



United States General Accounting Office
Washington, DC 20548

Office of the General Counsel

B-286238

September 26, 2000

The Honorable William V. Roth
Chairman
The Honorable Daniel Patrick Moynihan
Ranking Minority Member
Committee on Finance
United States Senate

The Honorable Bill Archer
Chairman
The Honorable Charles B. Rangel
Ranking Minority Member
Committee on Ways and Means
House of Representatives

Subject: Social Security Administration: Supplemental Security Income:
Determining Disability for a Child Under Age 18

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Social Security Administration (SSA), entitled "Supplemental Security Income: Determining Disability for a Child Under Age 18" (RIN: 0960-AF40). We received the rule on September 5, 2000. It was published in the Federal Register as a final rule on September 11, 2000. 65 Fed. Reg. 54747.

The rule revises and finalizes the interim rule published on February 11, 1997, which implemented the childhood disabilities provisions of Public Law 104-193. The revisions are based on comments received on the interim rule, program experience since 1997, and amendments to Public Law 104-193 made by the Balanced Budget Act of 1997 (Pub. L. 105-33).

Enclosed is our assessment of the SSA's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. Our review indicates that the SSA complied with the applicable requirements.

If you have any questions about this report, please contact James W. Vickers, Assistant General Counsel, at (202) 512-8210. The official responsible for GAO evaluation work relating to the subject matter of the rule is Cindy Fagnoni, Director,

Education, Workforce, and Income Security Issues. Ms. Fagnoni can be reached at (202) 512-7215.

**Anthony H. Gamboa
Acting General Counsel**

Enclosure

**cc: Ms. Georgia E. Myers
SSA Regulations Officer
Social Security Administration**

ANALYSIS UNDER 5 U.S.C. § 801(a)(1)(B)(i)-(iv) OF A MAJOR RULE
ISSUED BY THE
SOCIAL SECURITY ADMINISTRATION
ENTITLED
"SUPPLEMENTAL SECURITY INCOME:
DETERMINING DISABILITY FOR A CHILD UNDER AGE 18"
(RIN: 0960-AF40)

(i) Cost-benefit analysis

SSA performed an analysis of the costs and benefits of the final rule. The increased program outlays over 5 years (fiscal years 2001-2005) is estimated to be \$215 million. The average number of disabled children in payment status will increase from 832,000 in FY 2001 to 922,000 in FY 2005.

(ii) Agency actions relevant to the Regulatory Flexibility Act, 5 U.S.C. §§ 603-605, 607, and 609

The Commissioner of SSA has certified that the final rule will not have a significant economic impact on a substantial number of small entities because the rule only affects individuals.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

The final rule does not contain an intergovernmental or private sector mandate, as defined in title II, of more than \$100 million in any one year.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 et seq.

The Commissioner has found "good cause" under 5 U.S.C. 553(b)(B) for waiving the Notice of Proposed Rulemaking procedures and seeking comments for the portion of the final rule amending the interim rule to comply with Public Law 105-33. The language of the legislation did not permit any discretion in formulating the rule. The remainder of the final rule was subject to public comment following the issuance of the interim rule.

Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520

The final rule does not contain any information collections that are required to be reviewed by the Office of Management and Budget under the Paperwork Reduction Act.

Statutory authorization for the rule

The final rule is promulgated under the authority of sections 202; 205(a), (b), and (d)-(h); 216(i); 221(a)(i); 222(c); 223; 225; 702(a)(5); 1611; 1614; 1619; 1631(a), (c), and (d)(1); and 1633 of the Social Security Act and sections 4(c), 5, 6(c)-(e), 14(a) and 15 of Public Law 98-460 and section 211(b) of Public Law 104-193.

Executive Order No. 12866

The final rule was reviewed by the Office of Management and Budget under the order and found to be an “economically significant” regulatory action.