

If you have a representative payee, you or your representative must make the required reports, unless you have been legally adjudged incompetent. In that case, your representative payee is responsible for making required reports to us.

- Section 408.708 describes the events you must report to us.
- Section 408.710 describes the information that you must include in your report. This includes the name and social security number of the person about whom you are making the report, the event you are reporting and the date the event occurred, and your name, if you are not the beneficiary.
- Section 408.712 explains that you can make your report in writing, orally, or using other means of reporting (e.g., fax or e-mail).
- Section 408.714 explains that you should report an event as soon as a reportable event (described in § 408.708) occurs or, in cases where we request a report, within 30 days of our written request. If you fail to make a required report within the prescribed period, we may suspend your benefit payments.

#### *Subpart H—Suspension and Termination of SVB*

This subpart would explain the events that would cause us to suspend your SVB payments or terminate your SVB entitlement. Specifically:

- Section 408.801 provides an overview of what subpart H is about.
- Section 408.802 explains when suspension of your SVB payments is proper and when we will resume your payments.
- Section 408.803 explains the circumstances under which we will suspend your SVB payments for failing to comply with our request for necessary information.
- Section 408.806 explains the circumstances under which we will suspend your SVB payments because you are no longer residing outside the United States.
- Section 408.808 explains the circumstances under which we will suspend your SVB payments because your other benefit income exceeds the maximum SVB payable.
- Section 408.809 explains the circumstances under which we will suspend your SVB payments because you have been removed (including deported) from the United States under sections 237(a) or 212(a)(6)(A) of the Immigration and Nationality Act.
- Section 408.810 explains the circumstances under which we will suspend your SVB payments if you are fleeing the United States to avoid criminal prosecution or custody or

confinement after a U.S. conviction for certain crimes or if you violate a condition of probation or parole under Federal or State law.

- Section 408.812 explains the circumstances under which we will suspend your SVB payments if you begin residing in a country to which payments are withheld by the Treasury Department under 31 U.S.C. 3329. This section only applies to you if you are not a citizen or national of the United States.
- Section 408.814 explains that you (or your representative payee) can request that your SVB entitlement be terminated. It also explains when your entitlement would end based on your request and the circumstances under which you would be required to repay benefits you have already received.
- Section 408.816 explains that SVB entitlement ends with the month of death.
- Section 408.818 explains that your SVB entitlement will terminate if your SVB payments have been in suspense for 12 consecutive months.
- Section 408.820 explains that, whenever we plan to suspend or reduce your SVB payments or terminate your SVB entitlement, we will send you a notice of our intended action. The notice would explain your right to appeal that action and the time frames within which your appeal must be filed. The notice will also explain if you have a right to continue receiving benefits while you appeal the suspension, reduction or termination action, and your right to waive continued payment during your appeal.

#### *Subpart I—Overpayments and Underpayments*

This subpart would set forth the rules we would follow when you receive more or less than you should have in SVB payments. These proposed rules are similar in many respects to the rules we currently follow in dealing with overpayments and underpayments under the titles II and XVI programs. Specifically:

- Section 408.900 provides an overview of what is covered in subpart I.
- Section 408.901 defines “underpayment”—payment of less than the amount due for a given period.
- Section 408.902 defines “overpayment”—payment of more than the amount due for a given period.
- Section 408.903 explains how we determine the amount that you are underpaid or overpaid. It also explains that there cannot be an underpayment for a period in which we paid more than the correct amount, even though we

waived recovery of any overpayment for that period.

- Section 408.904 explains that, if you are underpaid, the amount due will be paid to you in a separate payment or by increasing the amount of your monthly SVB payment. It also explains that, if you die before we pay you any part of an underpayment, the balance of the underpayment reverts to the U.S. Treasury.
- Section 408.905 explains that we will withhold or adjust an underpayment due you for a period to reduce any overpayment to you for a different period.
- Section 408.910 explains the circumstances under which we will waive adjustment or recovery of an overpayment. Specifically, we will waive adjustment or recovery if you were without fault in connection with the overpayment and recovery of the overpayment would defeat the purpose of the SVB program or be against equity and good conscience. These are the same criteria we use to determine whether we can waive recovery of an overpayment under the title II program.
- Section 408.911 explains that, when we waive recovery of an overpayment, this frees you from having to repay the overpaid amount.
- Section 408.912 explains how we determine whether you were without fault in creating an overpayment.
- Section 408.913 explains how we determine whether recovery of an overpayment would defeat the purpose of the SVB program.
- Section 408.914 explains the criteria we use to determine whether recovery of an overpayment would be against equity and good conscience.
- Section 408.918 explains that when you receive more or less than the correct amount of SVB, we will send you a notice about the incorrect payment. If you are overpaid, the notice will tell you about recovery of the overpayment and of your rights to appeal the overpayment determination and to request that we waive recovery of the overpayment.
- Section 408.920 explains that we will seek refund of the overpayment if we do not waive recovery. We will seek refund from your estate if you die before we recover the full amount of the overpayment.
- Section 408.922 explains that, if you are overpaid, have not refunded the overpayment to us, and are receiving SVB payments, we will adjust your future payments to recover the overpayment.
- Section 408.923 explains that, in adjusting your SVB payments to recover an overpayment, the amount that we