

UNITED STATES GOVERNMENT

# Memorandum

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
SOCIAL SECURITY ADMINISTRATION

CV-5-13

TO : Harry J. Stahmer  
Acting Director

DATE: November 7, 1975

FROM : Contract Coverage Branch

REFER TO: IRI-451

SUBJECT: Modification No. 92, Rhode Island

Enclosed is the above identified modification and supporting documents for necessary action.

<u>1</u> 218(b) (5) Coverage Groups	<u>unk.</u> No. of Employees
<u>      </u> 218(d) (4) Coverage Groups	<u>      </u> No. of Employees
<u>      </u> Other (See Remarks)	<u>      </u> No. of Employees
<u>1</u> Total No. of Coverage Groups	<u>unk.</u> Total No. of Employees Covered

Remarks:

Enclosure(s).

CButler:gcb 11/7/75


*CButler* 11/7/75

Rhode Island Port Authority and Economic  
Development Corporation  
Cpe Weybosset Hill  
Providence, Rhode Island 02903

"It is hereby agreed that the reports and payments made pursuant to the provisions of the Federal Insurance Contributions Act with respect to wages paid to employees of Rhode Island Port Authority and Economic Development Corporation for the period

in which the services of such employees are covered under the agreement between the State of Rhode Island and the Department of Health, Education, and Welfare pursuant to Section 218 of the Social Security Act will be considered as having been paid pursuant to the agreement. It is understood, however, that the State is not relieved of its liabilities with respect to the preparation of any supplemental wage reports and payment of contributions for such periods in the event such wage reports or contributions are necessary to conform old-age, survivors, and disability coverage of services of the employees involved in the prior periods to the terms of this agreement, or, in the event any refund should be made of amounts paid as Federal Insurance Contributions Act taxes when the same amount is payable under this agreement."

"If any refund is made of the amounts paid as taxes under the Federal Insurance Contributions Act with respect to wages paid for services which are covered under this agreement, the State will repay such amounts upon receipt of notice from the Social Security Administration. Interest will be charged with respect to any payment not paid within the time prescribed by Regulations No. 4, Section 404.1255."

  
\_\_\_\_\_  
General Treasurer

Page 2 - District Manager  
Providence, Rhode Island  
ATTN: John L. Vargas, Jr.  
Assistant District Manager

the power to: sue and be sued in its corporate name; have a seal; acquire, own, and dispose of real and personal property; make contracts and guaranties and incur liabilities; borrow, lend and invest money; elect or appoint officers and agents and define their duties and fix their compensation; accept assistance in any form from the United States, the State, or any other source; issue negotiable bonds and notes; fix, change and collect rents and fees for the use of any port project; prescribe rules and regulations; and establish penalties for violations of any order, rule or regulation.

In view of its independent function and the aforementioned powers characteristic of a political subdivision, our opinion is that the Rhode Island Port Authority and Economic Development Corporation is a separate juristic entity and a separate "political subdivision" within the meaning of Section 213 of the Social Security Act. Therefore, in order to extend coverage to the corporation's employees, the State must execute a modification to include the corporation as a coverage group pursuant to Section 213(c)(4).

cc: Soc Sec Div. Balt

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
SOCIAL SECURITY ADMINISTRATION

Date: June 10, 1975  
Reply to: John L. Vargas, Jr., Assistant District Manager  
Attn of: Providence, Rhode Island

Subject: State and Local Coverage. Request for an Opinion on Coverage

To: Regional Commissioner  
Boston, Massachusetts

JLV  
JUL 1 1975  
~~Office of the General Counsel  
Department of Health, Education, and  
Welfare  
6401 Security Boulevard  
Baltimore, Maryland 21285~~

The designated state official for the State of Rhode Island has requested our assistance in securing an opinion as to the coverage of the Rhode Island Port Authority and Economic Development Corporation under Section 218 of the Act. Officials of this Corporation have expressed an interest in knowing if coverage for employees could be obtained other than under the provision for state and local coverage. This Corporation was created through an Act of the Rhode Island General Assembly in the January Session, 1974, and was approved by signature of the Governor on May 3, 1974.

We are enclosing for your review 2 copies of the amended Section 1, Title 42, of the general laws entitled "State Affairs and Government" which incorporates Chapter 64 creating this public corporation. Upon review, please advise us of your opinion regarding coverage for employees of this corporation so that the information can be made available to the designated official.

Enclosures

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
SOCIAL SECURITY ADMINISTRATION

*Date:* October 3, 1975  
*Reply to* Charles R. Cote, District Manager  
*Attn of:* Providence, Rhode Island

*Subject:* State and Local Coverage. Rhode Island Modification No. 92 to  
the Federal-State Agreement

*To:* Regional Commissioner  
Boston, Massachusetts

Enclosed are the following:

1. Five copies of Modification No. 92, covering the services of employees of the Rhode Island Port Authority and Economic Development Corporation.
2. Two copies of the law establishing this governmental entity.

All enclosures were hand carried to this office on September 30, 1975, and were date stamped in immediately upon receipt.

Your assistance is appreciated in reviewing the enclosures and forwarding them for approval.

Enclosures

*Charles R Cote*

RAYMOND H. HAWKSLEY  
GENERAL TREASURER



WILLIAM T. HUNT  
DEPUTY GENERAL TREASURER

State of Rhode Island and Providence Plantations

TREASURY DEPARTMENT

OFFICE OF THE GENERAL TREASURER

PROVIDENCE

September 30, 1975

Mr. Alexander Capalbo  
Assistant District Office Manager  
Social Security Administration  
200 Dyer Street  
Providence, Rhode Island 02903

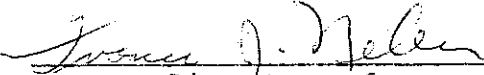
Dear Mr. Capalbo:

Enclosed is Modification #92 to extend Social Security coverage to the Rhode Island Port Authority and Economic Development Corporation.

For your convenience I have also enclosed 2 copies of the statute involved.

The reporting information is as follows:

<u>COVERAGE</u>	<u>NAME</u>
Rhode Island Port Authority and Economic Development Corporation	Executive Director Rhode Island Port Authority and Economic Development Corp. One Weybosset Hill Providence, Rhode Island 02903

  
Deputy Director of  
Social Security

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
SOCIAL SECURITY ADMINISTRATION  
BOSTON REGION

# MEMORANDUM

TO : Pasquale F. Caligiuri  
Acting Director, BRSI

DATE: October 16, 1975  
ICF-RI

FROM : Vincent G. Gavin *VG*  
Acting Regional Commissioner, Boston

SUBJECT: State and Local - Rhode Island Modification No. 92

We are enclosing for your approval five copies of Modification No. 92 submitted by the State of Rhode Island in connection with the Federal-State agreement under Section 218 of the Social Security Act.

This Modification was personally delivered to the Providence, Rhode Island District Office on September 30, 1975.

This Modification has been reviewed by this office and cleared for approval by the Regional Attorney.

Enclosures

NOTE--DO NOT USE THIS ROUTE SLIP TO  
SHOW FOR ALL CLEARANCES OR APPROVALS

TO: \_\_\_\_\_ DATE 10/15/75  
AGENCY BLDG. ROOM

Social Security Division  
6401 Security Blvd.  
Baltimore, Md. 21235

- APPROVAL  REVIEW  PER CONVERSATION
  - SIGNATURE  NOTE AND SEE ME  AS REQUESTED
  - COMMENT  NOTE AND RETURN  NECESSARY ACTION
- XXX FOR YOUR INFORMATION

PREPARE REPLY FOR SIGNATURE OF \_\_\_\_\_  
REMARKS:

10/31/75

(Fold here for return)  
George Eng  
Asst. Regional Attorney, Region I

PHONE \_\_\_\_\_ BUILDING \_\_\_\_\_ ROOM \_\_\_\_\_

FORM HEW-30 REV. 11/76 ROUTE SLIP  
U.S. GOVERNMENT PRINTING OFFICE: 1974 620-399/3503 1-3



# MEMORANDUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
OFFICE OF THE SECRETARY  
REGION I

TO : Regional Commissioner, SSA

DATE: October 14, 1975

FROM : Office of the General Counsel  
Boston Regional Office

SUBJECT: State and Local Coverage - Rhode Island Modification No. 92  
-Rhode Island Port Authority and Economic Development Corporation

Cleared for Approval

In our memorandum of July 2, 1975, a copy of which is enclosed, we determined that the above-named corporation is a "political subdivision" within the meaning of Section 218 of the Social Security Act. However, the subject entity has erroneously filed wage reports and contribution returns with the Internal Revenue Service without having executed a modification to include the entity as a coverage group pursuant to Section 218 (c)(4) of the Act.

Modification No. 92 conforms with the procedures to correct this error and to provide coverage for the periods in which the erroneous reports were made. This error modification is therefore cleared for approval providing that there has been no request for or refund of amounts erroneously paid under the Federal Insurance Contributions Act. Handbook for State Social Security Administrators Sections 330, 360 - Exhibit 35.

*George Eng*

George Eng  
Assistant Regional Attorney

Enclosures: Modification No. 92  
Memo dated 7-2-75

DEPARTMENT OF  
HEALTH, EDUCATION, AND WELFARE  
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Social Security Division

6401 Security Blvd.

Baltimore, Maryland 21235





