

§ 239.90 [Form 1–A Amended]

13. By amending Form 1–A (referenced in § 239.90) by removing the last two sentences of General Instruction II.

Note: The text of Form 1–A does not and the amendments will not appear in the Code of Federal Regulations.

§ 239.91 [Form 2–A amended]

14. By amending Form 2–A (§ 239.91) by revising General Instructions to read as follows:

Note: The text of Form 2–A does not and the amendments will not appear in the Code of Federal Regulations.

FORM 2–A

* * * * *

General Instructions

The report shall be filed in accordance with the provisions of Rule 257 of Regulation A.

Answer each item in the box(es) or spaces provided. If additional space is required for any response, continue the response on an attached sheet.

If the issuer is required to file any report(s) on this form subsequent to its initial filing, each subsequent filing shall be deemed an amendment to the initial filing. Do not report in any amendment responses to Items 3–11 unless the information has changed.

No fee is required to accompany this filing. Seven copies of the form shall be filed with the main office of the Commission in Washington, D.C. At least one copy of the form shall be manually signed; other copies may bear typed or printed signatures.

* * * * *

Dated: December 16, 1996.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 96–32336 Filed 12–19–96; 8:45 am]

BILLING CODE 8010–01–P

SOCIAL SECURITY ADMINISTRATION**20 CFR Part 416****[Regulations No. 16]**

RIN 0960–AE59

Supplemental Security Income for the Aged, Blind, and Disabled; Dedicated Accounts and Installment Payments for Certain Past-Due SSI Benefits

AGENCY: Social Security Administration.

ACTION: Interim final rule with request for comments.

SUMMARY: These regulations reflect and implement amendments to the Social Security Act (the Act) made by sections 213 and 221 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Section 213

requires the establishment of accounts in financial institutions for the payment of past-due SSI benefits exceeding 6 months' benefits to representative payees on behalf of children under age 18. These accounts will be dedicated for certain purposes by restrictions on the use of such past-due benefits. Section 221 requires past-due SSI benefits which equal or exceed 12 months' benefits to be paid in installments, with certain exceptions.

DATES: These interim final rules are effective on December 20, 1996. To be sure that your comments are considered, we must receive them no later than February 18, 1997.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, P.O. Box 1585, Baltimore, MD 21235, sent by telefax to (410) 966–2830, sent by E-mail to 'regulations@ssa.gov', or delivered to the Division of Regulations and Rulings, Social Security Administration, 3–B–1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Regarding this Federal Register document—Richard M. Bresnick, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–1758; regarding eligibility or filing for benefits—our national toll-free number, 1–800–772–1213.

SUPPLEMENTARY INFORMATION: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law (Pub. L.) 104–193, was enacted on August 22, 1996. Section 213 of Pub. L. 104–193 amended section 1631(a)(2) of the Act, effective for payments made after August 22, 1996, by adding a new subparagraph (F) to require the representative payee of an eligible individual under age 18 to establish "an account in a financial institution" (which we will refer to as a "dedicated account") if the individual is eligible for past-due monthly supplemental security income (SSI) benefits (including any federally administered State supplementary payments) which (after any withholding for interim assistance reimbursement (IAR) to States) exceed six times the Federal Benefit Rate (FBR) plus any federally administered State supplementation. Once the dedicated account has been established by the representative payee for the eligible

individual, SSA will direct deposit the past-due benefits into the dedicated account. Any subsequent past-due benefits payable which exceed six times the FBR plus any federally administered State supplementation also must be deposited directly by SSA into the dedicated account. However, if the eligible individual receives subsequent past-due benefits which are less than or equal to six times the FBR plus any federally administered State supplementation, these past-due benefits may be, but are not required to be, deposited into the dedicated account by the representative payee. Other funds representing an SSI underpayment which are equal to or greater than the Federal Benefit Rate also may be deposited into such an account.

Section 213 provides that funds in the dedicated account are to be used only for certain specified purposes, primarily those related to the child's impairment(s). Under the new statutory provision, the use of dedicated account funds for unauthorized items or services is considered a "misapplication" of benefits. A representative payee who knowingly misapplies funds from a dedicated account shall be personally liable to the Commissioner of Social Security (the Commissioner) in an amount equal to the amount misapplied. Section 213 also requires SSA to establish a system to monitor representative payee activity with respect to dedicated accounts.

Sections 213(b) and 213(c) of Pub. L. 104–193 also amended sections 1613(a) and 1612(b) of the Act, respectively, to provide an exclusion from resources for funds in a dedicated account established and maintained in accordance with section 1631(a)(2)(F) of the Act, including accrued interest or other earnings thereon, and to provide an exclusion from income for such interest and earnings.

Section 221 of Pub. L. 104–193 also affects the payment of large SSI past-due benefits payable to SSI recipients. This statutory provision, which is effective for past-due benefits paid on December 1, 1996 or later, amended section 1631(a) of the Act by adding a new paragraph (10) which requires payment of large past-due benefit amounts in installments. Prior to this provision, we paid past-due benefits directly to the eligible individual or the representative payee in a lump sum payment. Under the new statutory provision, past-due benefits (including any federally administered State supplementary payments) in an amount that (after reimbursement for IAR) equals or exceeds 12 times the FBR plus any federally administered State

supplementation payable to an eligible individual (or an eligible individual and eligible spouse), generally must be paid in installments. Such past-due benefits will be paid in not more than 3 installments, with the first and second installment not exceeding 12 times the FBR plus any State supplementation. The installment payments will be made at 6-month intervals.

There are two statutory exceptions for which the installment payment requirements do not apply. They are: (1) when the individual has a medically determinable impairment which is expected to result in death within 12 months; or (2) when an individual is ineligible for benefits and it is determined he or she is likely to remain ineligible for the next 12 months.

Section 221 also provides an exception to the limitation on the amount of the first and/or second installment payments when the individual has certain outstanding debts or current or anticipated expenses. The exception applies when there are: (1) outstanding debts due to food, clothing, shelter, or medically necessary services, supplies or equipment, or medicine; or (2) current or anticipated expenses in the near future due to the purchase of a home, or medically necessary services, supplies or equipment, or medicine.

The standard limitation on the first and second installment payments may be increased by the amount of the debts or expenses described above. This increase only applies with respect to debts or expenses that are not subject to reimbursement by a public assistance program, the Secretary of Health and Human Services under title XVIII of the Act, a State plan approved under title XIX of the Act, or any private entity that is legally liable to make payment according to an insurance policy, prepaid plan, or other arrangement.

Explanation of Revisions

We are amending existing regulations at §§ 416.535, 416.538, 416.542, 416.570, 416.640, 416.1124, and 416.1210 and adding new §§ 416.545, 416.546, and 416.1247.

We are amending § 416.535 to refer to §§ 416.545 and 416.546, respectively, on the payment in installments of past-due benefits and the use of dedicated accounts for the deposit of past-due benefits, that exceed amounts determined under statutorily prescribed formulas.

We are amending § 416.538 to explain that a dedicated account must be established for the deposit of past-due benefits for individuals under age 18 who have representative payees if the

amount of the past-due benefits meets the formula in § 416.546.

We are amending § 416.542 to refer to § 416.545 on installment payments for large past-due benefits and adding a paragraph to discuss how we will pay past-due benefits when a dedicated account is required to be established.

We are adding a new § 416.545 which explains that when an eligible individual is due past-due benefits which (after reimbursement for IAR) equal or exceed 12 times the FBR plus any federally administered State supplementation, the payments generally are required to be made in installments. This section also explains the exceptions to the installment payment requirements for certain individuals. This section also discusses when the amount of the installment payment may be increased due to certain outstanding debts or current or anticipated expenses.

We also are adding a new § 416.546 which explains that when an individual under age 18 who has a representative payee is eligible for the payment of past-due benefits in an amount (after reimbursement for IAR) that exceeds six times the FBR plus any federally administered State supplementation, these past-due benefits must be deposited into a dedicated account. The new section also reflects that certain subsequent past-due benefits and underpayments may be, but do not have to be, deposited into the dedicated account.

We are adding a statement to the end of § 416.570 that funds in a dedicated account cannot be used to repay an overpayment under title II or title XVI of the Act. This prohibition is based on the fact that overpayment repayment is not among the allowable uses of dedicated account funds listed in § 416.640(e), as it is not related to the individual's impairment.

We are adding a paragraph to § 416.640 explaining when representative payees are required to establish a dedicated account in a financial institution into which certain past-due payments must be deposited as described in § 416.546. We also describe the types of dedicated accounts the representative payee may establish and how they are to be established. The allowable types of accounts are intended to alleviate the risk of loss of principal, ensure accessibility, and ensure representative payee accountability.

We also explain in § 416.640 that funds in these accounts are to be used only for certain specified items or services, primarily those related to the individual's impairment. Limitations on

expenditures continue until all funds in the account are depleted or SSI eligibility terminates. If a representative payee knowingly uses funds in the account for unauthorized expenditures, the representative payee will be liable to the Commissioner to repay the amount misapplied. We also state that this amount is not an "overpayment" as defined in § 416.537. We also explain that the recordkeeping requirements in §§ 416.635 and 416.665 apply to these accounts.

Based upon the report to Congress of the National Commission on Childhood Disability, issued October 10, 1995, we deemed it best that our regulations not attempt to provide specific guidelines for what items or services would be appropriate as "impairment-related." The report noted the testimony of advocates for disabled children as to the vast array of possible impairment-related items and services. Accordingly, the appropriateness of an expenditure will be decided on a case-by-case basis within the context of each child's needs and impairment(s). Therefore, in this section, we have provided broad guidelines in this area.

We are revising § 416.1124 by adding interest or other earnings on a dedicated account which is excluded from resources to the list of unearned income exclusions in paragraph (c).

We are revising § 416.1210 by adding dedicated accounts to the list of excluded resources.

We are adding a new § 416.1247 explaining the exclusion from resources of dedicated accounts and interest or other earnings on the account.

Under these interim final rules, the dedicated account must be kept separate from all other resources in order for the income and resource exclusions to apply. No commingling of other funds in the account will be permitted. Not only does commingling appear to be precluded by the specified mandatory and discretionary deposits that must or may be made into a dedicated account, but to permit commingling of other funds into the dedicated account would impose unduly burdensome reporting and recordkeeping requirements on representative payees. In addition, such commingling would impose administratively time-consuming and complex monthly proration computations on the part of SSA related to interest and other earnings on the account. Prior administrative experience with allowing commingling in excluded burial fund accounts led us to prohibit commingling in such accounts based on this administrative burden (see § 416.1231(b) and 55 FR 28373 (July 11, 1990)).

We also explain in § 416.1247 that the income and resource exclusions continue during a period of suspension or eligibility for which no payment is due, so long as the individual's eligibility has not been terminated. Once eligibility terminates, previously excluded funds may not be excluded if the individual establishes a subsequent period of eligibility by filing a new application.

Electronic Versions

The electronic file of this document is available on the Federal Bulletin Board (FBB) at 9:00 a.m. on the date of publication in the Federal Register. To download the file, modem dial (202) 512-1387. The FBB instructions will explain how to download the file and the fee. This file is in WordPerfect and will remain on the FBB during the comment period.

Regulatory Procedures

Pursuant to section 702(a)(5) of the Act, 42 U.S.C. 902(a)(5), as amended by section 102 of Pub. L. 103-296, 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 prior 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. We have determined that, under 5 U.S.C. 553(b)(B), good cause exists for dispensing with the notice and public comment procedures in this case.

Public Law 104-193 was signed into law on August 22, 1996. Section 213 was made effective on August 23, 1996, and section 221 was made effective on December 1, 1996. Moreover, sections 215 and 222, respectively, require the Commissioner to issue regulations as may be necessary to carry out the amendments made by sections 213 and 221, respectively, within 3 months after enactment (i.e., by November 22, 1996). Accordingly, to issue these rules to implement sections 213 and 221 as a notice of proposed rulemaking would have delayed issuance of final rules until well past the statutory effective dates and regulatory issuance deadline. Issuing these rules as interim final rules allows us to come as close as possible to the mandated dates.

In light of the immediacy of the effective dates and the Congressional mandate that we issue regulations needed to carry out these statutory provisions within 3 months, we believe that, under the APA, good cause exists

for waiver of the prior notice procedures since issuance of proposed rules would be impracticable. While we are issuing these rules as interim final regulations, we are interested in receiving public comments regarding the substance of these interim rules.

In addition, we find good cause for dispensing with the 30-day delay in the effective date of a substantive rule, provided for by 5 U.S.C. 553(d). As explained above, these regulations reflect and implement statutory provisions, one of which is effective on enactment and one of which is effective December 1, 1996, and for which publication of implementing regulations is required by November 22, 1996. In order for these regulations to be effective as close as possible to the mandated dates, we find that it is in the public interest to make these rules effective upon publication.

Executive Order 12866

These interim final rules reflect and implement the provisions of sections 213 and 221 of Pub. L. 104-193. The Office of Management and Budget (OMB) has reviewed these interim final rules and determined that they meet the criteria for a significant regulatory action under Executive Order 12866.

The administrative cost of each of the provisions is negligible (less than \$1 million annually). The provisions of section 213 will have no impact on benefit payments. Under section 221, benefits will be paid in installments over a period up to a year later than they would have been paid in a lump sum.

The provisions establishing dedicated accounts are intended to alleviate the risk of loss of principal, ensure accessibility, and ensure representative payee accountability. The exclusion from resources and income permits families to plan for the needs of the child as authorized in the provisions.

Regulatory Flexibility Act

We certify that these regulations will not have a significant economic impact on a substantial number of small entities because they primarily affect only the small number of individuals who would receive past-due SSI benefits that exceed the 6-month or 12-month limitation. Therefore, a regulatory flexibility analysis as provided in Public Law 96-354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act

These interim final rules contain a recordkeeping requirement in § 416.640(e)(3). We would normally seek approval of this requirement from OMB under 44 U.S.C. 3507 as amended

by section 2 of the Paperwork Reduction Act of 1995. However, we are not doing so because we already have clearance of this requirement under OMB Control No. 0960-0068.

(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, Supplemental Security Income (SSI), Reporting and recordkeeping requirements.

Dated: November 25, 1996.

Shirley S. Chater,

Commissioner of Social Security.

For the reasons set forth in the preamble, part 416, subparts E, F, K, and L of chapter III of title 20 of the Code of Federal Regulations are amended as set forth below.

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

Subpart E—[Amended]

1. The authority citation for subpart E of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1601, 1602, 1611 (c) and (e), and 1631(a)–(d) and (g) of the Social Security Act (42 U.S.C. 902(a)(5), 1381, 1381a, 1382 (c) and (e), and 1383(a)–(d) and (g)).

2. Section 416.535 is amended by revising the first sentence of paragraph (a) and adding paragraph (c) to read as follows:

§ 416.535 Underpayments and overpayments.

(a) *General.* When an individual receives SSI benefits of less than the correct amount, adjustment is effected as described in §§ 416.542 and 416.543, and the additional rules in § 416.545 may apply. * * *

* * * * *

(c) *Additional rules for eligible individuals under age 18 who have a representative payee.* When an eligible individual under age 18 has a representative payee and receives less than the correct amount of SSI benefits, the additional rules in § 416.546 may apply. * * *

* * * * *

3. Section 416.538 is amended by redesignating paragraph (d) as paragraph (e) and adding a new paragraph (d) to read as follows:

§ 416.538 Amount of underpayment or overpayment.

* * * * *

(d) *Limited delay in payment of underpaid amount to eligible individual under age 18 who has a representative payee.* When the representative payee of an eligible individual under age 18 is required to establish a dedicated account pursuant to §§ 416.546 and 416.640(e), payment of past-due benefits which are otherwise due will be delayed until the representative payee has established the dedicated account as described in § 416.640(e). Once the account is established, SSA will deposit the past-due benefits payable directly to the account.

* * * *

4. Section 416.542 is amended by adding a sentence at the end of paragraph (a)(1) and adding paragraph (a)(3) to read as follows:

§ 416.542 Underpayments—to whom underpaid amount is payable.

(a) *Underpaid recipient alive—underpayment payable.* (1) * * * If the underpaid amount meets the formula in § 416.545 and one of the exceptions does not apply, the amount of any past-due benefits will be paid in installments.

* * * *

(3) If an underpaid individual under age 18 is alive and has a representative payee and is due past-due benefits which meet the formula in § 416.546, SSA will pay the past-due benefits into the dedicated account described in § 416.640(e). If the underpaid individual dies before the benefits have been deposited into the account, we will follow the rules which apply to underpayments for the payment of any unpaid amount due to any eligible survivor of a deceased individual as described in paragraph (b) of this section.

* * * *

5. A new § 416.545 is added to read as follows:

§ 416.545 Paying large past-due benefits in installments.

(a) *General.* Except as described in paragraph (c) of this section, when an individual is eligible for past-due benefits in an amount which meets the formula in paragraph (b) of this section, payment of these benefits must be made in installments. The amounts subject to payment in installments include:

(1) Benefits due but unpaid which accrued prior to the month payment was effectuated;

(2) Benefits due but unpaid which accrued during a period of suspension for which the recipient was subsequently determined to have been eligible; and

(3) Any adjustment to benefits which results in an accrual of unpaid benefits.

(b) *Installment Formula.* Installment payments must be made if the amount of the past-due benefits including any federally administered State supplementation, after applying § 416.525, equals or exceeds 12 times the Federal Benefit Rate plus any federally administered State supplementation payable in a month to an eligible individual (or eligible individual and eligible spouse). These installment payments will be paid in not more than 3 installments and made at 6-month intervals. Except as described in paragraph (d) of this section, the amount of each of the first and second installment payments may not exceed the threshold amount of 12 times the maximum monthly benefit payable as described in this paragraph.

(c) *Exception—When installments payments are not required.* Installment payments are not required and the rules in this section do not apply if, when the determination of an underpayment is made, the individual is (1) afflicted with a medically determinable impairment which is expected to result in death within 12 months, or (2) ineligible for benefits and we determine that he or she is likely to remain ineligible for the next 12 months.

(d) *Exception—Increased first and second installment payments.* (1) The amount of the first and second installment payments may be increased by the total amount of the following debts and expenses:

(i) Outstanding debt for food, clothing, shelter, or medically necessary services, supplies or equipment, or medicine; or

(ii) Current or anticipated expenses in the near future for medically necessary services, supplies or equipment, or medicine, or for the purchase of a home.

(2) The increase described in paragraph (d)(1) of this section only applies to debts or expenses that are not subject to reimbursement by a public assistance program, the Secretary of Health and Human Services under title XVIII of the Act, a State plan approved under title XIX of the Act, or any private entity that is legally liable for payment in accordance with an insurance policy, pre-paid plan, or other arrangement.

6. A new § 416.546 is added to read as follows:

§ 416.546 Payment into dedicated accounts of past-due benefits for eligible individuals under age 18 who have a representative payee.

For purposes of this section, amounts subject to payment into dedicated accounts (see § 416.640(e)) include the

amounts described in § 416.545(a) (1), (2), and (3).

(a) For an eligible individual under age 18 who has a representative payee and who is determined to be eligible for past-due benefits (including any federally administered State supplementation) in an amount which (after § 416.525 is applied) exceeds six times the Federal Benefit Rate plus any federally administered State supplementation payable in a month, this unpaid amount must be paid into the dedicated account established and maintained as described in § 416.640(e).

(b) After the account is established, the representative payee may (but is not required to) deposit into the account any subsequent past-due benefits (including any federally administered State supplementation) which are in an amount less than that specified in paragraph (a) of this section or any other funds representing an SSI underpayment which is equal to or exceeds the maximum Federal Benefit Rate.

(c) If the underpaid individual dies before all the benefits due have been deposited into the dedicated account, we will follow the rules which apply to underpayments for the payment of any unpaid amount due to any eligible survivor as described in § 416.542(b).

7. Section 416.570 is amended by adding a new sentence at the end of the section to read as follows:

§ 416.570 Adjustment—general rule.

* * * No funds properly deposited into a dedicated account (see §§ 416.546 and 416.640(e)) can be used to repay an overpayment while the overpaid individual remains subject to the provisions of those sections.

Subpart F—[Amended]

8. The authority citation for subpart F of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1631(a)(2) and (d)(1) of the Social Security Act (42 U.S.C. 902(a)(5) and 1383(a)(2) and (d)(1)).

9. Section 416.640 is amended by adding paragraph (e) to read as follows:

§ 416.640 Use of benefit payments.

* * * *

(e) *Dedicated accounts for eligible individuals under age 18.* (1) When past-due benefit payments are required to be paid into a separate dedicated account (see § 416.546), the representative payee is required to establish in a financial institution an account dedicated to the purposes described in paragraph (e)(2) of this section. This dedicated account may be a checking, savings or money market

account subject to the titling requirements set forth in § 416.645. Dedicated accounts may not be in the form of certificates of deposit, mutual funds, stocks, bonds or trusts.

(2) A representative payee shall use dedicated account funds, whether deposited on a mandatory or permissive basis (as described in § 416.546), for the benefit of the child and only for the following allowable expenses—

(i) Medical treatment and education or job skills training;

(ii) If related to the child's impairment(s), personal needs assistance; special equipment; housing modification; and therapy or rehabilitation; or

(iii) Other items and services related to the child's impairment(s) that we determine to be appropriate. The representative payee must explain why or how the other item or service relates to the impairment(s) of the child.

(3) Representative payees must keep records and receipts of all deposits to and expenditures from dedicated accounts, and must submit these records to us upon our request, as explained in §§ 416.635 and 416.665.

(4) The use of funds from a dedicated account in any manner not authorized by this section constitutes a misapplication of benefits. These misapplied benefits are not an overpayment as defined in § 416.537; however, if we determine that a representative payee knowingly misapplied funds in a dedicated account, that representative payee shall be liable to us in an amount equal to the total amount of the misapplied funds.

(5) The restrictions described in this section and the income and resource exclusions described in §§ 416.1124(c)(20) and 416.1247 shall continue to apply until all funds in the dedicated account are depleted or eligibility for benefits terminates, whichever comes first. This continuation of the restrictions and exclusions applies in situations where funds remain in the account in any of the following situations—

(i) A child attains age 18, continues to be eligible and receives payments directly;

(ii) A new representative payee is appointed. When funds remaining in a dedicated account are returned to us by the former representative payee, the new representative payee must establish an account in a financial institution into which we will deposit these funds, even if the amount is less than that prescribed in § 416.546; or

(iii) During a period of suspension due to ineligibility as described in § 416.1321, administrative suspension,

or a period of eligibility for which no payment is due.

Subpart K—[Amended]

10. The authority citation for subpart K of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1602, 1611, 1612, 1613, 1614(f), 1621, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1381a, 1382, 1382a, 1382b, 1382c(f), 1382j, and 1383); sec. 211, Pub. L. 93–66, 87 Stat. 154 (42 U.S.C. 1382 note).

11. Section 416.1124 is amended by removing the “and” at the end of paragraph (c)(18) and the period at the end of paragraph (c)(19), adding “; and” at the end of paragraph (c)(19), and adding paragraph (c)(20) to read as follows:

§ 416.1124 Unearned income we do not count.

* * * * *

(c) * * *

(20) Interest or other earnings on a dedicated account which is excluded from resources. (See § 416.1247).

Subpart L—[Amended]

12. The authority citation for subpart L of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1602, 1611, 1612, 1613, 1614(f), 1621, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1381a, 1382, 1382a, 1382b, 1382c(f), 1382j, and 1383); sec. 211, Pub. L. 93–66, 87 Stat. 154 (42 U.S.C. 1382 note).

13. Section 416.1210 is amended by removing the “and” at the end of paragraph (p) and the period at the end of paragraph (q), adding “; and” at the end of paragraph (q), and adding paragraph (r) to read as follows:

§ 416.1210 Exclusions from resources; general.

* * * * *

(r) Dedicated financial institution accounts as provided in § 416.1247.

14. A new § 416.1247 is added to read as follows:

§ 416.1247 Exclusion of a dedicated account in a financial institution.

(a) *General.* In determining the resources of an individual (or spouse, if any), the funds in a dedicated account in a financial institution established and maintained in accordance with § 416.640(e) will be excluded from resources. This exclusion applies only to benefits which must or may be deposited in such an account, as specified in § 416.546, and accrued interest or other earnings on these benefits. If these funds are commingled

with any other funds (other than accumulated earnings or interest) this exclusion will not apply to any portion of the funds in the dedicated account.

(b) *Exclusion during a period of suspension or termination.* (1) *Suspension.* The exclusion of funds in a dedicated account and interest and other earnings thereon continues to apply during a period of suspension due to ineligibility as described in § 416.1321, administrative suspension, or a period of eligibility for which no payment is due, so long as the individual's eligibility has not been terminated as described in §§ 416.1331 through 416.1335.

(2) *Termination.* Once an individual's eligibility has been terminated, any funds previously excluded under paragraph (a) of this section may not be excluded if the individual establishes a subsequent period of eligibility by filing a new application.

[FR Doc. 96–32134 Filed 12–19–96; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 668

[FHWA Docket No. 95–25]

RIN 2125–AD60

Emergency Relief Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The FHWA is amending its regulation on the emergency relief (ER) program in order to incorporate changes made to 23 U.S.C. 120 and 125 by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102–240, 105 Stat. 1914). The time period in which the Federal share payable for certain eligible emergency repairs is 100 percent will be extended from 90 days to 180 days as a result of this final rule; the limit for total obligations for ER projects in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands will be increased from \$5 million to \$20 million; and the term “Federal-aid highway systems” will be replaced with the term “Federal-aid highways” to conform with terminology now used to describe highways eligible for Federal-aid ER assistance. In addition, various statements clarifying eligible uses of ER funding will be incorporated into the regulation.