

custodial parent stands in the shoes of a legally incompetent individual. The sponsor of an alien likewise has taken on a special obligation with respect to the alien by signing an affidavit of support. It is these special legal statuses that distinguish these deemors from others.

Refusal on the part of a parent or legal guardian to comply with an authorization request from us is the same as the applicant or recipient themselves refusing to comply. In the sponsor's situation, a refusal to comply would be inconsistent with their obligation under the affidavit to support the recipient and could undermine the intent of the affidavit of limiting the expenditure of public funds. Thus, the good cause exception is not designed to address such situations, but instead is intended primarily for the situation of a married recipient whose uncooperative spouse lives in the same household but does not stand in the shoes of the recipient nor does the spouse have a delineated obligation of support. However, if a deemor as outlined in § 416.207(h)(3) refuses to provide us access to his or her financial records, we would not find good cause for such a refusal.

Comment: Two organizations submitted comments recommending that we revise our language when we refer to "anyone whose income and resources we consider as being available to you." The organizations believe that it would be useful to insert language, which states that deeming situations are the only circumstances when third party permission will be required.

Response: While we did not adopt this suggestion, we made a clarification to show that the individuals in question are deemors. We believe the language used is appropriate and is consistent with the language in section 213 of the Foster Care Independence Act of 1999. In the background section we state that "individuals whose income and resources we consider as being available to the applicant or recipient" are deemors and the words "i.e. deemors," were inserted in § 416.207(a).

Comment: Two organizations stated that we should include a provision that states that the permission we obtain to access the financial records of third parties (i.e. deemors) will terminate when deeming is no longer required.

Response: We are adopting this suggestion. The regulation states that "you must also provide us with permission from anyone whose income and resources we consider as being available to you, i.e., deemors (see §§ 416.1160, 416.1202, 416.1203, and 416.1204)." We have revised

§ 416.207(f) and added § 416.207(f)(3) to clarify that the permission we obtain to access the financial records of deemors will terminate when deeming is no longer required and to clarify that when a terminating event occurs, the permission to contact financial institutions is not invalidated for past periods. We have also made slight editorial changes to the language in §§ 416.207(a) and (g) for purposes of grammatical consistency.

Regulatory Procedures

Executive Order 12866

The Office of Management and Budget (OMB) has reviewed these final regulations in accordance with Executive Order 12866, as amended by Executive Order 13258.

Regulatory Flexibility Act

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

Paperwork Reduction Act

These final rules contain reporting requirements at § 416.207 and § 416.1321. We solicited comments on these requirements on May 2, 2002 in proposed rules published in the **Federal Register** at 67 FR 22021 and provided a 60-day period for interested parties to comment. Based on comments received, we have made revisions to the proposed rules to address some of the concerns of the commenters (see Public Comments section). However, these revisions did not alter the reporting requirements imposed on the public in the final rule.

The public reporting burden is accounted for in the Information Collection Requests for the various forms that the public uses to submit the information to SSA. Consequently, a 1-hour placeholder burden is being assigned to the specific reporting requirement(s) contained in these rules. The forms used to collect this information will not change as a result of this rule.

An Information Collection Request has been submitted to OMB. We will publish a notice in the **Federal Register** upon OMB approval of the information collection requirement(s).

(Catalog of Federal Domestic Assistance Program No. 96.006, Supplemental Security Income)

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability

benefits, Public Assistance programs, reporting and recordkeeping requirements, Supplemental Security Income (SSI).

Dated: July 11, 2003.

Jo Anne B. Barnhart,
Commissioner of Social Security.

■ For the reasons set out in the preamble, we are amending part 416, subparts B and M of chapter III, title 20, Code of Federal Regulations to read as follows:

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart B—[Amended]

■ 1. The authority citation for Subpart B of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1110(b), 1602, 1611, 1614, 1615(c), 1619(a), 1631, and 1634 of the Social Security Act (42 U.S.C. 902(a)(5), 1310(b), 1381a, 1382, 1382c, 1382d(c), 1382h(a), 1383, and 1383c); secs. 211 and 212, Pub. L. 93–66, 87 Stat. 154 and 155 (42 U.S.C. 1382 note); sec. 502(a), Pub. L. 94–241, 90 Stat. 268 (48 U.S.C. 1681 note); sec. 2, Pub. L. 99–643, 100 Stat. 3574 (42 U.S.C. 1382h note).

■ 2. Revise the last sentence of § 416.200 to read as follows:

§ 416.200 Introduction.

* * * You continue to be eligible unless you lose your eligibility because you no longer meet the basic requirements or because of one of the reasons given in §§ 416.207 through 416.216.

■ 3. Add a new § 416.207 under the undesignated center heading REASONS WHY YOU MAY NOT GET SSI BENEFITS FOR WHICH YOU ARE OTHERWISE ELIGIBLE, to read as follows:

§ 416.207 You do not give us permission to contact financial institutions.

(a) To be eligible for SSI payments you must give us permission to contact any financial institution and request any financial records that financial institution may have about you. You must give us this permission when you apply for SSI payments or when we ask for it at a later time. You must also provide us with permission from anyone whose income and resources we consider as being available to you, i.e., deemors (see §§ 416.1160, 416.1202, 416.1203, and 416.1204).

(b) *Financial institution* means any:

- (1) Bank,
- (2) Savings bank,
- (3) Credit card issuer,
- (4) Industrial loan company,
- (5) Trust company,
- (6) Savings association,