

### *Purpose and Scope of Changes to the Regulations*

In these final rules, we are amending our regulations to remove those rules and related provisions which are obsolete as a result of the repeal of sections 222(b) and 1615(c) of the Act. We are removing the provisions of our regulations which provide for the imposition of benefit sanctions for a beneficiary's refusal of VR services without good cause.

In addition, we are amending our regulations on the VR reimbursement programs to remove the provisions which provide for payment to a State VR agency or alternate participant for services provided a beneficiary in a case where benefit sanctions are imposed because the beneficiary, without good cause, refused to continue to accept VR services or failed to cooperate in such a manner as to preclude his or her successful rehabilitation. As a result of the repeal of sections 222(b) and 1615(c) of the Act, the benefit sanctions no longer apply, and we have ceased making determinations as to whether a beneficiary had good cause for refusing to continue or cooperate in a VR program, effective January 1, 2001. Consequently, we are removing the rules providing for payments to State VR agencies or alternate participants under the VR reimbursement programs in cases where a beneficiary refuses to continue or cooperate in a VR program without good cause and benefit sanctions are imposed, since such cases can no longer occur after December 2000.

These final rules only remove those provisions of our regulations which are obsolete as a result of the repeal of sections 222(b) and 1615(c) of the Act. Some of the sections of our regulations affected by these final rules contain other provisions which require revision because of other amendments to the Act. For example, §§ 404.402(a), 416.1701 and 416.2040(b) contain provisions relating to benefit sanctions for refusal of VR services as well as provisions relating to the suspension of benefit payments for noncompliance with treatment for drug addiction or alcoholism. These latter provisions no longer apply as a result of amendments to the Act made by section 105 of Public Law 104–121, the Contract with America Advancement Act of 1996. While we are removing provisions relating to benefit sanctions for refusal of VR services, we are not, at this time, making other changes to conform our regulations to other amendments to the Act. We plan to publish in the **Federal Register** at a later date proposed rules to

take account of the amendments to the Act made by section 105 of Public Law 104–121, relating to drug addiction and alcoholism, and will address the need for changes to §§ 404.402(a), 416.1701 and 416.2040(b) resulting from those amendments as a part of that regulatory initiative.

Several provisions of the regulations which we are revising in order to remove references to a deduction from Social Security benefits on account of a beneficiary's refusal of VR services, also contain certain outdated, gender-specific references to a woman's failure to have a child in her care as another event causing a deduction to be made from Social Security benefits. In these final rules, we are making changes to update the latter provisions to eliminate the gender-specific wording that refers only to a beneficiary who is a woman. We are making these changes to conform to § 404.421 of our regulations which explains the conditions under which a deduction will be made from a person's wife's, husband's, mother's or father's benefits because he or she does not have a child in his or her care.

### *Changes to the Regulations*

In 20 CFR part 404, subpart E, we are removing § 404.422, which contained the basic rules for making deductions from Social Security benefits because of a disability beneficiary's refusal to accept VR services without good cause. In addition, we are amending other sections of our regulations in 20 CFR part 404, subpart E, to remove references to section 222(b) of the Act or § 404.422, or to remove language or paragraphs relating to deductions from Social Security benefits on account of a beneficiary's refusal of VR services without good cause. We are making these changes to §§ 404.401(b), 404.402(a), (b)(2) and (d)(4), 404.412(a)(1), 404.421(d), 404.423, 404.425, 404.435(a)(2), 404.436, 404.437(a), and 404.458. In §§ 404.402(a), 404.436(b) and 404.437(a), we also are making changes to certain provisions to remove outdated, gender-specific references to a woman's failure to have care of a child as a cause for a deduction from benefits, to update and make these provisions consistent with § 404.421.

In § 404.902, we are removing and reserving paragraph (g), relating to determinations about a deduction from Social Security benefits because of a beneficiary's refusal to accept rehabilitation services. In addition, we are amending § 404.1596(b)(2) to remove the provision providing for a suspension of Social Security benefits if a

beneficiary refuses to accept VR services without a good reason.

Sections 416.213, 416.1328, and 416.1715 set out the basic rules on ineligibility for, or the suspension of, SSI benefits because of a disabled or blind SSI beneficiary's refusal to accept VR services without good cause. We are removing these sections from our regulations.

In § 416.708, we are removing and reserving paragraph (i), relating to an SSI beneficiary's responsibility to report to us his or her refusal to accept VR services. We also are amending § 416.1701 to remove the references to a refusal of VR services. In addition, we are amending § 416.2040(b) to remove the language discussing a refusal of VR services under section 1615 of the Act.

In 20 CFR part 404, subpart V, and part 416, subpart V, we are removing §§ 404.2113 and 416.2213, respectively, relating to payment for VR services provided a beneficiary in a case where benefit sanctions are imposed because the beneficiary, without good cause, refused to continue or cooperate in a VR program. We also are making conforming changes to §§ 404.2101, 404.2102, 404.2103, 404.2109, 404.2116 and 404.2117 to reflect the removal of § 404.2113, and to §§ 416.2201, 416.2202, 416.2203, 416.2209, 416.2216 and 416.2217 to reflect the removal of § 416.2213.

### **Regulatory Procedures**

#### *Proceeding Directly to Final Rules*

Under section 702(a)(5) of the Act, 42 U.S.C. 902(a)(5), SSA follows the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 in the development of its regulations. The APA provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are "impracticable, unnecessary, or contrary to the public interest." See 5 U.S.C. 553(b)(B).

We have determined that, under 5 U.S.C. 553(b)(B), good cause exists for dispensing with the notice and public comment procedures for the changes to the regulations described above. The changes merely conform our regulations to current law by removing rules and related provisions which are obsolete as a result of the repeal of sections 222(b) and 1615(c) of the Act concerning sanctions for refusing rehabilitation services without good cause. These sections of the Act were repealed by sections 101(b)(1)(C) and (b)(2)(B) of Public Law 106–170, effective January 1, 2001. Because the removal of obsolete