

person to accept payment or reimbursement from an offeror for expenses incurred in connection with meetings held by the offeror for the purpose of training or educating associated persons of a member. Such meetings can be held at or near an office of the offeror or an office of the member or a regional location with respect to regional meetings—a third-party offeror with a regional business may not conduct a meeting outside that region unless the member has a more widespread business. The provision would permit offerors to hold training meetings in resort locales if that offeror or the member has an office in that resort locale.

The NASD states that it “believes that the limitations proposed for the nature of educational meetings in the proposed rule will discourage sponsors from holding training and education meetings in exotic places. Because the burden is now on members to show that a training and education meeting is bona fide, the NASD anticipates that members will generally avoid excessively expensive and lavish training and education settings.” Are the recordkeeping requirements proposed by the NASD sufficient to support determinations of whether such meetings will be bona fide?

3. The NASD states in its filing that a member holding a training or education meeting for its associated persons would not be required to comply with the conditions imposed with respect to training and education meetings held by offerors or unaffiliated members “if the member does not receive a payment or reimbursement from an offeror for the expenses of the meeting. In any event, the member would not be prohibited from permitting offerors to make a presentation at the meeting.” The proposed rule change establishes three separate levels of regulation of training and education meetings depending upon whether a member or an offeror holds a training and education meeting and depending upon whether a member who holds a training and education meeting accepts reimbursement from an offeror.

a. If an offeror holds a training and education meeting, that meeting must comply with the training and education exception.

b. If a member holds training and education meeting, and accepts reimbursement from an offeror for certain expenses, the meeting must comply with either the training and education exception or the in-house sales incentive exception (permitting contributions by offerors).

c. If a member holds a training and education meeting for its own associated persons and accepts no reimbursement from offerors, the proposed rule change does not regulate that meeting because the meeting is not in connection with the sale or distribution of investment company/variable contract securities.

Commenters are asked to address whether a training and education meeting should constitute non-cash compensation subject to the proposed rule change if an offeror participates in organizing the meeting even though an identical meeting would not be subject to the proposed rule change if organized by the member for its own associated persons.

4. The Tully Committee identified the practice of payment of higher commissions to registered representatives for proprietary products than for non-proprietary products as an arrangement that can create conflicts of interest. The proposed rule change would not prohibit or regulate this practice. The NASD has stated that “it has generally not been the practice for the NASD to regulate the internal compensation arrangements between a member and its associated persons.” The proposed rule change would, however, prohibit contests granting cash awards if the contest gives greater weight to certain securities than others. Commenters are invited to address whether the proposed rule change should be extended to cover ordinary compensation practices in addition to incentive compensation practices.

Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission’s Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by July 29, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Jonathan G. Katz,

Secretary.

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## SOCIAL SECURITY ADMINISTRATION

### Statement of Organization, Functions and Delegations of Authority

Notice is being given that two new chapters are being issued, Chapter TC, Office of the Chief Actuary and Chapter TE, Office of the Deputy Commissioner, Communications and that Chapter TA, Office of the Deputy Commissioner, Programs, Policy, Evaluation and Communications (TA) is being reissued.

Within the Deputy Commissioner, Programs, Policy, Evaluation and Communications notice is given that the Office of the Actuary (TAC); the Office of Communications (TAL); the Resources Management Staff (TAA-1); the Office Automation Support Staff (TAA-2); the Office of Program Coordination and Planning (TAB); the Office of Policy Analysis and Evaluation (TAQ); the Office of Policy (TAK); and the Office of Disclosure Policy (TAG) are abolished. Notice is also given of the establishment of the Office of Policy and Planning (TAR) and the Office of Program Support (TAS) and the retitling of the Office of Research and Statistics (TAN) as the Office of Research, Evaluation and Statistics.

Finally, notice is given that in the Office of Disability (TAE) the Office of Medical Evaluation (TAEA) is being abolished. The functions are being redistributed among the Office of the Associate Commissioner for Disability, the Division of Medical and Vocational Policy (TAEC) and the Federal Disability Determination Services (TAEB).

The new and reissued Chapters read as follows:

ADD new chapter

Chapter TC—Office of the Chief Actuary

TC.00 Mission

TC.10 Organization

TC.20 Functions

Section TC.00 *The Office of the Chief Actuary*—(Mission): The Office of the Chief Actuary (OACT) plans and directs a program of actuarial estimates and analyses pertaining to the SSA-administered retirement, survivors and disability insurance programs and supplemental security income program and to projected changes in these programs. Evaluates operations of the

Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund; estimates future operations of the trust funds; conducts studies of program financing; performs actuarial and demographic research on social insurance and related program issues; and estimates future workloads. Provides technical and consultative services to the Commissioner, the Board of Trustees of those two Trust Funds, and, as requested, congressional committees. Appears before congressional committees to provide expert testimony on the actuarial aspects of Social Security issues.

Section TC.10 *The Office of the Chief Actuary*—(Organization): The Office of the Chief Actuary under the leadership of the Chief Actuary, includes:

- A. The Chief Actuary (TC).
- B. The Deputy Chief Actuary (Short-Range) (TC).
- C. The Deputy Chief Actuary (Long-Range) (TC).
- D. The Immediate Office of the Chief Actuary (TCA).
- E. The Office of Short-Range Actuarial Estimates (TCB).
- F. The Office of Long-Range Actuarial Estimates (TCC).

Section TC.20 *The Office of the Chief Actuary*—(Functions):

- A. The Chief Actuary (TC) is directly responsible to the Commissioner for carrying out OCACT's mission and for providing supervision to the major components of OCACT.
- B. The Deputy Chief Actuary (Short-Range) (TC) assists the Chief Actuary in carrying out his/her OCACT-wide responsibilities and performs other duties as prescribed.
- C. The Deputy Chief Actuary (Long-Range) (TC) assists the Chief Actuary in carrying out his/her OCACT-wide responsibilities and performs other duties as prescribed.
- D. The Immediate Office of the Chief Actuary (TCA) provides the Chief Actuary and his/her Deputies with staff assistance on the full range of their responsibilities; provides liaison and coordination; and conducts special actuarial studies and analyses.
- E. The Office of Short-Range Actuarial Estimates (TCB) is responsible for planning, directing and coordinating the development of short-range cost estimates for all Social Security programs both under current provisions and proposed changes in law or regulation. The programs for which estimates are prepared include the retirement, survivors and disability insurance program, and the supplemental security income program.

Develops special cost analyses involving technical actuarial issues; projects operations of the Trust Funds; provides a variety of data services including data collection, statistical support; and prepares estimates for general fund and interprogram reimbursement.

F. The Office of Long-Range Actuarial Estimates (TCC) is responsible for planning, directing and coordinating the development of long-range cost estimates for the retirement, survivors and disability program both under current provisions and proposed changes in law or regulation. Provides all revenue estimates in both the near-term and the long-term for the retirement, survivors and disability insurance program and in the near-term for the hospital insurance program. Designs the economic, demographic and programmatic assumptions and the methods needed to develop these estimates; analyzes and publishes actuarial research based on projections and actual program experience; and provides authoritative advice to agency policy makers and congressional staffs relating to the long-range actuarial impact of current law and proposed program changes.

ADD new chapter.

Chapter TE—Office of the Deputy Commissioner, Communications

TE.00 Mission

TE.10 Organization

TE.20 Functions

Section TE.00 *The Office of the Deputy Commissioner, Communications*—(Mission): The Office of the Deputy Commissioner, Communications (ODCCOMM) directs a program to develop and preserve working relationships with a wide variety of national organizations, special interest and advocacy groups, the media, other Federal agencies and State and local governments, for purposes of securing understanding, cooperation and acceptance of SSA programs, policies and procedures and for providing avenues of public participation in the decision making processes of SSA. Plans, directs, coordinates, effects and evaluates SSA's nationwide public communications program and activities. Develops public information programs and materials to ensure public knowledge and understanding of protections, rights and responsibilities under the programs administered by SSA. Plans, directs, implements and evaluates SSA's internal communications programs. Directs SSA's Satellite Communications Network activities. Coordinates the non-English communications activities

within SSA. Provides a central receipt, control, acknowledgment, response, and referral program for all public inquiries. Serves as the focal point for conducting Focus Groups and coordinates public relations activities for SSA.

Section TE.10 *The Office of the Deputy Commissioner, Communications*—(Organization): The Office of the Deputy Commissioner, Communications, under the leadership of the Deputy Commissioner, Communications, includes:

- A. The Deputy Commissioner, Communications (TE).
- B. The Assistant Deputy Commissioner, Communications (TE).
- C. The Immediate Office of the Deputy Commissioner, Communications (TEA).
- D. The Office of Communications Technology (TEB).
  - 1. The Visual Graphics and Community Affairs Staff (TEB1).
  - 2. The Audiovisual Media Operations Staff (TEB2).
- E. The Office of Editorial Policy and Communications (TEC).
  - 1. The Editorial Policy and Communications Staff (TEC1).
  - 2. The Special Communications Staff (TEC2).
- F. The Office of National Affairs (TEE).
- G. The Office of Regional Affairs and Special Projects (TEG).
- H. The Office of Public Inquiries (TEH).
  - 1. The Policy, Procedures and Systems Group (TEH1).
  - 2. The Correspondence Analysis and Response Group (TEH2).

Section TE.20 *The Office of the Deputy Commissioner, Communications*—(Functions):

- A. The Deputy Commissioner, Communications (TE) is directly responsible to the Commissioner for carrying out ODCCOMM's mission and providing managerial direction to the major components of ODCCOMM.
- B. The Assistant Deputy Commissioner, Communications (TE) assists the Deputy Commissioner in carrying out his/her responsibilities and performs other duties as the Deputy Commissioner may prescribe.
- C. The Immediate Office of the Deputy Commissioner, Communications (TEA) provides the Deputy Commissioner and Assistant Deputy Commissioner with staff assistance on the full range of their responsibilities.
- D. The Office of Communications Technology (TEB) directs and implements technical information communications for the Agency. Develops the Agency's goals and objectives for using the media to

promote SSA programs and policies. Is responsible for the design and production of audiovisual and graphics materials. Utilizes state-of-the-art technological theories, principles and methodologies in determining and creating the most effective means of communicating the Agency's information.

1. The Visual Graphics and Community Affairs Staff (TEB1).

a. Plans, designs and produces Agency display, presentation, media and photographic materials for internal and external public information programs.

b. Produces materials in various media formats for the observance of special ceremonial events.

c. Plans and implements a program of community liaison in the Baltimore/Washington metropolitan area.

2. The Audiovisual Media Operations Staff (TEB2).

a. Plans, develops and directs electronic systems required for the Agency's television and audiovisual productions and management communications.

b. Coordinates all technical activities related to the Agency's television and audiovisual production system.

c. Plans, writes, directs and edits motion picture and television productions covering all aspects of Social Security for public information, SSA training and management information purposes.

d. Plans, designs and coordinates satellite communication programs for SSA and other agencies nationwide.

E. The Office of Editorial Policy and Communications (TEC) directs SSA's information activities to ensure public knowledge and understanding of programs administered by SSA. Develops and evaluates goals, objectives, policies, standards and guidelines for SSA public information needs, and carries out programs to inform the public of the purposes and provisions of SSA-administered programs, program changes and people's rights and responsibilities under these programs. Prepares and determines distribution of a wide variety of public information materials on all phases of SSA-administered programs, evaluates the quality of informational materials to ensure a high-quality product and helps in public affairs training in SSA.

1. The Editorial Policy and Communications Staff (TEC1).

a. Develops and evaluates goals and objectives, policies, standards and guidelines for SSA public information needs. Prepares public information

workplans and SSA's National Communications objectives.

b. Provides direction and quality control of information materials for the administration of SSA public affairs and public information programs.

c. Writes, edits and produces a variety of public information materials.

Provides advice and consultation to other components on editorial policy and methods of initiating and developing informational programs.

d. Conducts editorial reviews and approves content, format and style of Social Security information materials for use in all media.

e. Plans and conducts a public information management program. Determines public information strategies for a wide variety of public information materials on all phases of SSA-administered programs.

f. Designs and conducts broad evaluation programs, incorporating and coordinating various evaluation methods, techniques and efforts.

2. The Special Communications Staff (TEC2).

a. Directs the internal communications program in SSA. Publishes a variety of informational materials, including a monthly national employee magazine and Central Office Bulletin. Prepares and edits administrative reports and presentations.

b. Provides assistance to and appraises internal communications activities in SSA field organizations. Identifies weaknesses in communications SSA-wide and recommends improvements.

F. The Office of National Affairs (TEE) implements and directs programs designed to develop and preserve working relationships with a wide variety of national organizations, special interest and advocacy groups, other Federal agencies and State and local governments. Presents, explains, advocates and defends the views and objectives of SSA. Provides the avenue for bringing the views and opinions of influential organizations into the Agency. Is responsible for reviewing and considering the validity of SSA-related issues and concerns raised by a variety of external sources and recommending changes or referring the matter to other SSA components for further study. Facilitates operational dealings between these organizations and other SSA components.

G. The Office of Regional Affairs and Special Projects (TEG) provides onsite leadership and direction to the regional SSA public communications program. Analyzes and evaluates regional public communications activities and issues

national public communications policies. Plans and coordinates the development of regional policies, directives and procedures concerning the relationships of SSA programs to public and private welfare and community service programs. Oversees the regional public information program. Prepares and disseminates public information materials. Coordinates the development and implementation of regional information and referral programs. Advises the Regional Public Affairs Officers in carrying out SSA public information policy, plans and activities. Provides guidance and assists in interpreting, analyzing and evaluating public communications/public information needs of the regions. Performs research to assess the public's and SSA employees' reactions to, and perceptions of, policies, products and services through content analysis and other evaluation studies/activities.

H. The Office of Public Inquiries (TEH) provides a central receipt, control, acknowledgment, response and referral program for high priority and other inquiries addressed to SSA Headquarters. Develops correspondence policy and procedure and guide language on recurring topics and issues for use throughout the Agency.

1. The Policy, Procedures and Systems Group (TEH1) develops policy and procedures concerning the style, control, workflow and signature of correspondence and disseminates the information to headquarters components. Performs a pre-release quality review of final replies prepared in the Office of Public Inquiries (OPI) to ensure that they are well-written, accurate and responsive. Designs and administers OPI's electronic correspondence management system and provides support to system users. Directs surveys and analyses to increase the effectiveness of the correspondence workflow process throughout SSA.

2. The Correspondence Analysis and Response Group (TEH2) collects, stores and maintains information needed to respond to congressional, White House and public inquiries. Prepares responses in conformance with SSA standards, policies and procedures. Performs correspondence receipt, screening, imaging, routing and letter-writing functions. Identifies sensitive inquiries and trends and reports them to appropriate officials. Receives and responds to telephone inquiries.

REISSUE chapter.

Chapter TA—Office of the Deputy Commissioner, Programs and Policy

TA.00 Mission

## TA.10 Organization

## TA.20 Functions

Section TA.00 *The Office of the Deputy Commissioner, Programs and Policy*—(Mission): The Office of the Deputy Commissioner, Programs and Policy (ODCPP) directs the formulation of overall program policy for SSA. Directs the formulation and issuance of program objectives. Directs and manages the planning, development, issuance and evaluation of program and operational policies, standards and instructions for the retirement and survivors insurance, disability insurance and supplemental security income programs. Serves as a focal point for international program policy issues and activities. Oversees Agency hearings and appeals activities. Serves as a focal point for all program-related litigation. Oversees the collection, use and dissemination of both personal and non-personal information to ensure consistency with Agency objectives, law and the expectations of the American public. Provides information on the effects on individuals and the economy of programs operated by SSA and the interactions among these programs, other tax and income-transfer programs and economic and demographic forces. Through an Executive Team, provides executive leadership for unified planning and resource management within ODCPP. Provides leadership to ODCPP's financial, personnel and administrative management programs.

Section TA.10 *The Office of the Deputy Commissioner, Programs and Policy*—(Organization): The Office of the Deputy Commissioner, Programs and Policy under the leadership of the Deputy Commissioner, Programs and Policy includes:

A. The Deputy Commissioner, Programs and Policy (TA).

B. The Assistant Deputy Commissioner, Programs and Policy (TA).

C. The Immediate Office of the Deputy Commissioner, Programs and Policy (TAA).

D. The Office of Policy and Planning (TAR).

E. The Office of Disability (TAE).

F. The Office of Hearings and Appeals (TAH).

G. The Office of International Policy (TAJ).

H. The Office of Research, Evaluation and Statistics (TAN).

I. The Office of Program Benefits Policy (TAP).

J. The Office of Program Support (TAS).

Section TA.20 *The Office of the Deputy Commissioner, Programs and Policy*—(Functions):

A. The Deputy Commissioner, Programs and Policy (TA) is directly responsible to the Commissioner for carrying out the ODCPP mission and for providing general supervision to the major components of ODCPP.

B. The Assistant Deputy Commissioner, Programs and Policy (TA) assists the Deputy Commissioner in carrying out his/her responsibilities and performs other duties as the Deputy Commissioner may prescribe.

C. The Immediate Office of the Deputy Commissioner, Programs and Policy (TAA) provides the Deputy Commissioner with staff assistance on the full range of his/her responsibilities.

D. The Office of Policy and Planning (TAR) provides Agency leadership in the policy-making process and manages all planning activities for the Deputy Commissioner. Serves as Agency liaison with the wider social welfare policy-making community in the public and private sectors, including the Office of Management and Budget, other governmental agencies and private sector committees and groups. In conjunction with the Office of Legislation and Congressional Affairs develops the Agency's legislative program and addresses items of congressional concern. Directs a comprehensive ODCPP program to address policy-related issues. Ensures the integration of the Agency's policy development and analysis activities and its program evaluation and research plans. Conducts broad analyses of major social and economic trends and their impact on social security program policy. Conducts targeted evaluations of the effectiveness and appropriateness of specific current and/or proposed social welfare policy features of programmatic or operational concern. Applies the results of Agency analyses to position the Agency's leaders to participate fully and knowledgeably in various social welfare policy forums (e.g., internal Administration policy debates, congressional hearings and debates, Advisory Board deliberations). Develops and implements the Agency's programmatic litigation strategy and directs the management of all related litigation activities within SSA. Assures programmatic support to legislative planning activities. Provides staff support to the ODCPP Executive Team.

E. The Office of Disability (TAE) develops, coordinates and evaluates the disability program and issues related operational policies, standards and procedures. Develops and issues policies and guidelines for use by State and Federal or private contractor providers which implement the disability provisions of the Social

Security Act, as amended. Ensures that interrelated program policy and procedural areas are coordinated.

F. The Office of Hearings and Appeals (TAH) holds hearings and issues decisions as part of the SSA appeals process. Directs a nationwide field organization which conducts impartial hearings and makes decisions on appealed determinations involving retirement, survivors, disability, health insurance, black lung and supplemental security income benefits. Performs central office reviews of decisions.

G. The Office of International Policy (TAJ) serves as SSA's focal point for international program policy matters and for its participation in the international Social Security community. Serves as liaison to international agencies and associations which deal with Social Security matters. Negotiates international Social Security (totalization) agreements with foreign governments and develops policies and procedures to implement the agreements. Develops and implements policies and procedures relating to the operation of the Social Security program outside the United States. Provides training programs and technical consultation on Social Security and related fields to Social Security officials and other experts outside the United States. Serves as liaison with other Federal agencies, such as the Department of State and the Department of the Treasury, on Social Security matters outside the United States.

H. The Office of Research, Evaluation and Statistics (TAN) is responsible for providing information on the effects on individuals and the economy of programs operated by SSA and the interactions among these programs, other tax and income-transfer programs and economic, social and demographic forces. Plans and directs a continuing program of economic and social research to evaluate the effectiveness of national policies in meeting desired program outcomes. Plans and directs studies and surveys to evaluate the effectiveness of policy development, implementation and program outcomes of the disability, retirement and survivors and supplemental security income programs.

I. The Office of Program Benefits Policy (TAP) develops, coordinates and evaluates the retirement and survivors insurance and supplemental security income programs and issues related operational policies, standards and instructions. Develops and issues policies and guidelines for use by State and Federal organizations which implement supplemental security income provisions. Develops

agreements with the States that govern State supplementation programs, Medicaid eligibility, data exchange programs, food stamps and fiscal reporting processes.

J. The Office of Program Support (TAS) provides leadership in overseeing the Agency's system of programmatic instructions, notices to the public and technical documents. Develops and maintains standards governing the translation of policy decisions into operational policies, procedures and notices. Responsible for the Agency's Regulatory Program, including development of SSA's Regulatory Plan and the Agency's portion of the Unified Agenda of Federal Regulations. Oversees the Agency's implementation of policies which utilize technologies in providing service to the public and provides program management of such technological applications. Assures programmatic support to legislative implementation activities. Develops and interprets SSA policy governing requests for disclosure of information from Agency records under the provisions of the Privacy Act and the Freedom of Information Act. Sponsors and supports ODCPP Interdisciplinary Teams established to address cross-cutting policy issues and initiatives. Designs, implements and maintains automated information and communications systems ODCPP-wide.

Subchapter TAR—Office of Policy and Planning

TAR.00 Mission  
TAR.10 Organization  
TAR.20 Functions

Section TAR.00 *The Office of Policy and Planning—(Mission)*: The Office of Policy and Planning provides Agency leadership in the policy-making process and manages all planning activities for the Deputy Commissioner. Serves as Agency liaison with the wider social welfare policy-making community in the public and private sectors, including the Office of Management and Budget, other governmental agencies and private sector committees and groups. In conjunction with the Office of Legislation and Congressional Affairs develops the Agency's legislative program and addresses items of congressional concern. Directs a comprehensive ODCPP program to address policy-related issues. Ensures the integration of the Agency's policy development and analysis activities and its program evaluation and research plans. Conducts broad analyses of major social and economic trends and their impact on social security program policy. Conducts targeted evaluations of the effectiveness and appropriateness of

specific current and/or proposed social welfare policy features of programmatic or operational concern. Applies the results of Agency analyses to position the Agency's leaders to participate fully and knowledgeably in various social welfare policy forums (e.g., internal Administration policy debates, congressional hearings and debates, Advisory Board deliberations). Develops and implements the Agency's programmatic litigation strategy and directs the management of all related litigation activities within SSA. Assures programmatic support to legislative planning activities. Provides staff support to the ODCPP Executive Team. Section TAR.10 *The Office of Policy and Planning—(Organization)*: The Office of Policy and Planning, under the leadership of the Associate Commissioner for Policy and Planning, includes:

A. The Associate Commissioner for Policy and Planning (TAR).

B. The Deputy Associate Commissioner for Policy and Planning (TAR).

C. The Immediate Office of the Associate Commissioner for Policy and Planning (TAR).

Section TAR.20 *The Office of Policy and Planning—(Functions)*:

A. The Associate Commissioner for Policy and Planning (TAR) is directly responsible to the Deputy Commissioner, Programs and Policy for carrying out OPP's mission and providing managerial direction to OPP.

B. The Deputy Associate Commissioner for Policy and Planning assists the Associate Commissioner in carrying out his/her responsibilities and performs other duties as the Associate Commissioner may prescribe.

C. The Immediate Office of the Associate Commissioner for Policy and Planning (TAR) provides the Associate Commissioner with staff assistance on the full range of his/her responsibilities.

1. Serves as Agency liaison with the wider social welfare policy-making community in the public and private sectors, including the Office of Management and Budget, other governmental agencies and private sector committees and groups.

2. In conjunction with the Office of Legislation and Congressional Affairs develops the Agency's legislative program and addresses items of congressional concern.

3. Directs a comprehensive ODCPP program to address policy-related issues, ensuring the integration of the Agency's policy development and analysis activities and its program evaluation and research plans.

4. Conducts broad analyses of major social and economic trends and their impact on social security program policy.

5. Conducts targeted evaluations of the effectiveness and appropriateness of specific current and/or proposed social welfare policy features of programmatic or operational concern. Applies the results of Agency analyses to position the Agency's leaders to participate fully and knowledgeably in various social welfare policy forums.

6. Develops and implements the Agency's programmatic litigation strategy and directs the management of all related litigation activities within SSA.

7. Assures programmatic support to legislative planning activities.

8. Provides staff support to the ODCPP Executive Team.

Subchapter TAE—Office of Disability

TAE.00 Mission  
TAE.10 Organization  
TAE.20 Functions

Section TAE.00 *The Office of Disability—(Mission)*: The Office of Disability (OD) plans, develops, evaluates and issues the operational and administrative appeals process policies, standards and instructions for the SSA administered disability programs. Develops and promulgates policies and guidelines for use by State, Federal or private contractor providers which implement the disability provisions of the Social Security Act as amended. Provides operational policy advice, technical support and management direction to central office, regional office and field components in the administration of the disability programs. Evaluates the effects of proposed legislation and legislation pending before Congress to determine the impact on the disability programs. Ensures that interrelated policy areas are coordinated. Processes State agency workloads on a temporary or transitional basis.

Section TAE.10 *The Office of Disability—(Organization)*: The Office of Disability under the leadership of the Associate Commissioner for Disability, includes:

A. The Associate Commissioner for Disability (TAE).

B. The Deputy Associate Commissioner(s) for Disability (TAE).

C. The Immediate Office of the Associate Commissioner for Disability (TAE).

D. The Federal Disability Determination Services (TAE.B).

E. The Division of Medical and Vocational Policy (TAE.C).

F. The Division of Field Disability Operations (TAEE).

G. The Division of Disability Process Policy (TAEG).

H. The Division of Disability Program Information and Studies (TAEH).

I. The Division of Employment and Rehabilitation Programs (TAEJ).

Section TAE.20 *The Office of Disability—(Functions):*

A. The Associate Commissioner for Disability (TAE) is directly responsible to the Deputy Commissioner, Programs and Policy for carrying out OD's mission and provides general supervision to the major components of OD.

B. The Deputy Associate Commissioner(s) for Disability (TAE) assists the Associate Commissioner in carrying out his/her responsibilities and performs other duties as the Associate Commissioner may prescribe.

C. The Immediate Office of the Associate Commissioner for Disability (TAE) provides the Associate Commissioner and the Deputy Associate Commissioner(s) with advisory services and staff assistance on the full range of their responsibilities and coordinates the administrative and program activities of OD components.

D. The Federal Disability Determination Services (TAEB):

1. Develops and adjudicates disability determinations either temporarily as help for one or more Disability Determination Services (DDS) or as a transition until a permanent alternative case processing operation is fully operational in the event that SSA must assume the disability determination function for a State because of noncompliance with regulations and guidelines, or voluntary withdrawal.

2. Pilot tests new work processes, procedures and systems prior to nationwide implementation; validates and conducts useability tests on new and/or revised systems processes; evaluates new or revised disability adjudication policies for national consistency and practical application; and conducts special studies and policy reviews required for management purposes.

3. Reviews and makes disability decisions on applications for disability under Title II and Title XVI of the Social Security Act on initial applications, on reconsideration requests and continuing disability.

4. Screens disability applicants for, and makes referrals to, vocational rehabilitation (VR) agencies; develops and evaluates medical/vocational evidence; and arranges for procurement and payment of such evidence, as required.

5. Reviews State hearing officer and Federal hearing officer decisions; prepares decisions on foreign claims and revises hearing officers' determinations in accordance with the regulations at 404.918 and 416.1418; participates in hearing process studies; and prepares statistical and narrative reports and recommendations for training and policy and procedural changes based on case review and analysis or study findings.

6. In conjunction with the Division of Medical and Vocational Policy, provides medical consultation required in the formulation of medical evaluation policies and guides. Conducts medical reviews of evidence for purposes of adjudication of medical aspects of claims, as part of an evaluation of the application of policies and procedures and/or as part of a study to develop new medical policies, guides and training.

E. The Division of Medical and Vocational Policy (TAEC).

1. Develops broad medical concepts and policies for the administration of the Title II and Title XVI programs, and provides consultation for research evaluating impairment severity and disability.

2. Provides leadership and professional direction to Regional Medical Officers and consultants, and to State Disability Determination Services (DDS) medical personnel engaged in Title II and Title XVI related activities.

3. Provides medical consultation required in the formulation of medical evaluation policies and guides and develops orientation and training programs for medical personnel in regional offices and State DDS's.

4. Develops, evaluates, implements and maintains medical policy for deciding disability claims for all body systems to be used at all adjudicative levels.

5. Develops, evaluates, implements and maintains policy for deciding disability claims, including such areas as residual functional capacity, medical improvement review standard and other continuing disability issues, onset, duration, weighing of evidence and other issues affecting disability claims at all adjudicative levels.

6. Develops, evaluates, implements and maintains policy for all vocational issues, such as age, education, work experience the vocational rules and work evaluations which are used to decide disability claims at all adjudicative levels.

7. Develops, evaluates, implements and maintains all policy used to decide disability in childhood disability claims, including the childhood Listings of Impairments, individualized

functional assessment and functional equivalency for all adjudicative levels.

8. Coordinates recommendations concerning which court decisions should be appealed; coordinates development of responses to interrogatories and court orders; and ensures that policies and procedures are changed to reflect specific court orders and legal precedents.

F. The Division of Field Disability Operations (TAEE).

1. Provides national guidance for the administrative aspects of the disability determination function whether administered through State DDS, contracted out to the private sector, or accomplished by designated SSA organizational components.

2. Develops pertinent policies, regulations and procedures by establishing standards and guides for performance; monitoring performance; initiating corrective action where needed; coordinating workloads and administering the funds for the DDSs, etc. Conducts such studies and reviews as are necessary to the disability determination function.

3. Works through SSA regional offices, interested national organizations and other SSA central office components to accomplish objectives or, in special situations, works directly with the component performing the disability determination function.

4. Plans, coordinates and manages the Office of Disability systems related activities, including DDS and Federal Disability Determination Services automation, information resource management, expert systems, development of user specifications, and installation and testing of hardware, networks and communications links for DDSs.

5. Analyzes, plans, distributes and monitors all DDS funding on a State-by-State basis. This includes establishing and monitoring workload and productivity targets for each DDS.

G. The Division of Disability Process Policy (TAEL).

1. Develops procedures and instructions for the disability provisions of other programs including certain Title XVI and XVIII provisions unique to the disability programs. Maintains the integrity of the consultative examination process by developing regulations and conducting oversight activities.

2. Develops and issues the policies, procedures and instructions relating to the development of nonmedical evidence and the processing of initial disability claims and fraud situations. Develops policy guidelines and technical procedures for the Continuing Disability Review process and oversees

this process. Prepares Office of Disability positions for response to court suits against SSA on disability cases.

3. Develops the procedures and instructions which define the administrative appeals process, including policies and procedures for the disability hearings process. Develops notice policy and issues language and forms for use in disability claims and notices including foreign language and Braille notices.

4. Carries out professional relations efforts in support of SSA's efforts to gain support from professional medical associations. Maintains liaison and assists with professional relations efforts to gain the support of nonvocational rehabilitation advocacy groups, Federal, State and local agencies and the public and provides guidance and assistance on disability professional relations issues to the SSA regional and Disability Determination Services' field networks.

H. Division of Disability Program Information and Studies (TACH).

1. Conducts studies on the disabled population and recipients relative to specific operational/administrative program issues.

2. Designs evaluation systems for and evaluates demonstration projects.

3. Develops and maintains data bases for statistical activities and program information. Provides recurring and specialized reports, and coordinates information requirements.

I. The Division of Employment and Rehabilitation Programs (TAEJ).

1. Implements the provisions of the Social Security Act which call for the referral of beneficiaries and recipients to the State or alternate vocational rehabilitation (VR) providers, evaluates VR provider services, reimburses VR providers for successful rehabilitations, ensures that client participation in a program is appropriate and meets the requirements of the Act and develops proposals and plans for new VR initiatives.

2. Implements and evaluates test models for delivering rehabilitation, job placement and post-employment services and for making appropriate referrals to public and private agencies. Administers contracts to support projects.

3. Develops initiatives to promote public understanding and use of work incentives through enhanced outreach activities and by building networks with community-based agencies and service providers.

4. Prepares and revises regulations, operating policies and training materials. Develops proposals and plans for new work incentives.

5. Develops procedures and instructions for implementation of the drug addiction and alcoholism referral and monitoring provisions. Administers agreements implementing the provisions.

6. Maintains liaison and assists professional relations efforts to gain the support of private advocacy groups, Federal, State and local agencies and the public and provides guidance and assistance on disability professional relations issues to the SSA regional and Disability Determination Services' field networks.

Subchapter TAH Office of Hearings and Appeals

TAH.00 Mission

TAH.10 Organization

TAH.20 Functions

Section TAH.00 *The Office of Hearings and Appeals*—(Mission): The Office of Hearings and Appeals (OHA) administers the nationwide hearings and appeals program for SSA. Provides the basic mechanisms through which individuals and organizations dissatisfied with determinations affecting their rights to and amounts of benefits or their participation in programs under the Social Security Act may administratively appeal these determinations in accordance with the requirements of the Administrative Procedure and Social Security Acts. OHA includes a nationwide field organization staffed with Administrative Law Judges (ALJs) who conduct impartial hearings and make decisions on appeals filed by claimants, their representatives, providers-of-service institutions and others under the Social Security Act. The Appeals Council of OHA impartially reviews ALJ decisions, either on the Appeals Council's own motion or at the request of the claimant, and renders the Commissioner's final decision when review is taken. Reviews new court cases to determine whether the case should be defended on the record or the Commissioner should seek voluntary remand, and reviews final court decisions in light of the programmatic and administrative implications involved and makes recommendations as to whether appeal should be sought. Provides advice and recommendations on Social Security Administration program policy and related matters, including proposed Social Security Rulings.

Section TAH.10 *The Office of Hearings and Appeals*—(Organization): The Office of Hearings and Appeals, under the leadership of the Associate Commissioner for Hearings and Appeals, includes:

A. The Associate Commissioner for Hearings and Appeals (TAH).

B. The Deputy Associate Commissioner for Hearings and Appeals (TAH).

C. The Immediate Office of the Associate Commissioner for Hearings and Appeals (TAH) which includes:

1. The Executive Secretariat (TAH-1).

2. The Special Counsel Staff (TAH-2).

D. The Office of the Chief Administrative Law Judge (TAHA).

1. The Division of Field Operations and Liaison (TAHA1).

2. The Division of Field Practices and Procedures (TAHA2).

3. The Vocational Expert and Medical Advisor Staff (TAHA3).

4. The Division of Medicare Part B (TAHA4).

E. The Offices of the Regional Chief Administrative Law Judges (TAH-F1—TAH-FX).

F. The Office of Appellate Operations (TAHB), which includes the Executive Director who also serves as Deputy Chair of the Appeals Council, the Appeals Council and its Administrative Appeals Judges, Appeals Officers, a Deputy Director to the Executive Director, and a Director of Operations.

1. The Operations Management, Analysis and Coordination Staff (TAHB1).

2. The Division of Program Support (TAHB2).

3. The Medical Support Staff (TAHB3).

4.-22. The Disability Program Branches 1-19 (TAHB4-9 and TAHBA-Q).

23.-24. The Court Case Preparation and Review Branches 1-2 (TAHBR-S).

25. The Division of Retirement and Survivors Insurance, Supplemental Security Income and Health Insurance (TAHBT).

G. The Office of Policy, Planning and Evaluation (TAHC).

1. The Division of Litigation Analysis and Implementation (TAHC1).

2. The Division of Planning and Evaluation (TAHC2).

3. The Division of Policy (TAHC3).

H. The Office of Management (TAHE).

1. The Equal Employment Opportunity Staff (TAHE1).

2. The Division of Congressional and Public Inquiries (TAHE2).

3. The Division of Budget and Financial Management (TAHE3).

4. The Division of Materiel Resources (TAHE4).

5. The Division of Systems Resources (TAHE5).

6. The Division of Management Analysis and Employee Development (TAHE6).

Section TAH.20. The Office of Hearings and Appeals—(Functions):

A. The Associate Commissioner of Hearings and Appeals (TAH) is directly

responsible to the Deputy Commissioner for Programs and Policy for carrying out OHA's mission of holding hearings and rendering decisions on appeals filed under Titles II, XVI, and XVIII of the Social Security Act, as amended, and Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended. The Associate Commissioner is responsible for planning, directing, managing, coordinating and maintaining the integrity of the nationwide SSA hearings and appeals system. As Chair of the Appeals Council, the Associate Commissioner is responsible for the decisions issued at the final administrative level of the Social Security Administration.

B. The Deputy Associate Commissioner for Hearings and Appeals (TAH) assists the Associate Commissioner in carrying out his/her OHA-wide responsibilities and performs other duties as the Associate Commissioner may prescribe.

C. The Immediate Office of the Associate Commissioner for Hearings and Appeals (TAH) provides the

Associate Commissioner and the Deputy Associate Commissioner with staff assistance on the full range of their responsibilities.

1. The Executive Secretariat (TAH-1) is the liaison and coordination point between the Office of the Associate Commissioner and major SSA and OHA components. It serves as the primary point of contact with the Office of the Commissioner, ODCPP, other Deputy and Associate Commissioners and other top SSA staff for sensitive and urgent matters and to ensure OHA support to those officials.

2. The Special Counsel Staff (TAH-2) serves as professional legal advisor to the Associate Commissioner, OHA, and to other members of the OHA Executive Staff on all matters pertaining to the legislative process, labor relations law, ethics and administrative law, with special emphasis on the Administrative Procedure Act.

D. The Office of the Chief Administrative Law Judge (TAHA) serves as the principal consultant and advisor to the Associate Commissioner on all matters concerning the Administrative Law Judge (ALJ) hearing function. Under the executive leadership of the Associate Commissioner, the Chief Administrative Law Judge manages and administers a hearings organization consisting of a nationwide network of hearing offices and supporting regional offices nationwide. The Chief Administrative Law Judge has primary responsibility for maintaining effective channels of communication between the Associate

Commissioner and the Regional Chief Administrative Law Judges (RCALJs) and the ALJ corps. Formulates and develops broad policies and objectives and establishes program goals for OHA's ALJ corps. Maintains a continuous review of all aspects of OHA field operations and implements improvements where needed. Is responsible for developing and maintaining the procedures for effective operation of the hearings process. Provides management oversight for all administrative and managerial functions involved in the day-to-day operations of field activities; coordinates regional and hearing office activities; prepares, reviews and drafts decisions and dismissals in Medicare Part B cases; and conducts liaison with other government and private agencies on issues falling within the Office's area of responsibility.

1. The Division of Field Operations and Liaison

(TAHA1) serves as liaison for the field with all headquarters components, and provides advice, guidance and counsel to field units in all areas of identified needs. Assists the Chief Administrative Law Judge in setting field office objectives. Analyzes field resource needs, including staffing, equipment, training and travel and recommends resource allocations to meet those needs. Represents the field on ongoing or ad hoc workgroups, task forces, etc.

2. The Division of Field Practices and Procedures (TAHA2) formulates, develops, communicates and oversees field practices and procedures governing the conduct of the hearing process and other program operations issues in response to the Associate Commissioner, the Chief Administrative Law Judge, or other OHA management officials, as well as a result of court orders and/or changes in the law and regulations.

3. The Vocational Expert and Medical Expert Staff (TAHA3) formulates, develops and oversees the national program for recruitment and use of Vocational Experts and Medical Experts at hearings before Administrative Law Judges. On an ongoing basis, monitors Regional and Hearing Office operations regarding the program and when appropriate provides guidance and makes necessary changes.

4. The Division of Medicare Part B (TAHA4) processes Medicare Part B cases on receipt from Health Care Financing Administration (HCFA) contractors. Researches the law, regulations and relevant policy to resolve case-related issues as necessary. Drafts all decisions where an on-the-record decision is requested and drafts

decisions where hearings are held by an Administrative Law Judge who is attached directly to the division. Provides technical and staff assistance to the Chief Administrative Law Judge and all Administrative Law Judges concerning the adjudication of Medicare Part B cases.

E. Each Office of the Regional Chief Administrative Law Judge (TAH-F1—TAH-FX) acts on behalf of the Associate Commissioner and the Chief Administrative Law Judge at the respective regional levels on all matters involving the hearings process and is directly responsible for the effective execution of the hearings process within the region. Provides direction, leadership, management and guidance to the regional office staff and to the hearing offices in the region, including Administrative Law Judges and their staffs. Is responsible for the regional implementation of national policies, goals, objectives, and procedures pertaining to the hearings process, and formulates policies, goals, and objectives for the ALJs and support staff in the region. Develops and recommends OHA action with respect to allegations of unfair hearings within the region. Is responsible for evaluating the effectiveness of regional and hearing office management. Reviews hearing practices and procedures to detect trends, training needs, and operational problems. Investigates allegations of improper employee conduct, and makes recommendations as to necessary corrective action. Has responsibility for the acquisition and distribution of human and materiel resources within the region. Coordinates operational and administrative activities with SSA regional offices, other SSA regional components, State Agencies, and others, as necessary. Establishes a program to maintain ongoing communication with congressional offices on issues of mutual interest and ensures timely and accurate responses to congressional inquiries. Ensures that court remands are processed efficiently within the region, and coordinates with the Office of the Chief Counsel in the region to foster OHA compliance with court requirements. Serves as an expert advisor on substantive issues within the region, and upon request by ALJs, provides advice and guidance in matters relating to adjudicating cases under the provisions of the Social Security Act, as amended. Reviews and analyzes fee petitions from attorneys and representatives of claimants for the provision of services at the hearing level, and authorizes payment of fees in those cases where the fees are beyond



the authority of a hearing office Administrative Law Judge.

F. The Office of Appellate Operations (TAHB) consists of the Appeals Council and its support staff. In accordance with a direct delegation of authority from the Commissioner of Social Security, the Appeals Council is the final level of administrative review under the Administrative Procedure Act for claims filed under Titles II, XVI, and XVIII of the Social Security Act, as amended, and Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended. The Executive Director of the Office of Appellate Operations (OAO) is the Deputy Chair of the Appeals Council and is responsible for the day-to-day operations of a program of administrative review of ALJ decisions issued under the provisions of the Social Security Act. Upon claimant request or on the Appeals Council's own motion, OAO reviews ALJ decisions and dismissals involving claims for benefits filed under Titles II and XVI of the Social Security Act, as amended, health insurance cases under Title XVIII of the Act, including claims for individual enrollment to participate under Parts A and/or B of Title XVIII and claims by hospitals, skilled nursing facilities and independent laboratories seeking certification or continued certification under the Act, and claims under Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, to determine if jurisdiction exists, and, if so, takes appropriate action. The Appeals Council identifies cases which represent broad policy matters or have national impact, conducts oral hearings and acts to resolve the issues in such cases, establishing binding adjudicatory standards and decisional principles that govern OHA's adjudicatory process. Tracks and analyzes court case trends and disseminates information to guide adjudicators with respect to case law, to implement an effective appeals strategy, and to identify areas and make recommendations as to policies which need to be developed and/or clarified, new regulations which need to be developed, or clarifying legislation which should be sought.

1. The Operations Management, Analysis and Coordination Staff (TAHB1) provides a comprehensive program of management analysis and evaluative services to assist the Appeals Council in adjudicating cases, to assist the Executive Director of OAO, and to assist the support staff of the Appeals Council in performing their program review function.

2. The Division of Program Support (TAHB2) under the direction of the Director of Operations of OAO, provides

support services to the Appeals Council, including reconstruction of lost claim files and receiving and analyzing fee petitions. Provides reprographic services and controls transcription of hearing cassettes in preparation of the official answer to civil actions filed against the Commissioner of SSA.

3. The Medical Support Staff (TAHB3) consists of staff physicians, consulting physicians, and support staff and provides expert professional judgment to the Appeals Council on individual disability and health insurance claims. Provides informational, advisory and consultant services to the Appeals Council and its support staff on matters of interpretation and application of national policy on SSA and OHA disability criteria and regulations. It reviews disability evaluation training manuals for consistency and national uniformity, represents OHA in contacts with appropriate professional affiliations, and coordinates with the Office of Disability and International Operations all matters of joint interest in the area of medical disability evaluation.

4.-22. The Disability Program Branches 1-19 (TAHB4-9 and TAHBA-Q) serve as support staff providing advice to the Appeals Council in its review of ALJ decisions and dismissals involving claims for benefits. Following an analysis of the record and any additional evidence and/or argument submitted, and applying a thorough knowledge of the Act, Regulations, Rulings and applicable case law, the staff in the program review branches examine hearing decisions and other final actions of the Administrative Law Judges, and requests for Appeals Council review, and make recommendations to the Appeals Council as to what action should be taken on cases pending before the Council. Analyze and recommend action on cases remanded by the courts and those referred by the Office of General Counsel for consideration of whether remand should be requested at the Commissioner's motion. Recommend to OGC defense on the record of certain litigated cases if further administrative action is not warranted.

23.-24. The Court Case Preparation and Review Branches 1-2 (TAHBR-S) serve as a support staff to OAO. Prepare remand orders and affidavits and related correspondence on cases in which a complaint has been filed in Federal court. Within published guidelines, recommend to OGC defense on the record for certain litigated cases if further administrative action is not warranted. Analyze and recommend action on cases remanded by the courts.

Prepare all court transcripts and control and maintain all certified records of claims at the civil actions level.

25. The Division of Retirement and Survivors Insurance, Supplemental Security Income and Health Insurance (TAHBT) serves as a support staff and provides advice to the Appeals Council in its review of decisions and dismissals involving claims to establish entitlement to Health Insurance benefits under Title XVIII of the Social Security Act, including claims for individual enrollment to participate under Parts A and/or B of Title XVIII and claims by hospitals, skilled nursing facilities and independent laboratories seeking certification under the Social Security Act, decisions and dismissals involving claims to establish entitlement and the amount of benefits in old-age, survivors and disability under Title II of the Social Security Act; and claims to establish eligibility for and benefits payable in Title XVI cases. Following an analysis of the record and any additional evidence and/or argument submitted, and applying a thorough knowledge of the Act, Regulations, Rulings and applicable case law, examines hearing decisions and other final actions of the ALJ, and requests for Appeals Council review, and makes recommendations to the Administrative Appeals Judges as to what action should be taken on cases pending before the Council whether before or after a civil action is filed.

G. The Office of Policy, Planning and Evaluation (TAHC) plans, analyzes and develops OHA-wide policy for the hearings, appeals and civil actions processes. Responsible for SSA policy with respect to claimant representation and fees charged for their services. Manages the overall OHA hearings and appeals process policy communications system. Is responsible for OHA activity with respect to Social Security regulations, including developing an OHA position with respect to program regulations proposed by SSA components. Monitors OHA's implementation of program regulations governing the hearings and appeals process. Plans and conducts a comprehensive OHA-wide evaluation program designed to support OHA policy and regulatory initiatives and measure the overall effectiveness of the nationwide hearings and appeals process. Provides advice and guidance throughout OHA on matters involving program policies, planning and evaluation. Coordinates policy, planning and evaluation matters within OHA, with OGC, other SSA components, with HCFA and with other Federal agencies and private

organizations. Develops and coordinates program training in conjunction with appropriate OHA, SSA, HCFA and OGC components. Develops and implements an appeals strategy, in conjunction with other OHA components, that identifies the issues and types of cases which OHA believes should be appealed. Captures court trend information for dissemination to other components to assist in formulating the Agency's litigation strategy and improving the adjudication process.

1. The Division of Litigation Analysis and Implementation (TAHC1) develops and implements, in conjunction with other OHA components, an appeals strategy that identifies the issues and types of cases which OHA believes should be appealed. Captures court trend information for dissemination to other components to assist in formulating the Agency's litigation strategy and improving the adjudication process. Develops and maintains a compendium of circuit court case law with systems-based access. Tracks pending class actions, forecasts potential workload impact, and makes recommendations to workload components regarding workload impact. Uses court trend information to identify and make appropriate recommendations with respect to areas in which policies need to be developed and/or clarified, new regulations need to be developed, or clarifying legislation should be sought. Prepares and updates significant court case requirements used in reviewing court cases. Uses court trend information to identify areas where additional training is needed or other measures are needed to improve defensibility. Advises OHA officials of significant cases and trends and of litigation issues which may require revision of operating instructions, and assists with the preparation of the instructions. Coordinates OHA's views on proposed Social Security Acquiescence Rulings. In response to OHA-identified cases and to requests for appeals recommendations from ODCPP, obtains the views of affected OHA components and formulates an OHA position on appeal. Maintains liaison with OGC and ODCPP to coordinate the settlement of class actions and class action implementation. In coordination with other OHA components, develops instructions for OHA implementation of class action orders, monitors implementation and serves as a focal point for questions from OHA adjudicators. Responds to requests from OGC and ODCPP regarding information about OHA operations requested in the course of litigation. Coordinates OHA's

response to discovery requests. Administers and coordinates the Freedom of Information Act and Privacy Act provisions for OHA.

2. The Division of Planning and Evaluation (TAHC2) develops, coordinates and conducts a comprehensive OHA-wide program of studies and analyses of the application of and compliance with SSA and OHA policies and procedures in all phases of OHA's hearings and appeals processes and SSA's claimant representation process and the quality of results achieved. Provides advice and assistance to other OHA components in designing and implementing appropriate systems and procedures for collecting, recording, analyzing and evaluating data to assess the quality of work emanating from the hearings and appeals processes. Conducts studies of policy implementation within OHA. Identifies problem areas and deficiencies in policies. Develops techniques and systems for conducting evaluations of the substantive and technical aspects of claims throughout OHA.

3. The Division of Policy (TAHC3) plans, develops and coordinates the preparation of regulations, policies and guidelines for the hearings, appeals, civil actions and claimant representation processes under Titles II, XVI and XVIII of the Social Security Act, as amended, and under Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended. Ensures that operating procedures and instructions developed to implement the hearings and appeals process conform with SSA benefit program policy and OHA hearings and appeals process policy. Provides advisory services, consultation, and staff assistance to other components of OHA. Maintains ongoing liaison with SSA, HCFA, OGC and others with respect to program, legislative and policy matters. Reviews current and developing trends in administrative law and litigation; analyzes and prepares policy recommendations; and develops long-range and short-range plans for hearing and appeals policy matters and OHA's implementation of benefit program policy matters. Develops and coordinates program training in conjunction with other OHA, SSA, and OGC program components.

H. The Office of Management (TAHE) provides administrative support to the Associate Commissioner for all management and systems related activities for OHA. Coordinates with the Chief Administrative Law Judge with respect to management, financial, materiel resources and systems support

functions which affect field operations. Has direct line authority for all management and administrative support functions for Headquarters' components of OHA and in coordination with the Chief ALJ, for all field components of OHA including its regional offices (ROs) and hearing offices nationwide. Coordinates and integrates the management programs and administrative planning initiatives of OHA into the long-range goals and objectives of SSA. Monitors OHA's progress toward meeting established Agency goals and makes recommendations for needed adjustments to enable OHA to meet these goals. Plans, directs and implements an Equal Employment Opportunity (EEO) program within OHA. Plans, directs, administers and evaluates the congressional and public inquiries activities for OHA. Plans, directs and administers a comprehensive nationwide management analysis program to identify areas requiring improvement to enhance the quality and effectiveness of management practices and to assess trends in management.

1. The Equal Employment Opportunity Staff (TAHE1) is responsible for OHA's EEO program. Plans, develops, implements and monitors OHA's affirmative action program, and administers the EEO complaint process for OHA headquarters. Provides guidance for, and monitoring of, OHA regional EEO programs.

2. The Division of Congressional and Public Inquiries (TAHE2) formulates policies, procedures and guidelines for use in responding to high priority correspondence from the public and congressional offices. Serves as the correspondence liaison staff with the Commissioner's Office, the Office of Communications and other SSA components.

3. The Division of Budget and Financial Management (TAHE3) plans, develops and coordinates OHA's budget and financial management programs, advising the Director of OM and/or the Associate Commissioner of the financial impact of all decisions which may affect the program and administrative operations of the Agency. Formulates, justifies and presents OHA's annual and multi-year budget submissions. Reviews and analyzes budget requests submitted by OHA components and formulates OHA's financial operating plans and budget projections. Works with SSA budget officials to obtain the resources necessary to meet OHA goals and objectives. Develops all necessary applications for generating budget data

and financial management reports. Executes and administers a financial management system, integrating resource management controls. Ensures that employment ceilings and obligations and expenditures of funds are in conformance with authorized allotments and allowances. Administers the travel and payroll function for all OHA headquarters components and ALJs nationwide.

4. The Division of Materiel Resources (TAHE4) plans, directs and provides administrative support services in the areas of space planning and management; forms and records management; property management; equipment control and maintenance; graphic arts; safety and self-protection, including emergency planning; security; procurement and supply; laboring services; mail and messenger services; motor vehicle operations; and communications systems management. Organizes, controls and coordinates procurement and property management activities, including development of specifications and requisitions for procurement of property, inspections of property owned or leased by the United States Government and property accountability. Administers an occupational health and safety program in compliance with established health and safety concepts, regulations, standards and procedures.

Administers security programs and inspections, and coordinates with local law enforcement officials to ensure protection of OHA property and personnel.

5. The Division of Systems Resources (TAHE5) is the focal point for all OHA systems-related activities. Provides office automation and data processing support to all OHA components. Develops OHA's long-range systems goals and objectives. Provides computer programming and systems support for the planning, design, development and implementation of all OHA automated data processing systems. Serves as liaison with the Office of Systems on all matters pertaining to systems, and ensures that OHA systems efforts are undertaken, that projects underway are carried out successfully and that OHA participates fully in the SSA systems strategy.

6. The Division of Management Analysis and Employee Development (TAHE6) advises the Director of OM and the Associate Commissioner in all management areas involving management practices, management analysis, operational analysis and the resolution of management/employee concerns and problems. Plans, designs and administers evaluation programs

and tracking systems to assess the efficiency and effectiveness of OHA operations in the field and headquarters. Serves as the focal point of contact for coordinating the General Accounting Office, the Office of the Inspector General, SSA and other studies of OHA operations. Coordinates, develops and publishes administrative delegations of authority for OHA. Administers OHA's Employee Development Program. Develops and administers an OHA-wide program to identify training needs; develops mechanisms to meet identified training needs; and assesses the effectiveness of the OHA training program in meeting the training needs of managers, supervisors and employees.

#### Subchapter TAJ—Office of International Policy

TAJ.00 Mission

TAJ.10 Organization

TAJ.20 Functions

Section TAJ.00 *The Office of International Policy—(Mission):* The Office of International Policy serves as SSA's focal point for international program policy matters and for its participation in the international Social Security community. Serves as liaison to international agencies and associations which deal with Social Security matters. Negotiates international Social Security (totalization) agreements with foreign governments, and develops policies and procedures to implement the agreements. Develops and implements policies and procedures relating to the operation of the Social Security program outside the United States. Provides programs of training and technical consultations on Social Security and related fields to Social Security officials and other experts outside the United States. Serves as liaison with other Federal agencies, such as the Department of State and the Department of the Treasury, on Social Security program matters outside the United States.

Section TAJ.10 *The Office of International Policy—(Organization):* The Office of International Policy, under the leadership of the Associate Commissioner of the Office of International Policy includes:

A. The Associate Commissioner for International Policy (TAJ).

B. The Immediate Office of the Associate Commissioner for International Policy (TAJ).

C. The Division of International Program Policy and Agreements (TAJA).

D. The International Activities Staff (TAJB).

Section TAJ.00 *The Office of International Policy—Functions):*

A. The Associate Commissioner for International Policy (TAJ) is directly responsible to the Deputy Commissioner, Programs and Policy for carrying out the OIP mission and provides supervision to the major components of OIP.

B. The Immediate Office of the Associate Commissioner for International Policy (TAJ) provides the Associate Commissioner with staff assistance on the full range of his/her responsibilities, helps coordinate the activities of OIP components, and acts as the SSA or United States Government representative to international organizations and world bodies involved with international social security matters.

C. The Division of International Program Policy and Agreements (TAJA).

1. Plans, develops and evaluates program policies and procedures relating to foreign claims administration, foreign evidence and beneficiaries and modifies policies and procedures to meet program requirements in foreign countries.

2. Negotiates international Social Security (totalization) agreements with foreign governments and takes the actions necessary to secure their approval, develops policies and procedures to implement agreements and administers the coverage provisions of the agreements.

3. Issues certificates of coverage to United States-based workers who are on temporary assignments in countries with which the United States has international totalization agreements to exempt them (and their employers) from foreign social security taxes.

4. Interacts with various SSA components, other Federal agencies and governments of other countries on all foreign program matters, including evaluation of foreign social insurance systems for alien nonpayment purposes, benefit payment delivery and restrictions, acceptability of foreign evidence, program integrity and mutual assistance arrangements with other countries.

5. Conducts legislative and regulatory reviews, studies and analyses of all matters relating to international policy and international Social Security agreements and takes necessary legislative or regulatory action on foreign program and agreement problems requiring such remedy.

D. The International Activities Staff (TAJB).

1. Develops and coordinates individualized programs of consultation and observation for foreign Social

Security officials and experts in related fields on the United States Social Security system.

2. Coordinates SSA's technical assistance to foreign countries in designing and/or modernizing existing social security systems.

3. Serves as SSA's focal point in disseminating information about the United States Social Security program to foreign organizations.

4. Plans and coordinates SSA's international travel plan, including providing logistical support and administering all activities relating to control of official passports for SSA staff traveling abroad.

5. Plans, implements and manages SSA-hosted international conferences, meetings and seminars.

Subchapter TAN—Office of Research, Evaluation and Statistics

TAN.00 Mission

TAN.10 Organization

TAN.20 Functions

Section TAN.00 *The Office of Research, Evaluation and Statistics—(Mission)*: The Office of Research, Evaluation and Statistics is responsible for providing information on the effects on individuals and the economy of programs operated by SSA and the interactions among these programs, other tax and income-transfer programs and economic, social and demographic forces. Plans and directs a continuing program of economic and social research to evaluate the effectiveness of national policies in meeting desired program outcomes. Plans and directs studies and surveys to evaluate the effectiveness of policy development, implementation and program outcomes of the disability, retirement and survivors and supplemental security income programs.

Section TAN.10 *The Office of Research, Evaluation and Statistics—(Organization)*: The Office of Research, Evaluation and Statistics under the leadership of the Associate Commissioner for Research, Evaluation and Statistics, includes:

A. The Associate Commissioner for Research, Evaluation and Statistics (TAN).

B. The Deputy Associate Commissioner for Research, Evaluation and Statistics (TAN).

C. The Immediate Office of the Associate Commissioner for Research, Evaluation and Statistics (TAN).

D. The Publications Staff (TANA).

E. The Division of Program Analysis (TANB).

F. The Division of Economic Research (TANC).

G. The Division of Earnings Statistics and Analysis (TANE).

H. The Division of Retirement, Survivors, Disability Insurance Research Statistics (TANG).

I. The Division of SSI Analysis/Management Statistical Support (TANH).

J. The Disability Research Staff (TANJ).

Section TAN.20 *The Office of Research, Evaluation and Statistics (Functions)*:

A. The Associate Commissioner for Research, Evaluation and Statistics (TAN) is directly responsible to the Deputy Commissioner, Programs and Policy for carrying out ORES' mission, and providing general supervision to the major components of ORES.

B. The Deputy Associate Commissioner for Research, Evaluation and Statistics (TAN) assists the Associate Commissioner in carrying out his/her responsibilities and performs other duties the Associate Commissioner may prescribe.

C. The Immediate Office of the Associate Commissioner for Research, Evaluation and Statistics (TAN) provides the Associate Commissioner and Deputy Associate Commissioner with staff assistance on the full range of their responsibilities and helps coordinate the activities of ORES components.

D. The Publications Staff (TANA).

1. Advises ORES on the development, organization and presentation of research and statistical studies.

2. Publishes and distributes these studies to national and international audiences.

3. Assesses informational needs of SSA staff, staff in other Government agencies, the social science research community and the public for data and findings from the ORES research program.

E. The Division of Program Analysis (TANB).

1. Plans, designs and conducts surveys of program target groups and performs policy-relevant research.

2. Analyzes the impact of proposed policy options, legislative proposals and special high-priority issues and prepares briefing materials for SSA administrators.

3. Plans, conducts and publishes the results of cross-national research on social security programs worldwide.

F. The Division of Economic Research (TANC).

1. Plans, directs and executes issue-oriented research to provide information about relationships between the Social Security program, the economy and other aspects of society.

2. Interprets changing demographic and economic trends as they relate to the broad field of economic security and to overall economic and social policy.

3. Studies such major areas as: Social Security financing, economic impacts of Social Security, income maintenance, effect of Social Security on lifetime income redistribution, alternative measures of income adequacy, and labor market and retirement behavior.

G. The Division of Earnings Statistics and Analysis (TANE).

1. Plans, coordinates and directs the preparation of statistical and analytical data pertaining to earnings, employment and employer classification. Analyzes these data with emphasis on demographic, economic, social and program characteristics. These data are used to support program and legislative planning and serve as important sources for program evaluation, research and administrative information within SSA, and for research by other Federal and State and local government agencies, universities, and private research organizations.

2. Provides ORES and other SSA researchers with support in the development of social science survey data linked with SSA administrative record data.

H. The Division of Retirement, Survivors and Disability Insurance Research Statistics (TANG).

1. Plans, coordinates and directs the preparation of statistical and analytical data pertaining to RSDI claims and benefits provisions of Title II of the Social Security Act. Analyzes these data with emphasis on demographic, economic, social and program characteristics. These data are used to support program and legislative planning and serve as important sources for program evaluation, research and administrative information within SSA, and for research by other Federal and State and local government agencies, universities and private research organizations.

I. The Division of SSI Analysis/Management Statistical Support (TANH).

1. Plans, coordinates and directs the preparation of statistical and analytical data pertaining to the Supplemental Security Income provisions of Title XVI of the Social Security Act. Analyzes these data with emphasis on demographic, economic, social and program characteristics. These data are used to support program and legislative planning and serve as important sources for program evaluation, research and administrative information within SSA and for research by other Federal and State and local government agencies,

universities and private research organizations.

2. Provides management statistical services to SSA operating and policy components, including such activities as the development of general purpose and customized field office samples, development of work sampling systems and quality assurance systems, and the design and analysis of operational pilot studies. Provides support for the development and use of mathematical models and statistical methods.

J. The Disability Research Staff (TANJ).

1. Plans, directs and implements a wide range of studies and analyses, utilizing data from surveys and administrative records, on the national disabled population, disability applicants and disability beneficiaries.

2. Develops research in response to DI program issues.

3. Maintains and develops research surveys and administrative data files used in the analysis of disability data.

Subchapter TAP—Office of Program Benefits Policy

TAP.00 Mission

TAP.10 Organization

TAP.20 Functions

Section TAP.00 *The Office of Program Benefits Policy—(Mission):* The Office of Program Benefits Policy provides SSA-wide leadership and direction to the development, coordination and promulgation of RSI and SSI policies and procedures. Develops, coordinates and evaluates the program and issues the operational policies, standards and instructions for the RSI and SSI programs. Develops and issues policies and guidelines for use by State and Federal organizations which implement the SSI provisions. Develops agreements with the States and other agencies that govern State supplementation programs, Medicaid eligibility, data exchange programs, food stamps and fiscal reporting processes.

Section TAP.10 *The Office of Program Benefits Policy—(Organization):* The Office of Program Benefits Policy, under the leadership of the Associate Commissioner for Program Benefits Policy includes:

A. The Associate Commissioner for Program Benefits Policy (TAP).

B. The Deputy Associate Commissioner(s) for Program Benefits Policy (TAP).

C. The Immediate Office of the Associate Commissioner for Program Benefits Policy (TAP).

D. The Division of Benefit Continuity (TAPA).

E. The Division of Coverage (TAPB).

F. The Division of Entitlement (TAPC).

G. The Division of Payment Policy (TAPE).

H. The Division of Program Requirements Policy (TAPG).

I. The Division of Program Management, Research and Demonstration (TAPH).

Section TAP.20 *The Office of Program Benefits Policy—(Functions):*

A. The Associate Commissioner for Program Benefits Policy (TAP) is directly responsible to the Deputy Commissioner, Programs and Policy for carrying out OPBP's mission and provides general supervision to the major components of OPBP.

B. The Deputy Associate Commissioner(s) for Program Benefits Policy (TAP) assists the Associate Commissioner in carrying out his/her responsibilities and performs other duties as the Associate Commissioner may prescribe.

C. The Immediate Office of the Associate Commissioner for Program Benefits Policy (TAP) provides the Associate Commissioner and Deputy Associate Commissioner(s) with staff assistance on the full range of their responsibilities and helps coordinate the activities of OPBP components.

D. The Division of Benefit Continuity (TAPA).

1. Plans, develops and evaluates the operational policies, standards and instructions and provides guidance to field components on issues related to the retirement and survivors insurance program and common to one or more of the other SSA programs in the area of benefit continuity.

2. Develops, issues and evaluates guidelines, directives, instructions and operating procedures for such areas as work notices, annual and monthly earnings tests, suspensions and terminations, governmental pension offset and enforcement and beneficiary compliance, overpayments, underpayments, recovery and waiver, garnishment, payment delivery, onsite review, accounting, representative payee selection, advance notice, capability/incapability and use and misuse.

E. The Division of Coverage (TAPB).

1. Plans, develops and evaluates the operational policies, standards and instructions and provides guidance to field components on issues related to the retirement and survivors insurance program and common to one or more of the other SSA programs in the area of coverage.

2. Develops and issues guidelines, directives, instructions and operating procedures for such coverage and

employment subject areas as wages, coverage and exceptions, anti-poverty programs, earnings records and earnings records discrepancies, coverage aspects of international agreements, self-employment status and income, religious exemptions, State and local coverage and statutes of limitations.

F. The Division of Entitlement (TAPC).

1. Plans, develops and evaluates the operational policies, standards and instructions and provides guidance to field components on issues related to the retirement and survivors insurance program and common to one or more of the other SSA programs in the area of entitlement.

2. Develops and issues guidelines, directives, instructions and operating procedures for such entitlement subject areas as applications, insured status, veterans' benefits, railroad employment, family relationships, dependency and support, evidence, school attendance, indexing of earnings, primary insurance amount computation, reduction of benefits for age, family maximums, saving clauses, recomputations and recalculations of benefits, period of disability computations, awards, disallowances and abatements of claims, earnings records, claims application forms, administrative finality, adjudicative standards, evidence, documentation, conspicuous characteristics and social security numbers.

G. The Division of Payment Policy (TAPE).

1. Plans, develops and evaluates the operational policies, standards and instructions and provides guidance to field components on issues related to the supplemental security income program in the area of payment policy.

2. Develops and issues guidelines, directives, instructions and operating procedures for such payment policy subject areas as redeterminations, SSI notices, SSI appeals and overpayments/underpayments matching and interfaces, mandatory and optional State supplemental payments, pass through of rate increases, monitoring of fiscal information systems with the States, maintenance of State agreements, food stamps, Medicaid, State assistance reimbursements, energy assistance, State data exchange systems and postadjudicative issues.

H. The Division of Program Requirements Policy (TAPG).

1. Plans, develops and evaluates the operational policies, standards and instructions and provides guidance to field components on issues related to the supplemental security income

program in the area of program requirements policy.

2. Develops and issues guidelines, directives, instructions and operating procedures for such program requirements subject areas as individual/couple/child eligibility status, in-kind income, support and maintenance, in-kind living arrangements, institutionalization, special classifications of income and medical social services, generic income issues, deeming of income and resources, computation of income, certain grandfather clauses, special sponsored alien deeming, color of law alien status, presence in the United States, generic resources issues, trust policy, filing for other benefit requirements and property essential for self-support.

1. The Division of Program Management, Research and Demonstration (TAPH).

1. Designs, manages and conducts studies to measure and evaluate the impact and effectiveness of the supplemental security income and the retirement and survivors insurance program policies, procedures and programs on the population.

2. Establishes, maintains and operates statistical program data base extract systems to provide program information for internal and external use; develops functional specifications and programs; validates output; and assists requestors in verifying final product.

3. Manages demonstration cooperative agreements and initiatives to target special populations and program issues. Evaluates the effectiveness of demonstrations and initiatives and develops new and revised policies and procedures to implement program improvements.

4. Coordinates and directs assignments and projects related to program redesign and systems modernization efforts, including development of program specifications for expert systems. Formulates, plans and implements computer programs and other automation activities in support of program policy, research and administrative needs.

5. Develops and issues guidelines, directives, instructions and operating procedures for SSI applications policy, including protective filing and advance filing and SSI work incentive provisions, including plans for achieving self support and Section 1619 provisions.

Subchapter TAS—Office of Program Support

TAS.00 Mission

TAS.10 Organization

TAS.20 Functions

Section TAS.00 *The Office of Program Support* (Mission): The Office of Program Support provides leadership in overseeing the Agency's system of programmatic instructions, notices to the public and technical documents. Develops and maintains standards governing the translation of strategic policy decisions into operational policies, procedures and notices. Responsible for the Agency's Regulatory Program, including development of SSA's Regulatory Plan and the Agency's portion of the Unified Agenda of Federal Regulations. Oversees the Agency's implementation of policies which utilize technologies in providing service to the public. Assures programmatic support to legislative implementation activities. Develops and interprets SSA policy governing requests for disclosure of information from Agency records under provisions of the Privacy Act and the Freedom of Information Act. Sponsors and supports ODCPP Interdisciplinary Teams established to address cross-cutting policy issues and initiatives. Designs, implements and maintains automated information and communications systems ODCPP-wide. Section TAS.10 *The Office of Program Support* (Organization): The Office of Program Support, under the leadership of the Associate Commissioner for Program Support includes:

A. The Associate Commissioner for Program Support (TAS).

B. The Deputy Associate Commissioner for Program Support (TAS).

C. The Immediate Office of the Associate Commissioner for Program Support (TAS).

Section TAS.20 *The Office of Program Support* (Functions):

A. The Associate Commissioner for Program Support (TAS) is directly responsible to the Deputy Commissioner, Programs and Policy for carrying out OPS's mission and providing managerial direction to OPS.

B. The Deputy Associate Commissioner for Program Support (TAS) assists the Associate Commissioner in carrying out his/her responsibilities and performs other duties as the Associate Commissioner may prescribe.

C. The Immediate Office of the Associate Commissioner of the Office of Program Support (TAS) provides the Associate Commissioner with staff assistance on the full range of his/her responsibilities.

1. Provides leadership in overseeing the Agency's system of programmatic

instructions, notices to the public and technical documents. Develops and maintains standards governing the translation of strategic policy decisions into operational policies, procedures and notices.

2. Responsible for the Agency's Regulatory Program.

3. Oversees the Agency's implementation of policies which utilize technologies in providing service to the public.

4. Assures programmatic support to legislative implementation activities.

5. Develops and interprets SSA policy governing requests for disclosure of information from Agency records under provisions of the Privacy Act and the Freedom of Information Act.

6. Sponsors and supports ODCPP Interdisciplinary Teams.

7. Designs, implements and maintains automated information and communications systems ODCPP-wide.

Dated: June 19, 1996.

Shirley S. Chater,

*Commissioner of Social Security.*

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-106]

### Initiation of Section 302 Investigation and Request for Public Comment: Practices of the Government of India Regarding Patent Protection for Pharmaceuticals and Agricultural Chemicals

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice of initiation of investigation; request for written comments.

**SUMMARY:** The United States Trade Representative (USTR) has initiated an investigation under section 302(b)(1) of the Trade Act of 1974, as amended (the Trade Act) (19 U.S.C. 2412(b)(1)), with respect to certain acts, policies and practices of the Government of India that may result in the denial of patents and exclusive marketing rights to U.S. individuals and firms involved in the development of innovative pharmaceutical and agricultural chemicals products. The United States alleges that these acts, policies and practices are inconsistent with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs Agreement), administered by the World Trade Organization (WTO). USTR