



## **SOCIAL SECURITY ADMINISTRATION**

### **20 CFR Parts 404 and 406**

**[Docket No. SSA-2025-0189]**

**RIN 0960-AJ05**

### **Rescission of Obsolete Regulations Addressing Drug Addiction and Alcoholism**

#### **Under Titles II and XVI of the Social Security Act.**

**AGENCY:** Social Security Administration.

**ACTION:** Final rule

**SUMMARY:** This rule rescinds obsolete drug addiction and alcoholism (DAA) regulations.

**DATES:** This final rule is effective on [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

**FOR FURTHER INFORMATION CONTACT:** Michael J. Goldstein, Director, Medical Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-1020. For more information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213, or TTY 1-800-325-0778, or visit our Internet site, Social Security Online, at <http://www.ssa.gov>.

#### **SUPPLEMENTARY INFORMATION:**

The President's Executive Order (E.O.) 14219, *Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative*,<sup>1</sup> (issued February 19, 2025), directed all agency heads to review regulations

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<sup>1</sup> 90 FR 10583.

within their purview and rescind or modify those that meet the criteria specified in the E.O.<sup>2</sup>

SSA conducted such a review and identified obsolete provisions in 20 CFR Parts 404 and 416 related to drug addiction and alcoholism (DAA) policies. These DAA regulations are obsolete because they do not reflect our current policies, which went into effect with the enactment of the Contract with America Advancement Act of 1996 (Contract with America Act).<sup>3</sup> Because our regulations were never updated, they do not represent the best reading of the underlying statutory authority granted by the Contract with America Act. This final rule will rescind these obsolete provisions. This removal will align our regulations with the Contract with America Act. Through its updating and streamlining to ensure only relevant regulations remain, it also accords with E.O. 14219.

Although we have not yet rescinded these regulatory sections, we have always followed the provisions of the Contract with America Act since its enactment. Accordingly, while this rescission will simply streamline our regulations by removing obsolete information, it will not cause any actual policy or procedural changes.

In accordance with section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(a)(5), we follow the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 in promulgating regulations. Generally, the APA requires that

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<sup>2</sup> Section 2 of E.O. 14219 specified that agency heads shall identify the following classes of regulations: “(i) unconstitutional regulations and regulations that raise serious constitutional difficulties, such as exceeding the scope of the power vested in the Federal Government by the Constitution; (ii) regulations that are based on unlawful delegations of legislative power; (iii) regulations that are based on anything other than the best reading of the underlying statutory authority or prohibition; (iv) regulations that implicate matters of social, political, or economic significance that are not authorized by clear statutory authority; (v) regulations that impose significant costs upon private parties that are not outweighed by public benefits; (vi) regulations that harm the national interest by significantly and unjustifiably impeding technological innovation, infrastructure development, disaster response, inflation reduction, research and development, economic development, energy production, land use, and foreign policy objectives; and (vii) regulations that impose undue burdens on small business and impede private enterprise and entrepreneurship.”

<sup>3</sup> Public Law 104-121 ([govinfo.gov/content/pkg/PLAW-104pub121/html/PLAW-104pub121.htm](http://govinfo.gov/content/pkg/PLAW-104pub121/html/PLAW-104pub121.htm)). The Contract with America Act requires that no individual can be found disabled when DAA is a “contributing factor material to the determination of disability.” The law also terminated eligibility of DAA beneficiaries receiving SSI or SSDI unless those individuals appealed and were found to be disabled on a separate basis. Though we did not update our regulations, we followed the law in agency practices and policies, ensuring full compliance.

an agency provide prior notice and opportunity for public comment before issuing a final regulation. The APA provides exceptions to the notice-and-comment requirements when an agency finds there is good cause for dispensing with such procedures because they are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B).

We determined that good cause exists under 5 U.S.C. 553(b)(B) for dispensing with the notice and public comment procedures. We determined that opportunity for prior comment is unnecessary because this final rule merely removes obsolete provisions of the regulations that were superseded by Congressional action and it makes no substantive changes to our current rules. As such, we are issuing this regulation as a final rule.

In addition, for the reasons cited above, we find good cause for dispensing with the 30-day delay in the effective date of this final rule as provided by 5 U.S.C. 553(d)(3). As noted above, we are not making any substantive changes to our policies, so delaying the effective date of this final rule is unnecessary.

### **Regulatory Procedures**

#### E.O. 12866, as Supplemented by E.O. 13563

We consulted with the Office of Management and Budget (OMB) and OMB has determined that this rule does not meet the criteria for a significant regulatory action under section (3)(f) of E.O. 12866, as supplemented by E.O. 13563, and is not subject to OMB review. Therefore, OMB has not reviewed it.

#### Congressional Review Act

This final rule is not a major rule as defined by the Congressional Review Act.<sup>4</sup>

#### E.O. 14192

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<sup>4</sup> 5 U.S.C. 801 *et seq.*

Based upon the criteria established in E.O. 14192 and OMB Memorandum M-25-20, this rule is not an “E.O. regulatory action.”<sup>5</sup>

#### Anticipated Transfers/Costs to Our Program

SSA's Actuarial Services anticipates no direct effect on program costs for the Old-Age, Survivors, and Disability Insurance (OASDI) and Federal Supplemental Security Income (SSI) programs as a result of the implementation of this final rule. This is because the final rule rescinds obsolete regulations and does not alter the policies or procedures that the agency currently follows. Therefore, no changes in OASDI or SSI program eligibility or benefit payments are expected due to this action.

#### Anticipated Administrative Costs/Benefits to the Social Security Administration

Our Budget Office expects that we will not incur any administrative costs nor realize any savings from the implementation of the final rule, as this rule will not change any current agency policies or procedures but will simply rescind obsolete regulations.

#### E.O. 13132

We analyzed this rule in accordance with the principles and criteria established by E.O. 13132, and determined that the rule will not have sufficient federalism implications to warrant preparation of a federalism assessment. We also determined that this rule will not preempt any State law or State regulation or affect the States' abilities to discharge traditional State governmental functions.

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<sup>5</sup> Page 3 of M-25-20 states that an EO 14192 regulatory action is: “(i) A significant regulatory action as defined in Section 3(f) of EO 12866 that has been finalized and that imposes total costs greater than zero; or (ii) A significant guidance document, broadly conceived, (e.g., significant interpretive guidance) reviewed by OIRA under the procedures of EO 12866 that has been finalized and that imposes total costs greater than zero.”

## Regulatory Flexibility Act

We certify that this final rule will not have a significant economic impact on a substantial number of small entities because it removes obsolete regulations that have no current effect on individuals. Therefore, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act, as amended.

## Paperwork Reduction Act (PRA)

This final rule is rescinding obsolete regulations that do not reflect our current policies. We have previously obtained OMB PRA approval for any conforming changes to affected information collection when the regulations were first obsolete. Accordingly, this rescission does not create or affect any existing information collections, and it does not require OMB approval under the PRA.

## **List of Subjects**

### **20 CFR Part 404**

Administrative practice and procedure, Blindness and Disability benefits, Reporting and recordkeeping requirements, Social Security, Vocational rehabilitation.

### **20 CFR Part 416**

Administrative practice and procedure, Medicaid, Reporting and recordkeeping requirements, Supplemental Security Income (SSI), Vocational rehabilitation.

For the reasons stated in the preamble, the Social Security Administration amends 20 CFR parts 404 and 416 as follows:

**PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY**

**INSURANCE (1950- )**

**Subpart D—Old-Age, Disability, Dependents' and Survivors' Insurance Benefits;**

**Period of Disability**

1. The authority citation for subpart D of part 404 continues to read as follows:

**Authority:** Secs. 202, 203(a) and (b), 205(a), 216, 223, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 403(a) and (b), 405(a), 416, 423, 425, and 902(a)(5)).

**§ 404.315 [Amended]**

2. Amend § 404.315 by removing and reserving paragraph (b).

**§ 404.316 [Amended]**

3. Amend § 404.316 by removing paragraphs (e) and (f).

**§ 404.321 [Amended]**

4. Amend § 404.321 by removing paragraph (d).

5. Amend § 404.332 by revising paragraph (b)(5) to read as follows:

**§ 404.332 When wife's and husband's benefits begin and end.**

\* \* \* \* \*

(b) \* \* \*

(5) The insured person dies or is no longer entitled to old age or disability benefits.

\* \* \* \* \*

**§ 404.335 [Amended]**

6. Amend § 404.335 by removing paragraph (c)(4).

**§ 404.336 [Amended]**

7. Amend § 404.336 by removing paragraph (c)(4).

**§ 404.337 [Amended]**

8. Amend § 404.337 by removing and reserving paragraph (b)(3).

**§ 404.350 [Amended]**

9. Amend § 404.350 by removing and reserving paragraph (b).
10. Amend § 404.352 as follows:
  - a. Revise paragraph (b)(5); and
  - b. Remove and reserve paragraph (c).

The revision reads as follows:

**§ 404.352 When does my entitlement to child's benefits begin and end?**

\* \* \* \* \*

(b) \* \* \*

(5) With the month before the month the insured's entitlement to old-age or disability benefits ends for a reason other than death or the attainment of full retirement age (as defined in § 404.409).

\* \* \* \* \*

**Subpart E—Deductions; Reductions; and Nonpayments of Benefits**

11. The authority citation for subpart E of part 404 continues to read as follows:

**Authority:** Secs. 202, 203, 204(a) and (e), 205(a) and (c), 216(l), 222(c), 223(e), 224, 225, 702(a)(5), and 1129A of the Social Security Act (42 U.S.C. 402, 403, 404(a) and (e), 405(a) and (c), 416(l), 422(c), 423(e), 424a, 425, 902(a)(5), and 1320a-8a); 48 U.S.C. 1801.

12. Amend § 404.402 by revising paragraph (a) introductory text to read as follows:

**§ 404.402 Interrelationship of deductions, reductions, adjustments, and nonpayment of benefits.**

(a) *Deductions, reductions, adjustment.* Deductions because of earnings or work (see §§ 404.415 and 404.417); failure to have a child “in his or her care” (see § 404.421); as a penalty for failure to timely report noncovered work outside the United States,

failure to report that he or she no longer has a child “in his or her care,” or failure to timely report earnings (*see* §§ 404.451 and 404.453); or because of unpaid maritime taxes (*see* § 404.457) are made: \* \* \*

\* \* \* \* \*

**§ 404.470 [Removed]**

13. Remove § 404.470.

**§ 404.480 [Removed]**

14. Remove § 404.480.

**Subpart P—Determining Disability and Blindness**

15. The authority citation for subpart P of part 404 continues to read as follows:

**Authority:** 42 U.S.C. 402, 405(a)-(b) and (d)-(h), 416(i), 421(a) and (h)-(j), 422(c), 423, 425, 902(a)(5), and 1320e-3; sec. 211(b), Pub. L. 104-193, 110 Stat. 2105, 2189; sec. 202, Pub. L. 108-203, 118 Stat. 509 (42 U.S.C. 902 note).

**§ 404.1536 [Removed]**

16. Remove § 404.1536.

**§ 404.1537 [Removed]**

17. Remove § 404.1537.

**§ 404.1538 [Removed]**

18. Remove § 404.1538.

**§ 404.1539 [Removed]**

19. Remove § 404.1539.

**§ 404.1540 [Removed]**

20. Remove § 404.1540.

**§ 404.1541 [Removed].**

21. Remove § 404.1541.

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

**Subpart A—Introduction, General Provisions and Definitions**

22. The authority citation for subpart A of part 416 continues to read as follows:

**Authority:** Secs. 702(a)(5) and 1601-1635 of the Social Security Act (42 U.S.C. 902(a)(5) and 1381-1383d); sec. 212, Pub. L. 93-66, 87 Stat. 155 (42 U.S.C. 1382 note); sec. 502(a), Pub. L. 94-241, 90 Stat. 268 (48 U.S.C. 1681 note).

23. Amend § 416.101 by revising paragraph (q) to read as follows:

**§ 416.101 Introduction.**

\* \* \* \* \*

(q) Subpart Q of this part contains provisions with respect to the referral of individuals for vocational rehabilitation and application for other benefits to which an applicant may be potentially entitled.

\* \* \* \* \*

**Subpart B—Eligibility**

24. The authority citation for subpart B of part 416 continues to read as follows:

**Authority:** Secs. 702(a)(5), 1110(b), 1602, 1611, 1614, 1619(a), 1631, and 1634 of the Social Security Act (42 U.S.C. 902(a)(5), 1310(b), 1381a, 1382, 1382c, 1382h(a), 1383, and 1383c); secs. 211 and 212, Pub. L. 93-66, 87 Stat. 154 and 155 (42 U.S.C. 1382 note); sec. 502(a), Pub. L. 94-241, 90 Stat. 268 (48 U.S.C. 1681 note); sec. 2, Pub. L. 99-643, 100 Stat. 3574 (42 U.S.C. 1382h *note*).

**§ 416.202 [Amended]**

25. Amend § 416.202 by removing and reserving paragraph (e).

**§ 416.214 [Removed]**

26. Remove § 416.214.

27. Amend § 416.262 as follows:

- a. Revise paragraph (c); and
- b. Remove and reserve paragraph (d).

The revision reads as follows:

**§ 416.262 Eligibility requirements for special SSI cash benefits.**

\* \* \* \* \*

(c) You continue to have a disabling impairment; and

\* \* \* \* \*

28. Amend § 416.265 by revising paragraph (a) to read as follows:

**§ 416.265 Requirements for the special SSI eligibility status.**

\* \* \* \* \*

(a) You continue to be blind or continue to have a disabling impairment.

\* \* \* \* \*

**Subpart E—Payment of Benefits, Overpayments, and Underpayments**

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

**Authority:** Secs. 702(a)(5), 1147, 1601, 1602, 1611(c) and (e), and 1631(a)-(d) and (g) of the Social Security Act (42 U.S.C. 902(a)(5), 1320b-17, 1381, 1381a, 1382(c) and (e), and 1383(a)-(d) and (g)); 31 U.S.C. 3716; 31 U.S.C. 3720A.

**§ 416.535 [Amended]**

30. Amend § 416.535 by removing and reserving paragraph (b).

**§ 416.542 [Amended]**

31. Amend § 416.542 by removing and reserving paragraph (a)(2).

**§ 416.544 [Removed]**

32. Remove § 416.544.

**§ 416.558 [Amended]**

33. Amend § 416.558 by removing paragraph (c).

## **Subpart F—Representative Payment**

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

**Authority:** Secs. 205(j)(1)(C), 702(a)(5), 1631(a)(2) and (d)(1) of the Social Security Act (42 U.S.C. 405(j)(1)(C), 902(a)(5), 1383(a)(2) and (d)(1)).

### **§ 416.601 [Amended]**

35. Amend § 416.601 by removing the fourth sentence of paragraph (b)(1).

### **§ 416.610 [Amended]**

36. Amend § 416.610 by removing paragraph (a)(3).

## **Subpart G—Reports Required**

37. The authority citation for subpart G of part 416 continues to read as follows:

**Authority:** 42 U.S.C. 902(a)(5), 1320a-8a, 1320e-3, 1382, 1382a, 1382b, 1382c, and 1383; sec. 211, Pub. L. 93-66, 87 Stat. 154 (42 U.S.C. 1382 note); sec. 202, Pub. L. 108-203, 118 Stat. 509 (42 U.S.C. 902 note).

### **§ 416.708 [Amended]**

38. Amend § 416.708 by removing and reserving paragraph (j)

## **Subpart I—Determining Disability and Blindness**

39. The authority citation for subpart I of part 416 continues to read as follows:

**Authority:** 42 U.S.C. 421(m), 902(a)(5), 1382, 1382c, 1382h, 1383, and 1383b; secs. 4(c) and 5, 6(c)-(e), 14(a), and 15, Pub. L. 98-460, 98 Stat. 1794, 1801, 1802, and 1808 (42 U.S.C. 421 note, 423 note, and 1382h note).

40. Amend § 416.901 by revising paragraph (h) to read as follows:

### **§ 416.901 Scope of subpart.**

\* \* \* \* \*

(h) In § 416.935 we explain the rules which apply in cases of drug addiction and alcoholism.

\* \* \* \* \*

**§ 416.936 [Removed]**

41. Remove § 416.936.

**§ 416.937 [Removed]**

42. Remove § 416.937.

**§ 416.938 [Removed]**

43. Remove § 416.938.

**§ 416.939 [Removed]**

44. Remove § 416.939.

**§ 416.940 [Removed]**

45. Remove § 416.940.

**§ 416.941 [Removed]**

46. Remove § 416.941.

**Subpart K—Income**

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

**Authority:** 42 U.S.C. 902(a)(5), 1381a, 1382, 1382a, 1382b, 1382c(f), 1382j, 1383, and 1383b; sec. 211, Pub. L. 93-66, 87 Stat. 154 (42 U.S.C. 1382 note).

**§ 416.1123 [Amended]**

48. Amend § 416.1123 by removing and reserving paragraph (d)(2).

**Subpart M—Suspensions and Terminations**

49. The authority citation for subpart M of part 416 continues to read as follows:

**Authority:** Secs. 702(a)(5), 1129A, 1611-1614, 1619, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1320a-8a, 1382-1382c, 1382h, and 1383).

**§ 416.1326 [Removed]**

50. Remove § 416.1326.

**§ 416.1331 [Amended]**

51. Amend § 416.1331 by removing paragraphs (c), (d), and (e).

## **Subpart Q—Referral of Persons Eligible for Supplemental Security Income to Other Agencies**

52. The authority citation for subpart Q of part 416 continues to read as follows:

**Authority:** Secs. 702(a)(5), 1611(e)(3), 1615, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1382(e)(3), 1382d, and 1383).

53. Revise § 416.1701 to read as follows:

### **§ 416.1701 Scope of subpart.**

This subpart describes whom we refer to agencies for vocational rehabilitation services. The purpose of these services is to restore your ability to work.

54. Remove the undesignated center heading “Referral for Treatment of Alcoholism or Drug Addiction”.

### **§§ 416.1720 and 416.1725 [Removed and Reserved]**

55. Remove and reserve §§ 416.1720 and 416.1725.

## **Subpart T—State Supplementation Provisions; Agreement; Payments**

56. The authority citation for subpart T of part 416 continues to read as follows:

**Authority:** Secs. 702(a)(5), 1616, 1618, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1382e, 1382g, and 1383); sec. 212, Pub. L. 93-66, 87 Stat. 155 (42 U.S.C. 1382 note); sec. 8(a), (b)(1)-(b)(3), Pub. L. 93-233, 87 Stat. 956 (7 U.S.C. 612c note, 1431 note and 42 U.S.C. 1382e note); secs. 1(a)-(c) and 2(a), 2(b)(1), 2(b)(2), Pub. L. 93-335, 88 Stat. 291 (42 U.S.C. 1382 note, 1382e note).

57. Revise paragraph (b) of § 416.2040 to read as follows:

### **§ 416.2040 Limitations on eligibility.**

\* \* \* \* \*

(b) *Ineligible persons.* No person who is ineligible for a Federal benefit for any month under sections 1611(e)(1)(A), (2), or (f) of the Act (failure to file; outside the United States) or other reasons (other than the amount of income) shall be eligible for such State supplementation for such month.

\* \* \* \* \*

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