

provided by 20 CFR 404.985(c) and 416.1485(c), we will publish a notice in the **Federal Register** stating that we will apply our interpretation of the Act or regulations involved and explaining why we have decided to relitigate the issue.

(Catalog of Federal Domestic Assistance, Program Nos. 96.001 Social Security—Disability Insurance; 96.002 Social Security—Retirement Insurance; 96.004 Social Security—Survivors Insurance; 96.006 Supplemental Security Income)

Dated: December 23, 2019.

**Andrew Saul,**

*Commissioner of Social Security.*

### **Acquiescence Ruling 19–1(6)**

*Hicks v. Commissioner of Social Security*, 909 F.3d 786 (6th Cir. 2018), reh'g en banc den. (Mar. 29, 2019): Disregarding Evidence During Redeterminations under Sections 205(u) and 1631(e)(7) of the Social Security Act.

**Issue:** Sections 205(u) and 1631(e)(7) of the Act require us to redetermine entitlement to or eligibility for benefits if there is reason to believe fraud or similar fault was involved in an application for benefits. When we redetermine entitlement or eligibility, or we make an initial determination of entitlement or eligibility, these sections of the Act also require that we disregard any evidence if there is reason to believe that fraud or similar fault was involved in providing that evidence. Do we have to consider an individual's objection to disregarding the evidence before we disregard the evidence?

**Statute/Regulation/Ruling Citation:** Sections 205(u) and 1631(e)(7) of the Social Security Act (42 U.S.C. 405(u) and 1383(e)(7)); Social Security Ruling (“SSR”) 16–1p, 81 FR 13436 (Mar. 14, 2016); SSR 16–2p, 81 FR 13440 (March 14, 2016).

**Circuit:** Sixth (Kentucky, Michigan, Ohio, Tennessee).

**Applicability of Ruling:** This ruling applies to decisions we make when we disregard evidence under sections 205(u) and 1631(e)(7) of the Social Security Act (Act) at the hearings level of our administrative review process for individuals who reside in a State within the Sixth Circuit.

**Description of Case:** Plaintiff Amy Jo Hicks and several other plaintiffs whose cases were consolidated for purposes of appeal applied for and were awarded Social Security Disability Insurance Benefits (DIB) or Supplemental Security Income (SSI) payments based on disability, after being represented by an attorney who provided evidence on their behalf. After the plaintiffs and

nearly 2000 other claimants had been found disabled and entitled to or eligible for benefits, the Office of the Inspector General (OIG) informed us, in accordance with section 1129(l) of the Act, that it had reason to believe fraud was involved in the applications and in the providing of evidence. The United States District Court for the Eastern District of Kentucky subsequently convicted the plaintiffs' attorney, the administrative law judge who decided the plaintiffs' claims, and a doctor who provided evidence in support of the applications of perpetrating a large-scale fraud scheme on the agency. Based on these criminal convictions, the district court sentenced each defendant to terms in Federal prison for their respective roles in this massive fraud scheme.

As required by sections 205(u) and 1631(e)(7) of the Act, we redetermined the entitlement to and eligibility for benefits of the individuals whom the OIG referred to us. During the redeterminations, we held new hearings and in each case disregarded evidence OIG told us that it had reason to believe involved fraud. In making the redetermination, we considered the rest of the evidence in the plaintiffs' claims files, any new evidence related to the relevant period that plaintiffs submitted, and we heard argument regarding each plaintiff's entitlement to DIB or eligibility for SSI payments based on disability.

Plaintiffs argued that during the redeterminations, they should have been given the opportunity to show that fraud was not involved in providing evidence in their claims.

### **Holding**

In *Hicks v. Commissioner of Social Security*, 909 F.3d 786 (6th Cir. 2018), reh'g denied (Mar. 29, 2019), the Court of Appeals for the Sixth Circuit held, in a 2–1 decision, that before disregarding evidence during a redetermination, we must provide a factual basis for the reason to believe fraud was involved in providing evidence, and plaintiffs must have a chance to rebut our assertions before a neutral decisionmaker.

### **Statement as to How Hicks Differs From the Agency's Policy**

Under our interpretation of sections 205(u) and 1631(e)(7) of the Act, when we disregard evidence in cases OIG refers to us because there is a reason to believe fraud was involved in the application and in the providing of evidence, we do not consider the individual's objection to disregarding the evidence.

The court of appeals' decision differs from our policy because it held that

when we disregard evidence under sections 205(u) and 1631(e)(7) of the Act, we must provide the affected individual the opportunity to challenge the reason to believe that fraud or similar fault was involved in the provision of evidence in his or her case.

### **Explanation of How We Will Apply Hicks Within the Circuit**

This Ruling applies only to cases in which we disregard evidence based on a referral from OIG under section 1129(l) of the Act and the affected individual resides in Kentucky, Michigan, Ohio, or Tennessee at the time we make the decision at the hearings level of our administrative review process.

In these States, before we disregard the evidence pursuant to sections 205(u)(1)(B) and 1631(e)(7)(A)(ii) of the Act at the hearings level of our administrative review process, we will consider the individual's objection to the disregarding of that evidence.

Our adjudicators will decide whether there is a reason to believe that fraud or similar fault was involved in providing evidence in the individual's case. We define a “reason to believe” as reasonable grounds to suspect that fraud or similar fault was involved in the application or in the provision of evidence. The “reason to believe” standard requires more than a mere suspicion, speculation or a hunch, but it does not require a preponderance of evidence. Adjudicators may make reasonable inferences based on the totality of circumstances, such as facts or case characteristics common to patterns of known or suspected fraudulent activity. For us to disregard evidence, it is not necessary that the affected beneficiary or recipient had knowledge of or participated in the fraud or similar fault.

[FR Doc. 2020–02114 Filed 2–3–20; 8:45 am]

**BILLING CODE 4191–02–P**

## **DEPARTMENT OF STATE**

**[Public Notice: 11020]**

### **United States Proposals and Positions for the U.S. Delegation to the 2020 World Telecommunication Standardization Assembly (WTSA–2020)**

**ACTION:** Notice and request for public comment.

**SUMMARY:** The U.S. Government seeks input from stakeholders and interested parties to help develop its proposals and positions for the U.S. Delegation

regarding matters that will be addressed at the upcoming 2020 World Telecommunication Standardization Assembly (WTSA-2020) of the International Telecommunication Union (ITU), being held November 17–27, 2020 in Hyderabad, India. The results of this Notice and Request for Public Comment will be taken into account as the United States develops proposals and positions for WTSA-2020, a process which is being coordinated by the U.S. Department of State.

**DATES:** Comments are due on or before February 21, 2020.

**ADDRESSES:** Written comments may be submitted by mail to Adam Lusin, Director, Office of International Communications and Information Policy, Bureau of Economic & Business Affairs, 2201 C Street NW, Room 4634, Washington, DC 20520. Comments may also be submitted electronically to [LusinAW@state.gov](mailto:LusinAW@state.gov) and [ITAC@state.gov](mailto:ITAC@state.gov). Comments provided electronically should be submitted in a text searchable format using standard Microsoft Word or Adobe PDF. Comments will be posted to the State Department website at <https://www.state.gov/international-telecommunication-advisory-committee/>.

**FOR FURTHER INFORMATION CONTACT:** For questions about this Notice contact: Adam Lusin, Director, Office of International Communications and Information Policy, Bureau of Economic & Business Affairs, 2201 C Street NW, Room 4634, Washington, DC 20520; telephone: (202) 647–5834; email: [LusinAW@state.gov](mailto:LusinAW@state.gov). Please direct media inquiries to the Office of Public Affairs, State Dept., at (202) 647–6575.

**SUPPLEMENTARY INFORMATION:**

**Background:** The International Telecommunication Union (ITU) Telecommunication Standardization Sector (ITU-T) World Telecommunication Standardization Assembly (WTSA), held every four years, sets the sector's overall strategic direction and activities for the next four years; defines ITU-T's general policy; approves, modifies, or rejects ITU-T Standards (known as "Recommendations"); and establishes the ITU-T study groups' structure, approves their work program for the next four-year period, and appoints their Chairmen and Vice-Chairmen. The next WTSA conference (WTSA-20) will be held November 17–27, 2020 in Hyderabad, India. Participants historically include ministers, ambassadors, government regulators and policymakers, regional and international

organizations, and representatives from academia, civil society, and industry.

The United States Government seeks input from stakeholders and other interested parties to develop and refine the U.S. approach for participation at WTSA-20 and in the ITU-T more broadly. Under the auspices of the U.S. Department of State's International Telecommunications Advisory Committee (ITAC), the United States' preparatory process is intended to ensure U.S. proposals and positions are consistent with U.S. international digital economy policy, reinforce our approach to international standards, reflect and advance U.S. priorities and approaches, and foster an environment that promotes economic growth and technological innovation.

**Discussion:** The United States approach to international standards supports open, private sector-led, transparent, consensus-based processes that help lead to timely, robust, market-relevant, and technically appropriate standards. Given the number and range of telecommunication and information and communication technology standards being developed by a range of standards development organizations (SDOs), the discussions and negotiations at WTSA-20 will offer a valuable opportunity to shape the appropriate scope of work for the ITU-T within the international telecommunications/ICT standards ecosystem.

**Purpose:** The purpose of this Notice and Request for Public Comment is to seek input from stakeholders and interested parties to share their perspectives on whether and how the ITU-T's work produces standards that are impactful and meet current and evolving market needs. We are particularly interested in responses regarding ITU-T restructuring, working methods, and rules of procedure. We are further interested in views regarding U.S. participation in the various ITU-T study groups and information that can support the development of a longer-term United States vision and strategy regarding ITU-T engagement. Please provide insights on these areas as well as the specific questions outlined below.

### Questions for Public Comment

#### *Objectives and Priorities*

(1) What overarching vision, objectives and priorities do you believe the U.S. delegation should adopt for WTSA-20 and for U.S. ongoing engagement in the ITU-T? What is the best way for the U.S. delegation to advance and ultimately achieve these objectives and priorities?

(2) In what areas or subjects do you believe the ITU-T has a particular role or expertise? What, if any, is the appropriate role for the ITU-T in developing standards in areas of emerging technologies? How do ITU standards and related standards development activities influence or affect U.S. industry interests in the global digital economy?

(3) Do all ITU-T Recommendations conform to general U.S. goals for international standards in that they are market-relevant, timely, robust and fit for purpose?

#### *Working Methods and Rules of Procedure*

(4) How are the procedures and working methods of ITU-T more or less effective than those of other standards setting organizations in enabling the development of market-relevant timely, robust and fit for purpose standards?

(5) What, if any, modifications to the ITU-T working methods or study group structure would you recommend to improve the quality and effectiveness of the ITU-T's work?

(6) What metrics might be used to measure the value and effectiveness of the ITU-T's outputs?

#### *Participation*

(7) In what way does your organization participate in the work of the ITU-T? What factors inform your organizations' participation in the standards development work of ITU-T? For the immediate future, are you looking to increase or reduce your participation in the work of ITU-T? Why?

(8) Assuming the ITU-T study group structure remains as it is today, in which study groups and activities should the United States government prioritize its participation and why?

#### *Capacity-Building, Cooperation and Collaboration*

(9) What are your recommendations for how the ITU-T can best address the needs of developing countries regarding international standards development? Would ITU programs related to development and capacity building be better placed within the ITU Development Sector (ITU-D) or the ITU-T? How might the ITU address regional or developing country needs within its work or in its engagement with other SDOs?

(10) What changes, if any, to ITU-T's methods of working with other standards and specification setting

organizations would provide you value or benefit?

**Franz J. Zichy,**

*Designated Federal Officer.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA-2020-0124]

#### Agency Information Collection Activities: Requests for Comments; Clearance of a New Approval of Information Collection: FAA Organization Designation Authorization (ODA) Survey

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for a new information collection. The collection involves a survey of Organization Designation Authorization (ODA) holders and ODA program applicants to document and assess FAA certification and oversight activities. The information to be collected is necessary because it is required of the FAA per Section 213 of the FAA Reauthorization Act of 2018.

**DATES:** Written comments should be submitted by April 6, 2020.

**ADDRESSES:** Please send written comments:

*By Electronic Docket:*  
[www.regulations.gov](http://www.regulations.gov) (Enter docket number into search field).

*By mail:* Andrew Jeffrey; 1200 District Ave., 4th Floor; Burlington, MA 01803.

*By fax:* 781-238-7171.

#### FOR FURTHER INFORMATION CONTACT:

Robert Busto by email at: [robert.busto@faa.gov](mailto:robert.busto@faa.gov); phone: 816-329-4143.

#### SUPPLEMENTARY INFORMATION:

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your

comments in the request for OMB's clearance of this information collection.

*OMB Control Number:* 2120-XXXX.

*Title:* FAA Organization Designation Authorization (ODA) Survey.

*Form Numbers:* None.

*Type of Review:* New information collection.

*Background:* Section 213 of the FAA Reauthorization Act of 2018 requires FAA to establish an Expert Panel comprised of ODA holders, aviation manufacturers, safety experts, and FAA labor organizations. The Panel is instructed in the Act to conduct a survey, "of ODA holders and ODA program applicants to document and assess FAA certification and oversight activities, including the use of the ODA program and the timeliness and efficiency of the certification process." The survey's purpose will be to provide information of whether ODA processes and procedures function as intended, and such information will be incorporated into the Expert Panel's report of assessment and recommendations.

*Respondents:* Respondents may include ODA holders, ODA applicants, ODA unit members, and FAA Organizational Management Team (OMT) leads/members.

*Frequency:* The survey will be distributed at least once to support the work of the Expert Panel, and may be re-administered to conduct a longitudinal study; or to support future efforts of the Panel as directed by Congress.

*Estimated Average Burden per Response:* 1 Hour.

*Estimated Total Annual Burden:*  
Total: approximately 2,150 hours.

Issued in Washington, DC.

**Joy Wolf,**

*Directives & Forms Management Officer  
(DMO/FMO), Aircraft Certification Service.*

[FR Doc. 2020-02026 Filed 2-3-20; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[Docket No. FHWA-2020-0002]

#### Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of request for extension of currently approved information collection.

**SUMMARY:** The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for renewal of an existing information collection that is summarized below under

**SUPPLEMENTARY INFORMATION.** We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

**DATES:** Please submit comments by April 6, 2020.

**ADDRESSES:** You may submit comments identified by DOT Docket ID Number 2020-0002 by any of the following methods:

*Website:* For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

*Fax:* 1-202-493-2251.

*Mail:* Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

*Hand Delivery or Courier:* U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** John Berg, (202) 740-4602, Office of Freight Management and Operations, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

*Title:* Certification of Enforcement of Vehicle Size and Weight Laws.

*OMB Control Number:* 2125-00034

*Background:* Title 23, U.S.C., section 141, requires each State, the District of Columbia and Puerto Rico to file an annual certification that they are enforcing their size and weight laws on Federal-aid highways and that their Interstate System weight limits are consistent with Federal requirements to be eligible to receive an apportionment of Federal highway trust funds. Failure of a State to file a certification, adequately enforce its size and weight laws, and enforce weight laws on the Interstate System that are consistent with Federal requirements, could result in a specified reduction of its Federal highway fund apportionment for the next fiscal year. In addition, section 123 of the Surface Transportation Assistance Act of 1978 (Pub. L. 95-599, 92 Stat. 2689, 2701) requires each jurisdiction to