

The Social Security Administration's Federal Rulemaking Process

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Office of Audit Report Summary

Objective

To determine whether the Social Security Administration (SSA) followed Federal rulemaking requirements, including the *Administrative Pay-As-You-Go Act of 2023 (Administrative PAYGO)*, with respect to four rules the Agency finalized in 2024.

Background

Congress grants rulemaking authority to Federal agencies to implement statutory programs. Federal executive and independent agencies use rulemaking to formulate, amend, or repeal a rule.

The Commissioner of Social Security has the authority to make rules, regulations, and procedures consistent with the provisions of the *Social Security Act*. SSA was required to follow procedures prescribed in law and executive order, including the *Administrative Procedure Act*, the *Congressional Review Act*, and *Administrative PAYGO*.

The four rules we reviewed included (1) *Expand the Definition of a Public Assistance Household*; (2) *Omitting Food from In-Kind Support and Maintenance Calculations*; (3) *Expansion of the Rental Subsidy Policy for Supplemental Security Income Applicants and Recipients*; and (4) *Intermediate Improvement to the Disability Adjudication Process, Including How We Consider Past Work*.

Results

SSA followed Federal rulemaking requirements to implement the four rules.

In compliance with the *Administrative Procedure Act*, SSA published the four final rules in the *Federal Register*, including effective dates and a summary of public comments SSA received about each rule. In compliance with the *Congressional Review Act*, SSA also submitted reports to members of Congress and the Government Accountability Office before each rule became effective. Finally, SSA properly considered *Administrative PAYGO* requirements and determined three rules were exempt and one rule should be waived, which the Office of Management and Budget approved, from undertaking administrative actions to offset the increases in the Agency's direct spending.

Conclusion

Because *Administrative PAYGO* expired on December 31, 2024, agencies are no longer required to follow its requirements.

Agency Comments

SSA reviewed our draft report and did not have comments.