVI of the Act.
- Section 408.412 explains what kinds of documents you need to give us to show that you were born on or before December 15, 1934.

- Section 408.413 explains how we evaluate the evidence of age you give us.

- Section 408.420 explains that your evidence of WWII service must show your name, your branch of service, the dates of your service, your military service number, the character of your discharge and, if you were in the organized military forces (including organized guerrilla forces) of the Government of the Commonwealth of the Philippines, that your service is considered to have been in the service of the U.S. Armed Forces. This section also explains the kind of evidence you can give us to show you are a WWII veteran.

- Section 408.425 explains that we will use our data records to determine your SSI eligibility.

- Section 408.430 explains that we need evidence of your other benefit income if the income is less than 75 percent of the FBR.

- Section 408.432 explains what is evidence of your other benefit income.

- Section 408.435 explains the evidence you need to give us to show that you are residing outside the U.S.

- Section 408.437 explains the evidence you need to give us to show that you had good cause for remaining in the U.S. for more than one full month after you begin receiving SVB. It includes a description of the kinds of evidence you can give to show both that you made a good faith effort to return to your home abroad and the circumstances that prevented you from doing so.

Subpart E (Amount and Payment of Benefits)

Subpart E explains how we determine the amount of and pay SVB. Specifically:

- Section 408.501 explains what subpart E is about.

- Section 408.505 explains that the maximum SVB payment is equal to 75 percent of the SSI FBR for an individual with no income. It explains that whenever there is a cost-of-living allowance (COLA) increase in the FBR, we will increase your SVB to reflect the

COLA increase. It also explains that we will reduce the maximum SVB payable by the amount of your other benefit income.

- Section 408.510 explains that, when you are receiving other benefit income, we do not round the amount of your SVB payment. This section also explains that the minimum SVB payable is \$1.00.

- Section 408.515 explains that we make SVB payments on the first day of the month for which they are due. We also explain that when the first day of the month is a Saturday, Sunday, or Federal legal holiday, we will make your payment on the first preceding day that is not a Saturday, Sunday or Federal legal holiday.

Public Comments

On August 30, 2002, we published an NPRM in the **Federal Register** at 67 FR 55744 and provided a 60-day period for interested individuals and organizations to comment on the proposed rules. We received only the following comment from an individual.

Comment: The commenter recommends that we revise § 408.420, which deals with evidence of military service, to specify that we will accept only such evidence from a United States Government source.

Response: We are adopting this comment. In order to qualify for benefits, the applicant must be a World War II (WWII) veteran as described in § 408.216. That section provides, in part, that a WWII veteran is someone who served in the U.S. Armed Forces or in the military forces of the Commonwealth of the Philippines, while those forces were in the service of the U.S. Armed Forces. Since the requirement is service in the U.S. Armed Forces or Philippine forces that were in service to the U.S. Armed Forces, it is appropriate that evidence of such service is acceptable only if it is issued by a U.S. Government agency. We have revised § 408.420 accordingly.

We have also made some editorial changes for purposes of clarification. We have not made any additional substantive changes to the NPRM.

Regulatory Procedures

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these final rules do not meet the criteria for a significant regulatory action under Executive Order 12866, as amended by Executive Order 13258. Thus, they were not subject to OMB review.

Regulatory Flexibility Act

We certify that these final rules will not have a significant impact on a substantial number of small entities because they affect only individuals filing for benefits under title VIII of the Act. Therefore, a regulatory flexibility analysis, as provided for in the Regulatory Flexibility Act, as amended, is not required.

Paperwork Reduction Act

These final rules contain information collection requirements in subparts B, C, and D of part 408 that require clearance from OMB. These requirements were approved by OMB under OMB No. 0960-0658, which expires on November 30, 2005.

(Catalog of Federal Domestic Assistance Program No. 96.020, Special Benefits for Certain World War II Veterans)

List of Subjects in 20 CFR Part 408

Administrative practice and procedure, Aged, Reporting and recordkeeping requirements, Social security, Special veterans benefits, Veterans.

Dated: March 27, 2003.

Jo Anne B. Barnhart,

Commissioner of Social Security.

■ For the reasons set out in the preamble, we are adding a new part 408 to chapter III of title 20 of the Code of Federal Regulations as follows:

PART 408—SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS

Subpart A—Introduction, General Provision and Definitions

Sec.

408.101 What is this part about?

408.105 Purpose and administration of the program.

408.110 General definitions and use of terms.

408.120 Periods of limitations ending on Federal nonworkdays.

Subpart B—SVB Qualification and Entitlement

408.201 What is this subpart about?

408.202 How do you qualify for SVB?

408.204 What conditions will prevent you from qualifying for SVB or being entitled to receive SVB payments?

408.206 What happens when you apply for SVB?

408.208 What happens if you establish residence outside the United States within 4 calendar months?

408.210 What happens if you do not establish residence outside the United States within 4 calendar months?

408.212 What happens if you are a qualified individual already residing outside the United States?