

	SSA-5665-BK	SSA-5665-Sup
<i>Number of Respondents</i> .....	475,000 .....	125,000.
<i>Frequency of Response</i> .....	1 .....	1.
<i>Average Burden Per Response</i> .....	15-20 minutes .....	5-10 minutes.
<i>Estimated Annual Burden</i> .....	158,333 hours .....	20,833 hours.

2. Beneficiary Recontact Report—0960-0536. SSA collects the information on Form SSA-1587 to ensure that eligibility for benefits continues after entitlement is established. SSA asks children ages 15-17 information about marital status to detect overpayments and avoid continuing payment to those no longer entitled. Studies show that representative payees of children who marry fail to report the marriage, which is a terminating event. The respondents are payees who receive Title II (Old-Age, Survivors and Disability Insurance) benefits on behalf of children ages 15-17.

*Number of Respondents:* 982,357.

*Frequency of Response:* 1.

*Average Burden Per Response:* 3 minutes.

*Estimated Annual Burden:* 49,118 hours.

3. Questionnaire About Employment or Self-Employment Outside the United States—0960-0050. This information is used by SSA to determine whether work performed by beneficiaries outside the United States (U.S.) is cause for deductions from their monthly benefits; to determine which of two work tests (foreign or regular) is applicable; and to determine the months, if any, for which deductions should be imposed. The respondents are beneficiaries living and working outside the U.S.

*Number of Respondents:* 20,000.

*Frequency of Response:* 1.

*Average Burden Per Response:* 12 minutes.

*Estimated Annual Burden:* 4,000 hours.

II. The information collections listed below have been submitted to OMB for clearance. Written comments and recommendations on the information collections would be most useful if received within 30 days from the date

of this publication. Comments should be directed to the SSA Reports Clearance Officer and the OMB Desk Officer at the addresses listed at the end of this publication. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer on (410) 965-4145, or by writing to him.

1. Claimant's Statement About Loan of Food or Shelter (SSA-5062), and Statement About Food or Shelter Provided to Another (SSA-L5063)—0960-0529. Forms SSA-5062 and SSA-L5063 are used to obtain statements about food and/or shelter provided to an SSI claimant. SSA uses the information to determine whether food and/or shelter are a bona fide loan or should be counted as income. This determination can affect eligibility for SSI and the amount of SSI benefits payable. The respondents are claimants for SSI benefits and individuals who provide (loan) food or shelter to SSI Claimants.

	SSA-5062	SSA-L5063
<i>Number of Respondents</i> .....	65,540 .....	65,540.
<i>Frequency of Response</i> .....	1 .....	1.
<i>Average Burden Per Response</i> .....	10 minutes .....	10 minutes.
<i>Estimated Annual Burden</i> .....	10,923 hours .....	10,923 hours.

(SSA Address) Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp 1-A-21 Operations Bldg., 6401 Security Blvd., Baltimore, MD 21235.

(OMB Address) Office of Management and Budget, OIRA, Attn: Desk Officer for SSA, New Executive Office Building, Room 10230, 725 17th St., NW, Washington, D.C. 20503.

Dated: September 22, 2000.

**Frederick W. Brickenkamp,**

*Social Security Administration, Reports Clearance Officer.*

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**SOCIAL SECURITY ADMINISTRATION  
DEPARTMENT OF HEALTH AND  
HUMAN SERVICES**

**DEPARTMENT OF LABOR**

**DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT**

[HUD No. FR-4610-N-01]

**DEPARTMENT OF JUSTICE**

**Immigration and Naturalization Service  
[INS No. 2070-00]**

**Responsibility of Certain Entities To  
Notify the Immigration and  
Naturalization Service of Any Alien  
Who the Entity "Knows" Is Not  
Lawfully Present in the United States**

**AGENCIES:** Social Security Administration (SSA); Department of Health and Human Services (HHS); Department of Labor (DOL); Department

of Housing and Urban Development (HUD); Immigration and Naturalization Service, Justice.

**ACTION:** Notice.

**SUMMARY:** Section 404 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, as amended, requires certain Federal and State entities, at least four times annually, to notify the Immigration and Naturalization Service (Service) of any alien the entity "knows" is not lawfully present in the United States. The Federal agencies responsible for implementing section 404 are providing notice of how this provision is being implemented. Under this notice, an entity is not required to make quarterly reports to the Service unless it has knowledge of an individual who is not lawfully present in the United States, as detailed below.

**FOR FURTHER INFORMATION CONTACT:**

**SSA**

John Watson, Associate General Counsel for Program Law, Office of the General Counsel, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-3137.

**HHS**

Robert Shelbourne, Director, Division of Policy and Program Development, Office of Family Assistance, Administration for Children and Families, Department of Health and Human Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, (202) 401-5150.

**DOL**

Dennis Lieberman, Director, Division of Welfare-to-Work, Employment and Training Administration, Department of Labor, 200 Constitution Avenue, NW., Room N-4671, Washington, DC 20210, (202) 219-7694, extension 132.

**HUD**

Patricia Arnaudo, Senior Program Manager, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th St., SW., Room 4226, Washington, DC 20410, (202) 708-0744.

**Service**

Jacquelyn Bednarz, Special Assistant to the Acting Executive Associate Commissioner, Office of Policy and Planning, Immigration and Naturalization Service, 425 I Street NW., Room 7309, Washington, DC 20536, (202) 514-3242.

**SUPPLEMENTARY INFORMATION:** The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193 (hereinafter PRWORA), and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104-208 (IIRIRA), include significant provisions affecting the eligibility of aliens in the United States for public benefits. (See HHS Notice, Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); Interpretation of "Federal Public Benefit," 63 FR 41658 (August 4, 1998)). Section 401 of PRWORA generally provides that, with some exceptions, only "qualified aliens" (in addition to U.S. citizens and nationals) are eligible to receive Federal public benefits. PRWORA and IIRIRA also include significant provisions specifically limiting the eligibility of qualified aliens for certain specified Federal programs, including Supplemental Security Income (SSI) under Title XVI of the Social Security

Act. Finally, section 403 of PRWORA limits the eligibility of qualified aliens for certain "Federal means-tested public benefits." (See Department of Agriculture, Food and Nutrition Service, Federal Means-Tested Public Benefits, 63 FR 36653 (July 7, 1998); HHS, Office of the Secretary, Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); Interpretation of "Federal Means-Tested Public Benefit," 62 FR 45256 (August 26, 1997); SSA, Personal Responsibility and Work Opportunity Reconciliation Act of 1996: Federal Means-Tested Public Benefits Paid by the Social Security Administration, 62 FR 45284 (August 26, 1997)).

Section 404 of PRWORA, as amended by section 5564 of the Balanced Budget Act of 1997, Public Law 105-33, requires each entity or type of entity specified in that statute to report to the Service, at least four times annually, any individual who the entity, under certain specified programs, "knows is not lawfully present in the United States" (emphasis supplied). Entities required to report under this provision in the course of administering certain specified programs are as follows: (1) Any State agency that administers a block grant under part A of Title IV of the Social Security Act, as amended, 42 U.S.C. 601 *et seq.* (Temporary Assistance for Needy Families, Welfare-to-Work); (2) SSA (with respect only to the SSI program under Title XVI of the Social Security Act, 42 U.S.C. 1381 *et seq.*); (3) any State agency responsible for an SSI Optional State Supplementation under the SSI program if the State has entered into an agreement with SSA for Federal administration of payments under that program pursuant to section 1616(a) of the Social Security Act, as amended, 42 U.S.C. 1382e(a); (4) HUD (with respect only to the Public and Assisted Housing Program provided under the United States Housing Act of 1937, as amended, 42 U.S.C. 1437 *et seq.*); and, (5) any public housing agency that enters into a contract for assistance under section 6 or 8 of Title I of the United States Housing Act 1937, as amended, 42 U.S.C. 1437 *et seq.* No other entity is required to report under the provisions of Title IV of PRWORA.

Section 404 of PRWORA is not explicit with respect to the meaning of the term "knows." After consultation, the responsible Federal agencies have determined that, for purposes of the requirement under section 404 that an entity report four times annually, an entity will "know" that an alien is not lawfully present in the United States only when the unlawful presence is a

finding of fact or conclusion of law that is made by the entity as part of a formal determination that is subject to administrative review on an alien's claim for any of the statutorily specified programs set out above. In addition, that finding or conclusion of unlawful presence must be supported by a determination by the Service or the Executive Office of Immigration Review, such as a Final Order of Deportation. A Systematic Alien Verification for Entitlements (SAVE) response showing no Service record on an individual or an immigration status making the individual ineligible for a benefit is not a finding of fact or conclusion of law that the individual is not lawfully present. Equating "knowing" under section 404 of PRWORA with the formal determination described above under any of the statutorily specified programs affected by section 404 gives rational substance to an arguably ambiguous term and is not inconsistent with the legislative history of this provision.

This notice is not meant to suggest that a benefit granting agency is required to make a determination as to an applicant's lawful presence if that determination is not otherwise necessary in order to determine whether the applicant is eligible for the benefit. Nor is it meant to suggest that a finding or conclusion as to immigration status made by a benefit granting agency has any weight outside the context of the alien's eligibility for that particular benefit. Determinations of status for purposes of the Immigration and Nationality Act are the responsibility of the Department of Justice, not of any other agency.

At least four times annually, the reporting entity that knows of the unlawful presence of any alien as specified above must make a report to the Service. The entity will make the report within 45 days after the close of the appropriate calendar year quarter. The report must include the name, address, and other identifying information in the entity's possession regarding the individual who the reporting entity knows is not lawfully present in the United States. In order to reduce unnecessary administrative burden, the reporting entity is not required to submit reports to the Service unless it has knowledge of an individual who is not lawfully present in the United States as specified above. The reports will be sent to the Service at the following address: Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street NW, Room 4034, Washington, DC 20536, Att'n: INS No. 2070-00.

Dated: August 16, 2000.

**Susan M. Daniels,**

*Deputy Commissioner for Disability and Income, Security Programs, Social Security Administration.*

Dated: August 11, 2000.

**Alvin Collins,**

*Director, Office of Family Assistance.*

Dated: August 18, 2000.

**Raymond L. Bramucci,**

*Assistant Secretary for Employment and Training, Department of Labor.*

Dated: August 30, 2000.

**Gloria Cousar,**

*Deputy Assistant Secretary, Public and Assisted Housing Delivery, Department of Housing and Urban Development.*

Dated: August 28, 2000.

**Doris Meissner,**

*Commissioner, Immigration and Naturalization Service.*

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## DEPARTMENT OF STATE

### [Public Notice No. 3411]

#### **Proposed Convention Sponsored by Unidroit on International Equipment Finance and Draft Protocol on Space Equipment Meeting Notice**

**AGENCY:** Department of State.

**ACTION:** The International Finance Study Group of the State Department's Advisory Committee on Private International Law will meet in Washington, DC on Friday, October 13 from 10 a.m. to 3 p.m. The subject will be international negotiations on a multilateral treaty system to promote secured financing for high-value mobile equipment, with a particular focus at this meeting on the space equipment industry and implications for the provision of space-based services.

#### **Agenda**

The meeting will cover the purpose and concepts of the proposed Convention on international interests in mobile equipment; the application of asset-based financing to space equipment; the recent meeting of the ICAO Legal Committee at Montreal on the proposed Convention in relation to aircraft and the draft Aircraft Equipment Protocol; the upcoming UNIDROIT meeting on a draft Space Equipment Protocol; and the relationship between these developments and the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUS) and the outer space treaty system.

Comments will be requested on draft provisions of the proposed Space

Equipment Protocol. The intersection with the Uniform Commercial Code in the United States will be considered, along with personal property laws of Canada and other countries, as time permits, as well as related draft conventions and model national laws on secured financing, including work underway at UNCITRAL (the United Nations Commission on International Trade Law) on receivables financing and the OAS (Organization of American States) on a model Inter-American national law on secured financing.

The intersection between the foregoing and the outer space treaty system will be reviewed, with particular attention to provisions on national control and liability. In addition, differences between the international "notice filing" registry for financial interests contemplated by the new treaty system, and the existing registration of space objects at UNCOPOUS will be examined.

#### **Background**

The United States has been an active participant in negotiations on a proposed multilateral convention (UNIDROIT Convention) to provide for the creation and enforceability of international secured finance interests in mobile equipment, specifically including at this stage aircraft, space and satellite equipment, and railroad rolling stock. A Space Working Group authorized by UNIDROIT has prepared the current draft protocol on provisions specific to space equipment financing.

Provision may be made at a future date for protocols on other categories of equipment, such as containers, construction and agricultural equipment, certain types of vessels, etc. Other international organizations participate as appropriate, such as ICAO and IATA with respect to aircraft and airline issues, as embodied in the draft Aircraft Equipment Protocol or otherwise reflected in the basic convention. Completion of the basic Convention and Aircraft Protocol is expected by mid-2001. Completion of protocols on space and rail equipment is expected to follow.

The proposed Convention and equipment specific protocols together will provide comprehensive international rules on financing interests in such equipment and thus stimulate the development of these industries as well as the capacity of many countries to finance such equipment, and related services, through private sector capital markets. This can enhance infrastructure growth, as well as reduce reliance on direct government funding or use of sovereign

debt, which in turn facilitates privatization and market development.

Key features of the draft Convention include the creation of internationally enforceable interests pursuant to the Convention; establishment of an international computer-based registry system for notice of finance interests; provisions on assignments of such interests; priorities based on filing; default remedies; and optional provisions on key finance issues such as certain remedies, timeliness of remedies, insolvency, etc. The proposed registration system would not effect national registration and recordation systems under the Chicago Convention for aircraft nor the object registry functions of UNCOPOUS under the space treaty system.

#### **Attendance**

The meeting will be held at Conference Room H-1500, State Department Annex 1 (Columbia Plaza), 2401 E Street NW, at the intersection of 23d Street and Virginia Ave., Washington, D.C. The meeting is open to the public, subject to rulings of the Chair. Persons wishing to attend should contact Kenneth Hodgkins, Space and Advanced Technology, Bureau of Oceans, Environmental and Scientific Affairs (OES/SAT), 202-663-2398, fax 663-2404, email k.hodgkins@state.gov, or Harold Burman, Office of Legal Adviser (L/PIL), at 202-776-8421, fax 776-8482, email pildb@his.com.

#### **Documents**

Drafts of the basic Convention on mobile equipment and Aircraft Protocol are available at [www.UNIDROIT.org](http://www.UNIDROIT.org), scroll to "news"; revised versions will be available shortly which reflect recent changes. The draft Space Equipment Protocol will be available via email or regular mail upon request.

September 25, 2000.

**Harold S. Burman,**

*Executive Director, Secretary of State's Advisory Committee on Private International Law, Department of State.*

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