

**PART 404—FEDERAL OLD-AGE,
SURVIVORS AND DISABILITY
INSURANCE (1950—)**

1. The authority citation for subpart P of part 404 continues to read as follow:

Authority: Secs. 202, 205(a), (b) and (d)–(h), 216(i), 221(a) and (i), 222(c), 223, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 405(a), (b) and (d)–(h), 416(i), 421(a) and (i), 422(c), 423, 425, and 902(a)(5); sec. 211(b), Pub.L. 104–193, 110 Stat. 2105, 2189.

**Appendix 1 to Subpart P of Part 404—
[Amended]**

2. Appendix 1 to subpart P of part 404 is amended as follows:

a. Item 11 of the introductory text before Part A of appendix 1 is revised.

b. The Table of Contents for part A of appendix 1 is amended by adding section 10.00.

c. Section 10.00 is added to Part A of appendix 1.

The added and revised text reads as follows:

**Appendix 1 to Subpart P of Part 404—
Listing of Impairments**

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11. Multiple Body Systems (10.00 and 110.00): July 2, 2001.

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Part A

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10.00 Multiple Body Systems

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10.00 MULTIPLE BODY SYSTEMS

A. Down syndrome (except for mosaic Down syndrome (see 10.00C)) established by clinical findings, including the characteristic physical features, and laboratory evidence is considered to meet the requirement of listing 10.06, commencing at birth.

B. Documentation must include confirmation of a positive diagnosis by a clinical description of the usual abnormal physical findings associated with the condition and definitive laboratory tests, including chromosomal analysis. Medical evidence that is persuasive that a positive diagnosis has been confirmed by appropriate laboratory testing, at some time prior to evaluation, is acceptable in lieu of a copy of the actual laboratory report.

C. Other chromosomal abnormalities, e.g., mosaic Down syndrome, fragile X syndrome, phenylketonuria, and fetal alcohol syndrome, produce a pattern of multiple impairments but manifest in a wide range of impairment severity. Therefore, the effects of these impairments should be evaluated under the affected body system.

10.01 Category of Impairments, Multiple Body Systems

10.06 *Down syndrome (excluding mosaic Down syndrome)* established by clinical and

laboratory findings, as described in 10.00B. Consider the individual disabled from birth.

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[FR Doc. 99–26459 Filed 10–8–99; 8:45 am]

BILLING CODE 4190–29–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 422

[Regulations No. 22]

RIN 0960–AF05

**Assignment of Social Security
Numbers (SSN) for Nonwork Purposes**

AGENCY: Social Security Administration (SSA).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: SSA is providing advance notice of proposed rulemaking regarding when we will assign an SSN to an alien who is legally in the United States (U.S.) but not under authority of law permitting him or her to work in the U.S. We are considering a proposal to assign an SSN to an alien who is legally in the U.S. but does not have authorization to work only if there is a Federal statute or regulation that requires the alien to furnish an SSN to receive a federally-funded benefit or service. Under such a proposal, we would no longer assign an SSN to an alien if the alien's sole reason for applying for the SSN is to satisfy a State or local statute or regulation that requires an individual to furnish an SSN in order to receive a benefit or service. The intent of such a proposed change would be to reduce the possibility of fraud through misuse of SSNs.

DATES: To be sure that your comments are considered, we must receive them no later than December 13, 1999.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, P.O. Box 17703, Baltimore, MD 21235–7703, sent by telefax to (410) 966–2830, sent by E-mail to “*regulations@ssa.gov*,” or delivered to the Office of Process and Innovation Management, Social Security Administration, L2109 West Low Rise Building, 6401 Security Boulevard, Baltimore, MD 21235–6401, between 8:00 A.M. and 4:30 P.M. on regular business days. Comments may be inspected during these hours by making arrangements with the contact person shown below.

Electronic Availability

This document is also available as an electronic file on date of publication in the **Federal Register** on the Internet site

for the Government Printing Office at http://www.access.gpo.gov/su_docs/aces/access140.html. It is also available on the Internet site for SSA (i.e., “SSA Online”) at <http://www.ssa.gov>.

FOR FURTHER INFORMATION CONTACT:

Nancy Grace, Social Insurance Specialist, Office of Program Benefits, 3–R–1 Operations Building, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 965–7911 or TTY (410) 966–5609.

SUPPLEMENTARY INFORMATION:

Background

In implementing section 205(c)(2)(B)(i) of the Social Security Act (the Act) and our regulations at 20 CFR 422.104 and 422.107, SSA currently assigns SSNs to aliens who:

- Are lawfully admitted to the U.S. either for permanent residence or under other authority of law permitting them to engage in employment in the U.S.; or
- Are legally in the U.S. but not under authority of law permitting them to engage in employment, but only for a valid nonwork purpose; or
- Cannot provide evidence of alien status, reside either in or outside the U.S. and are entitled to federally-funded benefits for which a Federal statute or regulation requires an SSN—for example, Social Security benefits, Supplemental Security Income benefits, Medicaid, or Temporary Assistance for Needy Families.

Current SSA operational instructions permit SSA to assign an SSN for a nonwork purpose to aliens who:

- Cannot provide evidence of alien status, reside either in or outside the U.S., and are entitled to federally-funded benefits for which a Federal statute or regulation requires an SSN; or
- Are legally in the U.S., if there is a Federal, State, or local statute or regulation that requires them to provide SSNs to get a particular benefit or service.

In the case of such a State or local statute or regulation, the statute or regulation must be in accordance with Federal law—that is, related to the administration of taxes, general public assistance, driver licensing, or motor vehicle registration (section 205(c)(2)(C)(i) of the Act). If entitlement to a State or local benefit or service is the alien's sole reason for requesting an SSN, the alien must submit a letter from the applicable government entity. The letter must identify the alien, describe the State or local benefit/service for which an SSN is required, and state that the alien meets all requirements for the benefit/service except for providing an SSN.

If SSA issues an SSN to an alien for a nonwork purpose, the SSN card is marked with a nonwork legend that reads "NOT VALID FOR EMPLOYMENT." If earnings are reported to SSA on an SSN issued for a nonwork purpose, SSA provides the Immigration and Naturalization Service (INS) with information regarding the reported earnings pursuant to section 290(c)(2) of the Immigration and Nationality Act. We take great care to ensure that only eligible applicants are assigned SSNs and that SSA's records accurately reflect the basis for assignment of the SSNs.

In July 1996, the Internal Revenue Service (IRS) began assigning Individual Taxpayer Identification Numbers for tax purposes to individuals who are not eligible for SSNs but who need to report income for tax purposes. This change in IRS policy eliminated one of the major reasons that aliens not authorized to work had sought SSNs for nonwork purposes. On October 22, 1998, SSA published final rules at 63 FR 56552 that eliminated the need for an SSN for tax reporting purposes as a valid nonwork reason for assignment of an SSN.

With the July 1996 IRS change, the remaining valid nonwork reasons for assignment of SSNs have generally been limited to eligibility for federally-funded benefits and use of the SSNs by State governments to administer statutes governing the issuing of driver's licenses and the registering of motor vehicles.

Available SSA data suggest that some individuals assigned SSNs for nonwork purposes may be misusing those SSNs to work illegally in the U.S. Despite SSA's stringent procedures for ensuring that an alien without work authorization is assigned an SSN only when the need for a number can be documented, wage items have been reported to SSA on SSNs assigned for nonwork purposes. SSN misuse can impact all levels of government in the form of illegal employment in the U.S and fraudulent entitlement to Federal and State benefits and services.

We have, with the assistance of the American Association of Motor Vehicle Administrators and the support of the Department of Transportation, combined efforts to assist States that currently require SSNs for driver licensing and motor vehicle registration purposes to develop alternative identifier systems to accommodate individuals not authorized to work in the U.S. We understand that most States have alternative identifier systems available, if not already in use.

Explanation of Change We Are Considering

We are considering amending § 422.104 of our regulations to define what we mean by a "nonwork reason" for assigning an SSN to an alien legally in the U.S. but not under authority of law permitting him or her to work in the U.S. According to the change we are considering, the only nonwork reason for assigning an SSN to such an alien would be if there is a Federal statute or regulation that requires the alien to have an SSN in order to receive a federally-funded benefit or service to which the alien has established entitlement. Under the change in our rules that we are considering, States and local entities would be able to continue to use an individual's SSN for purposes of providing benefits or services. However, SSA would not assign an SSN to an alien for a nonwork purpose solely to be able to receive a State or local benefit or service.

Request for Comments

Before proceeding with any proposed regulatory change, and to maximize public participation early in the rulemaking process, we invite the public to comment on this change in rules we are considering. While we are interested in receiving comments from any source on any aspect of the issues, we are particularly interested in public comments on both the costs and benefits of this particular change. And, for State and local governments in particular, we are interested in answers to the following questions.

- Does the State or local government have any statutory requirements for any benefits or services, for which aliens in the U.S. without work authorization are eligible, which require the applicant to have an SSN; such as for the issuance of driver's licenses, the registration of motor vehicles, or receipt of health benefits or emergency general assistance benefits (not federally-funded)?

- If so, would your State be willing to consider identifying these individuals by use of an alternative identifier? How soon could you implement an alternative identification system?

Dated: September 2, 1999.

Kenneth S. Apfel,

Commissioner of Social Security.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 11-99-011]

RIN 2115-AE47

Drawbridge Operation Regulation: Henry Ford Avenue Bridge, Cerritos Channel, Long Beach, CA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of Port of Los Angeles, the Coast Guard proposes to change the operating regulations for the Henry Ford Avenue Railroad Bridge across Cerritos Channel, mile 4.8, of Los Angeles/Long Beach Harbor, at Long Beach, California. The proposal would amend the existing operating regulations to require that the bridge open upon demand. The current regulation for the bridge, also known as the Badger Avenue Bridge, specifies that the bridge remain in the open to navigation position except for the passage of trains or maintenance.

DATES: Comments must be received on or before December 13, 1999.

ADDRESSES: Comments may be mailed or hand-delivered to: Commander (oan), Eleventh Coast Guard District, Bldg. 50-6, Coast Guard Island, Alameda, CA 94501-5100. Comments may also be faxed to: (510) 437-5836. Comments may be e-mailed to:

sworden@d11.uscg.mil. Comments may be delivered to the above address between 6:30 a.m. and 4:00 p.m. Monday through Friday except Federal holidays.

The Commander, Eleventh Coast Guard District maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at the address above.

FOR FURTHER INFORMATION CONTACT: Susan Worden, Bridge Administrator, at the address above. Her telephone number is (510) 437-3461.

SUPPLEMENTARY INFORMATION:

Requests for Comments

The Coast Guard encourages interested persons to participate in this proposed rulemaking by submitting written data, views, or arguments for or against the proposed change. Persons submitting comments should identify this rulemaking (CGD 11-99-011) and the specific section of this document to which each comment applies. Give the reason for each comment. Please submit all comments and attachments in an