comments filed in response to this notice, the rule changes will be promulgated in accordance with the APA (see 5 U.S.C. § 553), and will be codified in 19 CFR part 210.

Dated: January 11, 1995. By Order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95-1332 Filed 1-18-95; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 422

RIN 0960-AD74

Statement of Earnings and Benefit Estimates

AGENCY: Social Security Administration,

HHS.

ACTION: Proposed rules.

SUMMARY: We are proposing to revise our rules on sending statements of earnings and benefit information to individuals. Under our current rules, which implement section 1143(a) of the Social Security Act (the Act), we are required to send a statement to an eligible individual who requests it. Under these proposed rules, we will provide the statement without a request to an eligible individual, as required by section 1143(c) of the Act.

DATES: Your comments will be considered if we receive them no later than March 20, 1995.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, MD 21235, sent by telefax to (410) 966-0869, or delivered to the Office of Regulations, Social Security Administration, 3–B–1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

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

will remain on the FBB during the comment period.

FOR FURTHER INFORMATION CONTACT: Jack Schanberger, Legal Assistant, 3–B–1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–8471.

SUPPLEMENTARY INFORMATION: Section 1143 of the Act requires the Secretary of Health and Human Services (the Secretary) to provide to eligible individuals "a social security account statement" (statement). We must fulfill this requirement in three phases. In the first phase, we were required, by October 1, 1990, to provide, upon the request of an "eligible individual," a statement that contains certain information described below. Section 1143 defines an "eligible individual" as one who has a social security account number, has attained age 25 or over, and has wages or net earnings from selfemployment.

The statement we provide under section 1143 of the Act must contain the following information as of the date of the request:

- 1. The amount of wages paid to and self-employment income derived by the individual:
- 2. An estimate of the aggregate of the employee and self-employment contributions of the individual for oldage, survivors', and disability insurance benefits;
- 3. A separate estimate of the aggregate of the employee and self-employment contributions of the individual for medicare hospital insurance coverage; and
- 4. An estimate of the potential monthly retirement (old-age), disability, dependents', and survivors' insurance benefits payable on the individual's earnings record and a description of medicare hospital insurance coverage.

We are carrying out this first phase, which is required by section 1143(a) of the Act and which we explained in the final rules published November 23, 1992, in the Federal Register (57 FR 54917). In these proposed rules, we explain how we will fulfill our obligations in the second and third phases of section 1143.

The second phase of providing statements, as stated in section 1143(c)(1) of the Act, requires that by not later than September 30, 1995, we must furnish this statement to each "eligible individual" who has attained age 60 by October 1, 1994 (i.e., by the beginning of fiscal year 1995), is not receiving benefits under title II of the Act, and for whom we can determine a current mailing address by methods we consider appropriate. We must also

send this statement to each "eligible individual" who attains age 60 in fiscal years 1995 through 1999, i.e., October 1, 1994 through September 30, 1999, if the individual is not receiving benefits under title II of the Act, and if we can determine a current mailing address by methods we consider appropriate. In the case of an individual who attains age 60 in fiscal years 1995 through 1999, we will mail a statement to the individual in the fiscal year in which he or she attains age 60. We will mail the statement without requiring a request from the individual. We will also advise individuals receiving these statements that the information in our records will be updated annually and is available upon request.

The third phase of providing statements, as stated in section 1143(c)(2) of the Act, requires that beginning not later than October 1, 1999, we must provide this statement on an annual basis to each "eligible individual" who is not receiving benefits under title II and for whom we can determine a current mailing address by methods we consider appropriate. We must provide a statement without a request from the individual and, unlike the second phase, regardless of whether the eligible individual has attained age 60

To implement the second phase of section 1143, we will use our records of assigned social security account numbers to identify eligible individuals who will attain age 60 by the appropriate times and who are not receiving benefits under title II of the Act. We have decided that the appropriate method now for determining an individual's current mailing address is to obtain it from the individual taxpayer files of the Internal Revenue Service (IRS). The IRS is authorized by section 6103(m)(7) of the Internal Revenue Code (26 U.S.C. 6103(m)(7)), as added by section 5111 of Public Law 101-508 (the Omnibus Budget Reconciliation Act of 1990), to disclose this information to us for our use in mailing the statements required by section 1143 of the Act. This source of address information is readily available to us, i.e., electronically accessible, using social security numbers as identifiers, and was clearly contemplated by Congress in the enactment of section 6103(m)(7) of the Internal Revenue Code.

Because individuals who live in Puerto Rico, the Virgin Islands, and Guam generally are not required to pay Federal income taxes, the IRS does not have their addresses. We have arranged to use the addresses from their local