



# Federal Register

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**Tuesday,  
May 27, 2003**

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**Part XLV**

## **Social Security Administration**

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**Semiannual Regulatory Agenda**

**SOCIAL SECURITY ADMINISTRATION (SSA)**

**SOCIAL SECURITY ADMINISTRATION**

**Office of the Commissioner**

**20 CFR Ch. III**

**Semiannual Unified Regulatory Agenda**

**AGENCY:** Social Security Administration.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** Executive Order (E.O.) 12866 (as amended by E.O. 13258) entitled Regulatory Planning and Review, issued September 30, 1993, and the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) require each Federal agency to publish semiannually a brief description of all regulatory actions under development or review, expected to be under development or review for the next 12 months, or completed since the previous publication of the agenda. Our last agenda of regulations was published December 9, 2002.

**FOR FURTHER INFORMATION CONTACT:** For further information about a specific regulatory action, contact the person identified as the agency contact for that action. Comments or inquiries of a general nature should be directed to Martin Sussman, Regulations Officer, Social Security Administration, 100 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401;

Telephone (410) 965-1767 or TTY (410) 966-5609.

**SUPPLEMENTARY INFORMATION:** The Social Security Administration (SSA) administers the retirement, survivors, and disability insurance programs under title II of the Social Security Act (the Act), the Supplemental Security Income (SSI) program under title XVI of the Act, and Special Benefits to Certain World War II Veterans under title VIII of the Act. Our regulations generally do not impose burdens on the private sector or on State, local, or tribal governments. Our regulations document the rules under which we make eligibility determinations and set forth both the responsibilities of the Agency towards the public and beneficiaries' rights and responsibilities under the programs we administer.

Our regulatory efforts can be placed into one of the following three categories: (1) legislative implementation; (2) program changes to improve SSA service to the public; and (3) improvements or clarifications to enhance effective stewardship of SSA programs.

We continue to seek legislative improvements for the programs we administer. However, because of the complexity of our programs, statutory language is rarely detailed enough to govern the actions of agency adjudicative decision-makers.

Supporting regulations are often required. In some instances, Congress directs SSA to issue implementing regulations. For other legislative provisions, SSA regulations provide program information to applicants for benefits, current beneficiaries, and their legal counsels.

Included in our agenda are items that will amend our regulations to include more provisions of "The Ticket to Work and Work Incentives Improvement Act of 1999," (Pub. L. 106-170), which was signed on December 17, 1999. Among the provisions still requiring regulations are provisions that will suspend continuing disability reviews based on work activity and expedited reinstatement of disability benefits terminated due to work activity.

We continue to work diligently to improve our program benefit regulations and to develop partnerships with large segments of the community of interest groups concerned about Social Security programs. The remainder of our Unified Agenda reflects such improvements and clarifications.

The spring 2003 regulatory agenda for the Social Security Administration follows.

**Dated:** March 25, 2003.

**Martin Sussman,**  
*SSA Regulations Officer.*

**Social Security Administration—Prerule Stage**

Sequence Number	Title	Regulation Identification Number
3687	Revised Medical Criteria for Evaluating Immune System Disorders (804A) .....	0960-AF33
3688	Revised Medical Criteria for Evaluating Mental Disorders (886A) .....	0960-AF69

**Social Security Administration—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
3689	Revised Medical Criteria for Endocrine Disorders (436P) .....	0960-AD78
3690	Deeming of Income From an Ineligible Spouse to an Eligible Individual and an Eligible Child (606P) .....	0960-AE50
3691	Federal Salary Offset (Withholding a Portion of a Federal Employee's Salary To Collect a Delinquent Debt Owed to the Social Security Administration) (721P) .....	0960-AE89
3692	Exemption of Work Activity as a Basis for a Continuing Disability Review (Ticket to Work and Work Incentives Improvement Act of 1999) (725P) .....	0960-AE93
3693	Evidence Requirement for Assignment of Social Security Administration Numbers (SSNs) and Assignment of SSNs for Nonwork Purposes (751P) .....	0960-AF05
3694	Medical Equivalence for Adults and Children (787P) .....	0960-AF19
3695	Expedited Reinstatement of Disability Benefits (Ticket to Work and Work Incentives Improvement Act) (790P) .....	0960-AF21
3696	SSI Trusts and Transfers of Resources (791P) .....	0960-AF22

## SSA

## Social Security Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
3697	Revised Medical Criteria for Evaluating Genitourinary Disorders (802P) .....	0960-AF30
3698	Revised Medical Criteria for Evaluating Special Senses and Speech Disorders (805P) .....	0960-AF34
3699	Revised Medical Criteria for Evaluating Neurological Disorders (806P) .....	0960-AF35
3700	Wage Reports and Pension Information (809P) .....	0960-AF38
3701	Disability Insurance Program Demonstration Project Authority (Ticket to Work and Work Incentives Improvement Act of 1999) (789P) .....	0960-AF41
3702	Revisions to the Medical-Vocational Guidelines (823P) .....	0960-AF47
3703	Revised Medical Criteria for Evaluating Cardiovascular Disorders (826P) .....	0960-AF48
3704	Determining Disability for an Individual With Drug Addiction or Alcoholism (851P) .....	0960-AF57
3705	Revised Medical Criteria for Evaluating Respiratory System Disorders (859P) .....	0960-AF58
3706	Amendments to Annual Earnings Test Regulations (866P) .....	0960-AF62
3707	Revised Medical Criteria for Evaluating Growth Disorders (444P) .....	0960-AF67
3708	Clarification of the Disability Exclusion (915P) .....	0960-AF71
3709	Special Benefits for Certain World War II Veterans; Reporting Requirements, Suspension and Termination Events, Overpayments, and Administrative Review Process (922P) .....	0960-AF72
3710	Stepchild Entitlement and Termination Requirements (934P) .....	0960-AF78
3711	Representative Payment Under Titles II, VIII, and XVI of the Social Security Act (949P) .....	0960-AF83
3712	Removal of Clothing From the Definitions of Income and In-Kind Support and Maintenance, Exclusions of One Automobile, and Household Goods and Personal Effects Under SSI From Resources (950P) .....	0960-AF84
3713	Revised Medical Criteria for Evaluating Hematological Disorders (974P) .....	0960-AF88
3714	Elimination of Deemed Military Wages (968P) .....	0960-AF90

## Social Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3715	Revised Medical Criteria for Evaluating Malignant Neoplastic Diseases (399F) .....	0960-AD67
3716	Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, Other Nonprofit Organizations, and Commercial Organizations (547F) .....	0960-AE25
3717	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and Indian Tribal Governments (555F) .....	0960-AE28
3718	Restrictions on Lobbying in Connection with the Award of Grants, Contracts, and Cooperative Agreements (556F) .....	0960-AE29
3719	Technical Changes to Supplemental Security Income (SSI) Regulations (664F) .....	0960-AE79
3720	Administrative Wage Garnishment (To Repay a Debt Owed to the Social Security Administration) (724F) .....	0960-AE92
3721	OASDI and SSI; Administrative Review Process; Video Teleconferencing Appearances Before Administrative Law Judges of the Social Security Administration (737F) .....	0960-AE97
3722	Revised Medical Criteria for Evaluating Impairments of the Digestive System (800F) .....	0960-AF28
3723	Revised Medical Criteria for Evaluating Skin Disorders (801F) .....	0960-AF29
3724	Revised Medical Criteria of Evaluating Impairments Affecting Multiple Body Systems (803F) .....	0960-AF32
3725	Clarification of Rules Involving RFC Assessments; Clarification of Use of Vocational Experts and Other Sources of the Sequential Evaluation Process; Incorporation of "Special Profile" Into Regs (808F) .....	0960-AF37
3726	Filing Claims Under the Federal Tort Claims Act and the Military Personnel and Civilian Employees Claims Act (785F) .....	0960-AF39
3727	Access to Information Held by Financial Institutions (815F) .....	0960-AF43
3728	New Disability Claims Process—Roles of State Agency (816F) .....	0960-AF44
3729	Filing of Applications and Related Forms (797F) .....	0960-AF52
3730	Referral of Persons Eligible for Disability or Blindness Benefits to Other Agencies for Vocational Rehabilitation Services (929F) .....	0960-AF80
3731	Elimination of Sanctions for Refusal of Vocational Rehabilitation Services Without Cause (938F) .....	0960-AF81
3732	Interrelationship of Old-Age, Survivors, and Disability Insurance Program with the Railroad Retirement Program (943I) .....	0960-AF82
3733	F-1 Students (960I) .....	0960-AF87
3734	Availability of Information and Records to the Public (969F) .....	0960-AF91
3735	Administrative Review Process; Incorporation by Reference of Oral Findings of Fact and Rationale in Wholly Favorable Written Decisions (964I) .....	0960-AF92

SSA

Social Security Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3736	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) (554F) .....	0960-AE27
3737	Supplemental Standards for Ethical Conduct for Employees of the Social Security Administration (601P) .....	0960-AE48
3738	Dedicated Accounts and Installment Payments for Certain Past Due SSI Benefits (622F) .....	0960-AE59
3739	Title VI (Civil Rights Act (1964)), Title IX (Education Amend. (1972)), Rehabilitation Act (1973), and Age Discrimination Act (1975) in Programs/Activities Receiving Financial Assistance by SSA (617P) .....	0960-AE63
3740	Enforcement of Nondiscrimination in Social Security Programs or Activities (661P) .....	0960-AE78
3741	Privacy and Disclosure of Official Records and Information (711P) .....	0960-AE88
3742	Payment of Benefits to Aliens Residing Outside the United States (909F) .....	0960-AF70
3743	Mandatory Exclusion of Health Care Providers, Representatives, and Representative Payees From Participation in SSA Programs (954P) .....	0960-AF85
3744	Continuation of Benefit Payment to Certain Individuals Who Are Participating in a Program of Vocational Rehabilitation Services, Employment Services, or Other Support Services (925P) .....	0960-AF86
3745	Who is Eligible to Receive a Ticket Under the Ticket to Work Program (967P) .....	0960-AF89

Social Security Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
3746	Repeal of Facility of Payment Provision (508F) .....	0960-AE02
3747	Change in Retirement Age (775F) .....	0960-AF16
3748	Special Benefits for Certain World War II Veterans (880F) .....	0960-AF61
3749	Claimant Identification Pilot Projects (937F) .....	0960-AF79

Social Security Administration—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
0960-AF14	Cost of Living Increases in Primary Insurance Amounts (759F)	03/17/2003	Withdrawn
0960-AF46	Exclusion of Representatives and Health Care Providers Convicted of Violations from Participation in Social Security Disability Programs (820F)	02/25/2003	Merged With 0960-AF85
0960-AF56	Non-Payment of Monthly Social Security Benefits to Aliens Residing in the United States Who Are Not Lawfully Present (849P)	03/24/2003	Withdrawn
0960-AF64	Revising the Rules on Consideration of Work History in Determining Whether an Individual is Disabled (875P)	02/20/2003	Withdrawn
0960-AF65	Revising the Rules on the Steps for Evaluating Disability (894P)	03/10/2003	Withdrawn
0960-AF75	Continued Payment of Benefits to Certain Individuals Who Medically Recover While Participating in Certain Vocational Rehabilitation Programs (926P)	03/03/2003	Duplicate of 0960-AF86

Social Security Administration (SSA)

Prerule Stage

**3687. REVISED MEDICAL CRITERIA FOR EVALUATING IMMUNE SYSTEM DISORDERS (804A)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

**CFR Citation:** 20 CFR 404.1500, app 1

**Legal Deadline:** None

**Abstract:** We are planning to update and revise the rules that we use to evaluate immune system disorders of adults and children who apply for, or receive, disability benefits under title II and Supplemental Security Income (SSI) payments based on disability under title XVI of the Social Security Act (the Act). The rules we plan on

revising are section 14.00 and 114.00 in the Listing of Impairments in appendix 1 to subpart P of part 404 of our regulations (the listings). These listings include such disorders as HIV infection, other Immunoglobulin deficiency syndromes or deficiencies of cell-mediated immunity, System Lupus Erythematosus, Scleroderma,

## SSA

## Prerule Stage

Polymyositis, Inflammatory Arthritis, and other connective tissue disorders.

**Timetable:**

Action	Date
ANPRM	06/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Paul J. Scott, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-1192

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401

Phone: 410 965-1769

**RIN:** 0960-AF33

**3688. REVISED MEDICAL CRITERIA FOR EVALUATING MENTAL DISORDERS (886A)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

**CFR Citation:** 20 CFR 404.1500, app 1; 20 CFR 404.1520; 20 CFR 404.1520a; 20 CFR 404.1528; 20 CFR 416.920a; 20 CFR 416.928

**Legal Deadline:** None

**Abstract:** We are planning to update and revise the rules that we use to evaluate mental disorders of adults and children who apply for, or receive, disability benefits under title II and Supplemental Security Income (SSI) payments based on disability under title XVI of the Social Security Act (the Act). The rules we plan on revising are

in sections 404.1520a and 416.920a of our regulations, and sections 12.00 and 112.00 in the Listing of Impairments in appendix 1 to subpart P of part 404 of our regulations (the listings).

**Timetable:**

Action	Date
ANPRM	03/17/03 68 FR 12639
ANPRM Comment	06/16/03
Period End	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** Cathy Lively, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-1180

**RIN:** 0960-AF69

## Social Security Administration (SSA)

## Proposed Rule Stage

**3689. REVISED MEDICAL CRITERIA FOR ENDOCRINE DISORDERS (436P)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

**CFR Citation:** 20 CFR 404.1500, app 1

**Legal Deadline:** None

**Abstract:** Sections 9.00 and 109.00 of appendix 1 to subpart P of part 404 of our regulations (404.1501 through 404.1599) describe those endocrine impairments that are considered severe enough to prevent a person from doing any gainful activity, or in the case of a child claiming SSA payments under title XVI, that cause marked and severe functional limitations. We are proposing to revise the criteria in these sections to reflect advances in medical knowledge, treatment, and methods of evaluating endocrine impairments. The Supplemental Security Income Program incorporates and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance Program.

**Timetable:**

Action	Date
NPRM	08/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Bonnie Davis, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-4172

**RIN:** 0960-AD78

**3690. DEEMING OF INCOME FROM AN INELIGIBLE SPOUSE TO AN ELIGIBLE INDIVIDUAL AND AN ELIGIBLE CHILD (606P)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 902(a)(5); 42 USC 1381a; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c(f); 42 USC 1382j; 42 USC 1383

**CFR Citation:** 20 CFR 416.1160; 20 CFR 416.1165; 20 CFR 416.1166

**Legal Deadline:** None

**Abstract:** This rule would revise the method used under the SSI program to determine income for a child who lives with both parents where one parent is

ineligible for SSI because of income deemed from an ineligible spouse. Instead of deeming any excess income from the ineligible spouse to the child, referred to as "pass-through deeming," we would deem income to the child using the method we use where neither parent files for SSI. Under current rules, "pass-through" deeming has had the unintended effect of deeming more income than would have been deemed if the regular rules for deeming from ineligible parents who do not file for SSI are used.

**Timetable:**

Action	Date
NPRM	05/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:**

Undetermined

**Agency Contact:** Martin Sussman, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1767

**RIN:** 0960-AE50

## SSA

## Proposed Rule Stage

**3691. FEDERAL SALARY OFFSET (WITHHOLDING A PORTION OF A FEDERAL EMPLOYEE'S SALARY TO COLLECT A DELINQUENT DEBT OWED TO THE SOCIAL SECURITY ADMINISTRATION) (721P)****Priority:** Other Significant**Legal Authority:** 42 USC 404; 42 USC 405; 42 USC 902; 42 USC 1383; 5 USC 5514**CFR Citation:** 20 CFR 422**Legal Deadline:** None

**Abstract:** This initiative would enable the Social Security Administration (SSA) to collect from Federal salaries qualifying, delinquent title II and title XVI overpayment debts and administrative debts owed by individuals who are currently Federal employees. The debt collection would be accomplished by the partial reduction of the employee's disposable salary.

**Timetable:**

Action	Date
NPRM	09/00/03
Final Action	03/00/04

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

**Agency Contact:** Edward Johns, Financial Management Analyst, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0392

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020

**RIN:** 0960-AE89**3692. EXEMPTION OF WORK ACTIVITY AS A BASIS FOR A CONTINUING DISABILITY REVIEW (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999) (725P)****Priority:** Other Significant**Legal Authority:** 42 USC 421(m)**CFR Citation:** 20 CFR 404.1590; 20 CFR 404.1594; 20 CFR 416.990; 20 CFR 416.994**Legal Deadline:** None

**Abstract:** We propose to amend our regulations to explain how we implement section 221(m) of the Social Security Act for Social Security Disability Insurance (SSDI) beneficiaries, including SSDI beneficiaries who also receive Supplemental Security Income benefits based on disability. Section 221(m) provides a work incentive for certain SSDI beneficiaries by eliminating the scheduling of continuing disability medical reviews solely because of the beneficiary's work activity, once the beneficiary has received SSDI benefits for 24 months. (Such beneficiaries will continue to be subject to regularly scheduled continuing disability reviews, work investigations, and benefit termination due to earnings from work activity at the level of substantial gainful activity.) Section 221(m) also affects certain standards specified in our regulations, which we use when we determine whether a beneficiary's disability continues or ends.

**Timetable:**

Action	Date
NPRM	10/00/03

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Jack Baumel, Social Insurance Specialist, Social Security Administration, Office of Employment Support programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-9834

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1769

**RIN:** 0960-AE93**3693. EVIDENCE REQUIREMENT FOR ASSIGNMENT OF SOCIAL SECURITY ADMINISTRATION NUMBERS (SSNS) AND ASSIGNMENT OF SSNS FOR NONWORK PURPOSES (751P)****Priority:** Other Significant**Legal Authority:** 42 USC 405; 42 USC 432; 42 USC 902(a)(5); 42 USC 1320b-1; 42 USC 1320b-13**CFR Citation:** 20 CFR 422.104; 20 CFR 422.107**Legal Deadline:** None

**Abstract:** We propose to change our rules regarding the age at which a mandatory in-person interview is required for original applications for an SSN. In addition, we propose eliminating the waiver of evidence of identity for children under age 7 who are applying for an original SSN card. Under these proposals, SSA will require an in-person interview with all individuals age 12 or older who are applying for an original SSN, and SSA will no longer waive the requirement to provide evidence of identity in original applications for a child under age 7. SSA will clarify that evidence of identity must contain sufficient biographical information to identify the individual. Additionally, we propose to eliminate reference to a pilot no longer under consideration by SSA pertaining to the processing of replacement SSN cards for United States (U.S.) citizens.

We also propose to clarify our rules regarding when we will assign an SSN to an alien who is legally in the U.S. but not under authority of law permitting him or her to work in the U.S. We are proposing to define a "valid nonwork purpose" as those instances when a Federal statute or regulation requires an alien to have an SSN in order to receive a federally-funded benefit to which the alien has established entitlement, or when a State or local law requires an alien to have an SSN in order to receive general public assistance benefits (i.e., a public benefit that is means-tested) to which the alien has established entitlement.

**Timetable:**

Action	Date
ANPRM	10/12/99 64 FR 55217
ANPRM Comment Period End	12/13/99
NPRM	03/26/03 68 FR 14564
NPRM Comment Period End	05/27/03
Final Action	08/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State

**Agency Contact:** Arthur LaVeck, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-5665

## SSA

## Proposed Rule Stage

Karen Cool, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-7094

Fran O. Thomas, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-9822

RIN: 0960-AF05

### 3694. MEDICAL EQUIVALENCE FOR ADULTS AND CHILDREN (787P)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

**CFR Citation:** 20 CFR 404.1526; 20 CFR 404.1529; 20 CFR 416.926; 20 CFR 416.929

**Legal Deadline:** None

**Abstract:** This notice of proposed rulemaking will clarify that we will consider the medical severity of the individual's impairment, based on all relevant evidence in the case record when we make a finding regarding medical equivalence. These rules will clarify our medical equivalence policy in light of the decision in *Hickman v. Apfel*, 187 F.3d 683 (7th Cir. 1999).

#### Timetable:

Action	Date
NPRM	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Jane Deweib, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-9878

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020

RIN: 0960-AF19

### 3695. EXPEDITED REINSTATEMENT OF DISABILITY BENEFITS (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT) (790P)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 423(i); 42 USC 1383(p)

**CFR Citation:** 20 CFR 404.1592b to 404.1592f; 20 CFR 416.999 to 416.999d

**Legal Deadline:** None

**Abstract:** Individuals with disabilities face multiple barriers in attempting to return to work. Section 112 of Public Law 106-170 provides a new statutory work incentive by providing for expedited reinstatement of SSDI and SSI benefits terminated due to work activity, when the former beneficiary requests reinstatement within 60 months of termination because his or her disability prevents work activity. Section 112 also provides for payment of provisional benefits for up to six months until SSA makes a determination on the requester's entitlement to reinstated benefits.

#### Timetable:

Action	Date
NPRM	07/00/03

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Jack Baumel, Social Insurance Specialist, Social Security Administration, Office of Employment Support programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-9834

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1769

RIN: 0960-AF21

### 3696. SSI TRUSTS AND TRANSFERS OF RESOURCES (791P)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 1382a(a); 42 USC 1382b(c); 42 USC 1382b(e); PL 106-169, sec 205; PL 106-169, sec 206

**CFR Citation:** 20 CFR 416

**Legal Deadline:** None

**Abstract:** We propose to amend our regulations to reflect sections 205 and

206 of Public Law 106-169, the Foster Care Independence Act of 1999. Section 205 generally provides for counting certain trusts as resources in the SSI program. Section 206 generally provides for a period of ineligibility for SSI benefits as a result of transferring resources for less than fair market value.

#### Timetable:

Action	Date
NPRM	06/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Albert Fatur, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-9855

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020

RIN: 0960-AF22

### 3697. REVISED MEDICAL CRITERIA FOR EVALUATING GENITOURINARY DISORDERS (802P)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

**CFR Citation:** 20 CFR 404.1500, app 1

**Legal Deadline:** None

**Abstract:** We propose to revise the criteria in the Listing of Impairments (the Listings) that we use to evaluate genitourinary impairments. We apply these criteria at step three of our sequential evaluation processes for adults and children who claim Social Security or Supplemental Security Income benefits based on disability under title II and title XVI of the Social Security Act. The revisions reflect advances in medical knowledge, treatment, and methods of evaluating genitourinary impairments.

#### Timetable:

Action	Date
NPRM	01/00/04

**Regulatory Flexibility Analysis Required:** No

## SSA

## Proposed Rule Stage

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Paul J. Scott, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-1192

**RIN:** 0960-AF30

### 3698. REVISED MEDICAL CRITERIA FOR EVALUATING SPECIAL SENSES AND SPEECH DISORDERS (805P)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

**CFR Citation:** 20 CFR 404.1500, app 1

**Legal Deadline:** None

**Abstract:** We propose to revise the criteria in the Listing of Impairments that we use to evaluate claims involving special senses and speech disorders. We apply these criteria when you claim benefits based on disability under title II and title XVI of the Social Security Act. The proposed revisions reflect advances in medical knowledge, treatment, and methods of evaluating special senses and speech disorders.

**Timetable:**

Action	Date
NPRM	11/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Michelle Hungerman, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-2289

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020

**RIN:** 0960-AF34

### 3699. REVISED MEDICAL CRITERIA FOR EVALUATING NEUROLOGICAL DISORDERS (806P)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

**CFR Citation:** 20 CFR 404.1500, app 1

**Legal Deadline:** None

**Abstract:** We propose to revise the criteria in the Listing of Impairments (the listings) that we use to evaluate claims involving neurological disorders at the third step of our sequential evaluation processes for adults and children under title II and title XVI of the Social Security Act (the Act). The proposed revisions reflect advances in medical knowledge, treatment, and methods of evaluating neurological disorders.

**Timetable:**

Action	Date
NPRM	03/00/04

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Carolyn Kiefer, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-9104

Fran O. Thomas, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-9822

**RIN:** 0960-AF35

### 3700. WAGE REPORTS AND PENSION INFORMATION (809P)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 405; 42 USC 432; 42 USC 902(a)(5)

**CFR Citation:** 20 CFR 422.114

**Legal Deadline:** None

**Abstract:** The Social Security Administration (SSA) proposes to amend its rules on processing reports of wages (paper Forms W-2, "Wage and Tax Statement," and W-3 "Transmittal of Income and Tax Statements," or equivalent W-2 and W-3 magnetic

media or electronic reports) submitted annually by employers. We are proposing to eliminate the acceptance level for wage reports with unidentified or incorrectly identified wage items. We are proposing to include electronic filing as a means of wage reporting. Also, we propose replacing references to obsolete technical instruction bulletins with Magnetic Media Reporting and Electronic Filing instructions. We have updated form names and updated the address for obtaining a publication. These rules are intended to ensure that wages are reported to SSA with accurate information so that earnings can be properly credited to employees' Social Security records.

**Timetable:**

Action	Date
NPRM	06/00/03

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1769

**RIN:** 0960-AF38

### 3701. DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999) (789P)

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 434

**CFR Citation:** 20 CFR 404.1599

**Legal Deadline:** None

**Abstract:** One of SSA's most important initiatives is to ensure that Social Security Disability Insurance (SSDI) beneficiaries with disabilities who want to work have the opportunity to do so. Section 301 of Public Law 106-170 provides the Commissioner of Social Security the authority to develop and carry out experiments and demonstration projects designed to determine the relative advantages and disadvantages of various alternative methods of treating the work activity of individuals entitled to disability insurance benefits.



## SSA

## Proposed Rule Stage

**Timetable:**

Action	Date
NPRM	04/00/04

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1769

**RIN:** 0960-AF41**3702. REVISIONS TO THE MEDICAL-VOCATIONAL GUIDELINES (823P)****Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 405(a); 42 USC 423; 42 USC 1382; 42 USC 902(a)(5)

**CFR Citation:** 20 CFR 404, subpart P, app 2; 20 CFR 404.1564; 20 CFR 416.964

**Legal Deadline:** None

**Abstract:** This rule will make several clarifications to our medical-vocational guidelines. First, for individuals whose previous semiskilled or skilled work does not allow him or her to transfer skills to other semiskilled or skilled work within his or her residual functional capacity (RFC), we will treat the past work experience as if it were unskilled. It will also clarify which medical-vocational rules apply to individuals who are illiterate or unable to communicate in English.

**Timetable:**

Action	Date
NPRM	07/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Elaine Tocco, Vocational Policy Specialist, Social Security Administration, Office of Disability, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-6356

**RIN:** 0960-AF47**3703. REVISED MEDICAL CRITERIA FOR EVALUATING CARDIOVASCULAR DISORDERS (826P)****Priority:** Other Significant**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

**CFR Citation:** 20 CFR 404.1500, app 1**Legal Deadline:** None

**Abstract:** Listings 4.00 and 104.00 of appendix 1 to subpart P of our regulation (20 CFR 404.1501 through 404.1599) describe those cardiovascular impairments that are considered severe enough to prevent a person from doing any gainful activity, or for a child claiming SSI payments under title XVI, that cause marked and severe functional limitations. We propose to revise the criteria that we use to evaluate cardiovascular impairments under the listings to reflect our program experience and advances in medical knowledge, treatment and methods of evaluating these disorders. The SSI program incorporates by reference and uses the same medical criteria as the old-age, survivors, and disability insurance program.

**Timetable:**

Action	Date
NPRM	08/00/03

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Bonnie Davis, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-4172

Fran O. Thomas, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-9822

**RIN:** 0960-AF48**3704. DETERMINING DISABILITY FOR AN INDIVIDUAL WITH DRUG ADDICTION OR ALCOHOLISM (851P)****Priority:** Other Significant

**Legal Authority:** PL 104-121, sec 105; PL 105-33, sec 5525; PL 106-170, sec 401

**CFR Citation:** 20 CFR 404.315; 20 CFR 404.316; 20 CFR 404.321; 20 CFR 404.332; 20 CFR 404.335; 20 CFR 404.337; 20 CFR 404.350; 20 CFR 404.352; 20 CFR 404.402; 20 CFR 404.470; 20 CFR 404.480; 20 CFR 404.902; 20 CFR 404.1535 to 404.1541; 20 CFR 1500, app 1; 20 CFR 416.202; 20 CFR 416.214; 20 CFR 416.262; 20 CFR 416.265; 20 CFR 416.535; 20 CFR 416.542; 20 CFR 416.544; 20 CFR 416.558; 20 CFR 416.601; 20 CFR 416.610; 20 CFR 416.925; 20 CFR 416.935 to 416.941; 20 CFR 416.1123; 20 CFR 416.1326; 20 CFR 416.1331; 20 CFR 416.1335; 20 CFR 416.1402; 20 CFR 416.1701; 20 CFR 416.1720; 20 CFR 416.1725

**Legal Deadline:** None

**Abstract:** We propose to revise our regulations that address drug addiction and alcoholism (DAA) under title II and XVI of the Social Security Act. The proposed rules reflect provisions of section 105 of the Contract with America Advancement Act of 1996, Public Law 104-121; section 5525 of the Balanced Budget Act of 1997, Public Law 105-33; and section 401 of the Ticket to Work and Work Incentives Improvement Act of 1999, Public Law 106-170.

**Timetable:**

Action	Date
NPRM	12/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Larry P. Spain, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-9139

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1769

**RIN:** 0960-AF57**3705. REVISED MEDICAL CRITERIA FOR EVALUATING RESPIRATORY SYSTEM DISORDERS (859P)****Priority:** Other Significant

**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

## SSA

## Proposed Rule Stage

**CFR Citation:** 20 CFR 404.1500, app 1

**Legal Deadline:** None

**Abstract:** We propose to revise the criteria in the Listing of Impairments that we use to evaluate claims involving respiratory system disorders. The proposed revisions reflect advances in medical knowledge, treatment, and methods of evaluating respiratory disorders.

**Timetable:**

Action	Date
NPRM	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Carolyn Kiefer, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-9104

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020

**RIN:** 0960-AF58

**3706. AMENDMENTS TO ANNUAL EARNINGS TEST REGULATIONS (866P)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 402; 42 USC 403; 42 USC 403(a); 42 USC 405(a); 42 USC 416; 42 USC 423; 42 USC 425; 42 USC 428(a) to 428(e); 42 USC 902(a)(5); PL 106-182

**CFR Citation:** 20 CFR 404.415; 20 CFR 404.416

**Legal Deadline:** None

**Abstract:** The Senior Citizen's Freedom to Work Act of 2000, enacted on April 7, 2000, eliminates the annual earnings test for beneficiaries, starting from the month in which they reach full retirement age.

**Timetable:**

Action	Date
NPRM	06/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1769

**RIN:** 0960-AF62

**3707. REVISED MEDICAL CRITERIA FOR EVALUATING GROWTH DISORDERS (444P)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1302; 42 USC 1383

**CFR Citation:** 20 CFR 404.1500, app 1; 20 CFR 416 subpart I

**Legal Deadline:** None

**Abstract:** Section 100.00 of part B of appendix 1 to subpart P of part 404 of the Disability Regulations describes growth impairments considered severe enough to cause marked and severe functional limitations in a child under age 18. We are proposing revisions to the growth impairment listings. The revisions contained in these regulations reflect advances in medical knowledge, treatment, and methods of evaluating growth impairments. The Supplemental Security Income program incorporates and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

**Timetable:**

Action	Date
NPRM	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Regina Connell, Social Insurance Specialist, Social Security Administration, Office of Disability, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1891

**Related RIN:** Related To 0960-AD80

**RIN:** 0960-AF67

**3708. CLARIFICATION OF THE DISABILITY EXCLUSION (915P)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 402; 42 USC 402(a); 42 USC 403(a); 42 USC 403(b); 42 USC 405(a); 42 USC 412 to 417; 42

USC 423; 42 USC 425; 42 USC 428(a) to 428(e); 42 USC 902(a)(5)

**CFR Citation:** 20 CFR 404.130(f); 20 CFR 404.211(b)(2); 20 CFR 404.211(e)(1); 20 CFR 404.320(a)

**Legal Deadline:** None

**Abstract:** These proposed rules amend our regulations at sections 404.130, 404.211 and 404.320 to clarify that if we count a prior period of disability in determining a person's insured status or benefit amount, the period of disability must be counted for both purposes. Similarly, if we exclude a prior period of disability when either determining insured status or the benefit amount, we must exclude it for both purposes.

**Timetable:**

Action	Date
NPRM	08/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Ines Riley, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-4138

Fran O. Thomas, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-9822

**RIN:** 0960-AF71

**3709. SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS; REPORTING REQUIREMENTS, SUSPENSION AND TERMINATION EVENTS, OVERPAYMENTS, AND ADMINISTRATIVE REVIEW PROCESS (922P)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 3720A; 42 USC 402; 42 USC 403; 42 USC 404(a); 42 USC 404(e); 42 USC 405(a); 42 USC 405(c); 42 USC 422(b); 42 USC 423(e); 42 USC 424a; 42 USC 425; 42 USC 902(a)(5); 42 USC 1001 to 1013; 42 USC 1104; 42 USC 1106; 42 USC 1320a-8a

**CFR Citation:** 20 CFR 404.401; 20 CFR 408.101; 20 CFR 408.701; 20 CFR 408.704; 20 CFR 408.708; 20 CFR 408.710; 20 CFR 408.712; 20 CFR

## SSA

## Proposed Rule Stage

408.714; 20 CFR 408.801 to 408.809; 20 CFR 408.810; 20 CFR 408.812; 20 CFR 408.814; 20 CFR 408.816; 20 CFR 408.818; 20 CFR 408.820; 20 CFR 408.900 to 408.905; 20 CFR 408.910 to 408.915; 20 CFR 408.918; 20 CFR 408.920; 20 CFR 408.922; 20 CFR 408.923; 20 CFR 408.930 to 408.933; 20 CFR 408.940 to 408.946; 20 CFR 408.950; 20 CFR 408.1000 to 408.1007; 20 CFR 408.1009; 20 CFR 408.1011; 20 CFR 408.1013 to 408.1016; 20 CFR 408.1020 to 408.1022; 20 CFR 408.1040; 20 CFR 408.1045; 20 CFR 408.1050; 20 CFR 408.1060; 20 CFR 408.1070; 20 CFR 408.1101; 20 CFR 408.1201; 20 CFR 408.1205; 20 CFR 408.1210; 20 CFR 408.1215; 20 CFR 408.1220; 20 CFR 408.1225; 20 CFR 408.1226; 20 CFR 408.1230; 20 CFR 408.1235; 20 CFR 416.570

**Legal Deadline:** None

**Abstract:** We propose to add six additional subchapters to part 408 (proposed) of our regulations. The title VIII program provides monthly benefits to certain World War II veterans who were previously eligible for supplemental security income payments under title XVI of the Act and reside outside the United States. These additional subparts would codify the title VIII requirements on reporting responsibilities, suspension and termination events, overpayment and underpayment policies, and the administrative review process.

**Timetable:**

Action	Date
NPRM	06/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020

**RIN:** 0960-AF72

**3710. STEPCHILD ENTITLEMENT AND TERMINATION REQUIREMENTS (934P)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 402; 42 USC 403(a); 42 USC 403(b); 42 USC 405(a); 42 USC 416; 42 USC 423; 42 USC 425; 42 USC 428(a) to 428(e); 42 USC 902(a)(5)

**CFR Citation:** 20 CFR 404.339; 20 CFR 404.352; 20 CFR 404.363; 42 CFR 404.364

**Legal Deadline:** None

**Abstract:** SSA proposes to amend its regulations to incorporate the changes to the entitlement and termination requirements for stepchild's benefits introduced by the Contract with America Advancement Act of 1996. The statutory changes allow a stepchild to be considered dependent upon an insured stepparent for purposes of entitlement to benefits as a stepchild, only if he or she is receiving at least one-half support from the insured person (stepparent). The changes also require benefit termination when the stepchild's natural parent and the insured stepparent divorce. We propose to extend the termination requirement to include: (1) a divorce that ends the marriage between a stepchild's adoptive parent and the insured stepparent; and (2) a prospective annulment that ends the marriage between a stepchild's natural or adoptive parent and the stepparent. We also propose to include in the regulations our longstanding policy that a stepchild's benefits are terminated when the marriage between the stepchild's parent and the stepparent is annulled from the beginning (ab initio). These proposed rules also correct a cross-reference affecting entitlement to mother's or father's benefits, and reintroduce an inadvertently deleted definition concerning dependency determinations for grandchildren and stepgrandchildren born during the one-year support period relevant to a child's entitlement on the basis of those relationships to insured persons. These rules will reflect enacted legislation and provide accurate and complete guidelines for determining entitlement to benefits.

**Timetable:**

Action	Date
NPRM	06/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sherry Pollack, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401

Phone: 410 965-7915

**RIN:** 0960-AF78

**3711. REPRESENTATIVE PAYMENT UNDER TITLES II, VIII, AND XVI OF THE SOCIAL SECURITY ACT (949P)**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 902(a)(5); 42 USC 405 note; 42 USC 421 note; 42 USC 1383(a)(2); 42 USC 1383(d)(1); 42 USC 404(f); 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 405(j); 42 USC 405(k); 42 USC 421; 42 USC 425; 42 USC 1007

**CFR Citation:** 20 CFR 404.902; 20 CFR 404.2011; 20 CFR 404.2021; 20 CFR 404.2022; 20 CFR 404.2024; 20 CFR 404.2025; 20 CFR 404.2030; 20 CFR 404.2035; 20 CFR 404.2040(a); 20 CFR 404.2041; 20 CFR 404.2045; 20 CFR 404.2050; 20 CFR 404.2065; 20 CFR 416.611; 20 CFR 416.621; 20 CFR 416.622; 20 CFR 416.624; 20 CFR 416.625; 20 CFR 416.630; 20 CFR 416.635; 20 CFR 416.640(a); 20 CFR 416.641; 20 CFR 416.645; 20 CFR 416.650; 20 CFR 416.665; 20 CFR 416.1402

**Legal Deadline:** None

**Abstract:** Effective stewardship of SSA programs requires mechanisms to assure that benefits are used to meet the needs of beneficiaries determined incapable of managing or directing someone else to manage their benefits. Congress determined that improvements to the representative payment procedures were needed to assure program integrity. These regulations are required to reflect these legislative improvements and to further our program integrity efforts.

**Timetable:**

Action	Date
NPRM	07/00/03
Final Action	04/00/04

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Governmental Jurisdictions, Organizations

**Government Levels Affected:** State, Local

**Agency Contact:** Betsy Byrd, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401

## SSA

## Proposed Rule Stage

Phone: 410 965-7981

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401

Phone: 410 965-0020

RIN: 0960-AF83

**3712. REMOVAL OF CLOTHING FROM THE DEFINITIONS OF INCOME AND IN-KIND SUPPORT AND MAINTENANCE, EXCLUSIONS OF ONE AUTOMOBILE, AND HOUSEHOLD GOODS AND PERSONAL EFFECTS UNDER SSI FROM RESOURCES (950P)**

**Priority:** Other Significant

**Legal Authority:** Sec 1612 of the Social Security Act; Sec 1613(a)(2)(A) of the Social Security Act

**CFR Citation:** 20 CFR 416.1102 to 416.1104; 20 CFR 416.1121; 20 CFR 416.1124; 20 CFR 416.1130; 20 CFR 416.1133; 20 CFR 416.1140; 20 CFR 416.1142; 20 CFR 416.1144 to 416.1145; 20 CFR 416.1147 to 416.1149; 20 CFR 416.1157; 20 CFR 416.1210; 20 CFR 416.1216; 20 CFR 416.1218

**Legal Deadline:** None

**Abstract:** We propose to make the following changes to our rules on determining income and resources under the Supplemental Security Income (SSI) program.

1. We propose to remove clothing from the definition of income and from the definition of in-kind support and maintenance. As a result, we generally will not count gifts of clothing as income when we decide whether a person can receive SSI benefits or when we compute the amount of benefits.
2. We propose to simplify our rules on how we exclude an automobile in determining the resources of a SSI applicant or recipient. Specifically, we propose to exclude one automobile from resources if it is used for transportation, without consideration of its value.
3. We propose to change our resources counting rules in the SSI program by eliminating the dollar value limit for the exclusion of household goods and personal effects. As a result, we would

not count household goods and personal effects as resources when we decide whether a person can receive SSI benefits.

**Timetable:**

Action	Date
NPRM	08/00/03
Final Action	12/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Kenneth A. Brown, Social Insurance Specialist, Social Security Administration, Office of Program Benefits, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020

RIN: 0960-AF84

**3713. • REVISED MEDICAL CRITERIA FOR EVALUATING HEMATOLOGICAL DISORDERS (974P)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

**CFR Citation:** 20 CFR 404.1500, app 1

**Legal Deadline:** None

**Abstract:** Sections 7.00 and 107.00 (hemic and lymphatic system) of appendix 1 to subpart P of part 404 of our regulations (404.1501 through 404.1599) describe hematological disorders that are considered severe enough to prevent a person from doing any gainful activity, or for a child claiming SSI payments under title XVI, which causes marked and severe functional limitation. We are proposing to revise these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment. The Supplemental Security Income program incorporates and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

**Timetable:**

Action	Date
NPRM	03/00/04

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Michelle Hungerman, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-2289

RIN: 0960-AF88

**3714. • ELIMINATION OF DEEMED MILITARY WAGES (968P)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-117

**CFR Citation:** 20 CFR 404.1301

**Legal Deadline:** None

**Abstract:** We propose to revise our regulations to reflect a provision in Public Law 107-117 that eliminates deemed military service wage credits for members of the uniformed services for all years after calendar year 2001.

**Timetable:**

Action	Date
NPRM	11/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Gareth N. Dence, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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Phone: 410 965-0020

RIN: 0960-AF90

## Social Security Administration (SSA)

## Final Rule Stage

**3715. REVISED MEDICAL CRITERIA FOR EVALUATING MALIGNANT NEOPLASTIC DISEASES (399F)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383**CFR Citation:** 20 CFR 404.1500, app 1**Legal Deadline:** None

**Abstract:** Sections 13.00 and 113.00 (malignant neoplastic diseases) of appendix 1 to subpart P of part 404 of our regulations (404.1501 through 404.1599) describe those impairments that are considered severe enough to prevent a person from doing any gainful activity, or for a child claiming SSI payments under title XVI, that causes marked and severe functional limitations. We are revising these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment. The Supplemental Security Income program incorporates and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

**Timetable:**

Action	Date
NPRM	11/27/01 66 FR 59305
NPRM Comment Period End	01/28/02
NPRM Comment Period End Extended	04/18/02 67 FR 19138
Final Action	06/00/03

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Michelle Hungerman, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-2289

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1769

**RIN:** 0960-AD67**3716. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, OTHER NONPROFIT ORGANIZATIONS, AND COMMERCIAL ORGANIZATIONS (547F)****Priority:** Info./Admin./Other**Legal Authority:** 31 USC 7505; 41 USC 403(11); 42 USC 902(a)(5)**CFR Citation:** 20 CFR 435.000**Legal Deadline:** None

**Abstract:** This final rule will create a new part in the Code of Federal Regulations. The new part will provide standards in the administration of grants and agreements with institutions of higher education, hospitals, other nonprofit organizations, and commercial organizations.

The Social Security Independence and Program Improvements Act of 1994, enacted August 15, 1994, established SSA as an independent agency separate from the Department of Health and Human Services (HHS), effective March 31, 1995. To implement its own set of grants regulations, SSA proposes to codify almost verbatim the text of the Office of Management and Budget (OMB) Circular Number A-110 "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations." These regulations will establish SSA grants regulations, separate from the HHS regulations.

**Timetable:**

Action	Date
NPRM	04/27/00 65 FR 24767
NPRM Comment Period End	06/26/00
Final Action	05/00/03

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020

**RIN:** 0960-AE25**3717. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS AND INDIAN TRIBAL GOVERNMENTS (555F)****Priority:** Info./Admin./Other**Legal Authority:** 41 USC 403(ii); 42 USC 902(a)(5)**CFR Citation:** 20 CFR 437.000**Legal Deadline:** None

**Abstract:** This final regulation migrates the HHS grants regulation at 45 CFR part 92 into a new SSA regulation at 20 CFR part 437 now that SSA is an independent agency.

**Timetable:**

Action	Date
Final Action	05/00/03

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State, Local, Tribal

**Agency Contact:** Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020

**RIN:** 0960-AE28**3718. RESTRICTIONS ON LOBBYING IN CONNECTION WITH THE AWARD OF GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS (556F)****Priority:** Info./Admin./Other**Legal Authority:** 31 USC 1352; 42 USC 902(a)(5)**CFR Citation:** 20 CFR 438.000**Legal Deadline:** None

**Abstract:** This final regulation migrates the HHS grants regulation at 45 CFR part 93 into a new SSA regulation at 20 CFR part 438 now that SSA is an independent agency.

**Timetable:**

Action	Date
Final Action	05/00/03

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401

## SSA

## Final Rule Stage

Phone: 410 965-0020

RIN: 0960-AE29

### 3719. TECHNICAL CHANGES TO SUPPLEMENTAL SECURITY INCOME (SSI) REGULATIONS (664F)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 20 CFR 416.1236; 20 CFR 416, subpart K, app

**Legal Deadline:** None

**Abstract:** We are amending the SSI regulations by making technical changes to our rules on income and resources. These technical changes update lists of exclusions from income and resources under the SSI program that are based on statutes other than the Social Security Act and make additional technical changes.

**Timetable:**

Action	Date
Final Action	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Eric Ice, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-3233

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401

Phone: 410 965-0020

RIN: 0960-AE79

### 3720. ADMINISTRATIVE WAGE GARNISHMENT (TO REPAY A DEBT OWED TO THE SOCIAL SECURITY ADMINISTRATION) (724F)

**Priority:** Other Significant

**Legal Authority:** 31 USC 3720D; 42 USC 405; 42 USC 902; 42 USC 1383

**CFR Citation:** 20 CFR 404.527; 20 CFR 404.903; 20 CFR 416.590; 20 CFR 416.1403; 20 CFR 422.401 to 422.403; 20 CFR 422.405; 20 CFR 422.410; 20 CFR 422.415; 20 CFR 422.420; 20 CFR 422.425; 20 CFR 422.430; 20 CFR 422.435; 20 CFR 422.440; 20 CFR 422.445

**Legal Deadline:** None

**Abstract:** This initiative will enable the Social Security Administration (SSA) to use administrative wage garnishment to collect administrative debts and to collect qualifying, delinquent titles II and XVI overpayment debts owed by individuals who are now employed in other than Federal employment. Administrative wage garnishment allows SSA to order an employer to deduct a percentage of the disposable pay earned by the worker/debtor and to send that amount to SSA as payment toward satisfying the delinquent debt. Administrative wage garnishment does not require a court judgment to impose the withholding order.

**Timetable:**

Action	Date
NPRM	11/15/02 67 FR 69164
NPRM Comment Period End	01/14/03
Final Action	09/00/03

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** State, Local, Tribal, Federal

**Agency Contact:** Edward Johns, Financial Management Analyst, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0392

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401

Phone: 410 965-0020

RIN: 0960-AE92

### 3721. OASDI AND SSI; ADMINISTRATIVE REVIEW PROCESS; VIDEO TELECONFERENCING APPEARANCES BEFORE ADMINISTRATIVE LAW JUDGES OF THE SOCIAL SECURITY ADMINISTRATION (737F)

**Priority:** Other Significant

**Legal Authority:** 31 USC 3720A; 42 USC 401(d); 42 USC 404(f); 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(L); 42 USC 405(j); 42 USC 421; 42 USC 425; 42 USC 902(a)(5); 42 USC 1383; 42 USC 1383b

**CFR Citation:** 20 CFR 404.929; 20 CFR 404.936; 20 CFR 404.938; 20 CFR 404.950; 20 CFR 416.1429; 20 CFR

416.1436; 20 CFR 416.1438; 20 CFR 416.1450

**Legal Deadline:** None

**Abstract:** This final rule revises our rules to permit us to conduct hearings before an administrative law judge (ALJ) at which a party or parties to the hearing and/or witness or witnesses may appear before the ALJ by video teleconference (VTC). The revised rules provide that if we schedule a hearing as one at which a party would appear by VTC, rather than in person, and the party objects to use of that procedure, we will reschedule the hearing as one at which the party may appear in person. We requested public comments on this final rule, which was published on February 3, 2003. The final rule became effective on March 5, 2003. The comment period ended April 4, 2003.

**Timetable:**

Action	Date
NPRM	01/05/01 66 FR 1059
NPRM Comment Period End	03/06/01
Final Rule with Request for Comment	02/03/03 68 FR 5210
Final Rule Effective	03/05/03
Final Action	08/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020

**Related RIN:** Previously reported as 0960-AA05

RIN: 0960-AE97

### 3722. REVISED MEDICAL CRITERIA FOR EVALUATING IMPAIRMENTS OF THE DIGESTIVE SYSTEM (800F)

**Priority:** Economically Significant. Major under 5 USC 801.

**Legal Authority:** 42 USC 405; 42 USC 1302; 42 USC 1383

**CFR Citation:** 20 CFR 404.1500, app 1

**Legal Deadline:** None

**Abstract:** Listings 5.00 and 105.00 of appendix 1 to the disability regulation at 20 CFR part 404, subpart P describe those digestive impairments that are

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considered severe enough to prevent a person from doing any gainful activity or, for a child claiming SSI payments under title XVI, that are considered severe enough to result in marked and severe functional limitations. Comprehensive revisions to these listings are being made to ensure that the medical evaluation criteria are up to date and consistent with the latest advances in medicine. The SSI program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance Program.

**Timetable:**

Action	Date
NPRM	11/14/01 66 FR 57009
NPRM Comment	01/14/02
Period End	
Final Action	12/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Cheryl Wrobel, Policy Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-9108

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1769

**RIN:** 0960-AF28**3723. REVISED MEDICAL CRITERIA FOR EVALUATING SKIN DISORDERS (801F)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383**CFR Citation:** 20 CFR 404.1500, app 1**Legal Deadline:** None

**Abstract:** This final rule will revise the criteria in the Listing of Impairments (the Listings) we use for evaluating skin disorders in adults and to introduce corresponding medical criteria for evaluating skin disorders in children. We will revise the skin listings to ensure that the medical evaluation criteria are up-to-date and consistent and that the latest advances in medical knowledge and treatment are included.

**Timetable:**

Action	Date
NPRM	12/10/01 66 FR 63634
NPRM Comment	02/08/02
Period End	
Final Action	01/00/04

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Cheryl Wrobel, Policy Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1769

**RIN:** 0960-AF29**3724. REVISED MEDICAL CRITERIA OF EVALUATING IMPAIRMENTS AFFECTING MULTIPLE BODY SYSTEMS (803F)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 405; 42 USC 902(a)(5); 42 USC 1383**CFR Citation:** 20 CFR 404.1500, app 1**Legal Deadline:** None

**Abstract:** These final rules revise the criteria in the Listing of Impairments that we use to evaluate claims involving impairments affecting multiple body systems. We apply these criteria when you claim benefits based on disability under title II and title XVI of the Social Security Act. The proposed revisions reflect current medical knowledge, treatment, and methods of evaluating impairments affecting multiple body systems.

**Timetable:**

Action	Date
NPRM	12/23/02 67 FR 78196
NPRM Comment	02/21/03
Period End	
Final Action	01/00/04

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Sharon Arden, Social Insurance Specialist, Social Security

Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-9098

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1769

**RIN:** 0960-AF32**3725. CLARIFICATION OF RULES INVOLVING RFC ASSESSMENTS; CLARIFICATION OF USE OF VOCATIONAL EXPERTS AND OTHER SOURCES OF THE SEQUENTIAL EVALUATION PROCESS; INCORPORATION OF "SPECIAL PROFILE" INTO REGS (808F)****Priority:** Other Significant

**Legal Authority:** 42 USC 402; 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 416(i); 42 USC 421(a); 42 USC 421(i); 42 USC 422(c); 42 USC 423; 42 USC 425; 42 USC 902(a)(5); 42 USC 1382; 42 USC 1382c; 42 USC 1382h; 42 USC 1383(a); 42 USC 1383(c); 42 USC 1383(d)(l); 42 USC 1383b

**CFR Citation:** 20 CFR 404.1501; 20 CFR 404.1505; 20 CFR 404.1512; 20 CFR 404.1520; 20 CFR 404.1545; 20 CFR 404.1546; 20 CFR 404.1560; 20 CFR 404.1561; 20 CFR 404.1563; 20 CFR 404.1569a; 20 CFR 404.1594; 20 CFR 416.901; 20 CFR 416.905; 20 CFR 416.912; 20 CFR 416.920; 20 CFR 416.945; 20 CFR 416.946; 20 CFR 416.960 to 416.963; 20 CFR 416.969a; 20 CFR 416.994

**Legal Deadline:** None

**Abstract:** These final rules will change several sections of our rules to clarify how we make determinations and decisions at steps 4 and 5 of the sequential evaluation process. Among other things, the final rules would clarify (1) the responsibility that claimants have to provide evidence of their disability (including evidence related to their residual functional capacity), and (2) that SSA may use a vocational expert to help determine whether a claimant is able to do his or her past relevant work at step 4 of the sequential evaluation process.

**Timetable:**

Action	Date
NPRM	06/11/02 67 FR 39904

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Action	Date
NPRM Comment	08/12/02
Period End	
Final Action	06/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1769

**RIN:** 0960-AF37

### 3726. FILING CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT AND THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES CLAIMS ACT (785F)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 28 USC 2672; 31 USC 3721; 42 USC 905(a)(5)

**CFR Citation:** 20 CFR 429.101 to 429.110; 20 CFR 429.201 to 429.211; 28 CFR 14

**Legal Deadline:** None

**Abstract:** These final rules will establish a new subpart B in part 429 that will prescribe the procedures SSA follows when claims are filed by employees against SSA for personal property damage or loss incident to their service with SSA. We will also make corrections and clarifications to our current procedures and practices on claims against the government for damage to or loss of property or personal injury or death that is caused by the negligent or wrongful act or omission of an SSA employee.

**Timetable:**

Action	Date
NPRM	12/20/02 67 FR 77942
NPRM Comment	02/18/03
Period End	
Final Action	08/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Jonathan R. Cantor, General Attorney, Social Security Administration, General Law Division, Office of the General Counsel, 6401 Security Boulevard, Baltimore, MD 21235

Phone: 410 965-3166

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020

**RIN:** 0960-AF39

### 3727. ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS (815F)

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 1383(e); PL 106-169, sec 213

**CFR Citation:** 20 CFR 416.200; 20 CFR 416.207; 20 CFR 416.421; 20 CFR 416.640; 20 CFR 416.1231; 20 CFR 416.1242; 20 CFR 416.1245; 20 CFR 416.1247; 20 CFR 416.1320; 20 CFR 416.1321; 20 CFR 416.1335; 20 CFR 416.1337; 20 CFR 416.1618

**Legal Deadline:** None

**Abstract:** These final rules implement law that will enhance our access to bank account information of Supplemental Security Income (SSI) applicants and recipients and other individuals whose income and resources we consider to be available to the applicant or recipient.

**Timetable:**

Action	Date
NPRM	05/02/02 67 FR 22021
NPRM Comment	07/01/02
Period End	
Final Action	06/00/03

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Eric Ice, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1769

**RIN:** 0960-AF43

### 3728. NEW DISABILITY CLAIMS PROCESS—ROLES OF STATE AGENCY (816F)

**Priority:** Economically Significant. Major under 5 USC 801.

**Legal Authority:** 42 USC 405(a); 42 USC 902(a)(5)

**CFR Citation:** 20 CFR 404.1512; 20 CFR 404.1513; 20 CFR 404.1526; 20 CFR 404.1527; 20 CFR 404.1529; 20 CFR 404.1546; 20 CFR 404.1615; 20 CFR 404.1616; 20 CFR 416.912; 20 CFR 416.913; 20 CFR 416.926; 20 CFR 416.927; 20 CFR 416.929; 20 CFR 416.946; 20 CFR 416.1015; 20 CFR 416.1016

**Legal Deadline:** None

**Abstract:** We plan to revise our regulations that pertain to the processing of initial claims for disability benefits under title II and title XVI of the Social Security Act at the initial and reconsideration steps of the administrative review process. Under these final rules, certain State agency disability examiners, familiarly called "single decisionmakers," will be responsible for the disability determinations in many initial claims for disability benefits. However, they will be able to ask for advice from State agency medical or psychological consultants when they decide they need it. We also plan to review other rules to reflect these changes, including our rules about how we decide whether a person's impairment(s) medically equals a listing.

**Timetable:**

Action	Date
NPRM	01/19/01 66 FR 5494
NPRM Comment	03/20/01
Period End	
Final Action	05/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Federal

**Agency Contact:** Susan Grier, Social Security Administration, Disability Process Redesign Staff, Office of Disability, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-5005

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations,



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6401 Security Boulevard, Baltimore,  
MD 21235-6401  
Phone: 410 965-0020

**Related RIN:** Merged With 0960-AE73

**RIN:** 0960-AF44

### 3729. FILING OF APPLICATIONS AND RELATED FORMS (797F)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 402(i); 42 USC 402(j); 42 USC 402(o); 42 USC 402(p); 42 USC 402(r); 42 USC 405; 42 USC 416(i)(2); 42 USC 423(b); 42 USC 428(a); 42 USC 902(a)(5)

**CFR Citation:** 20 CFR 404.610; 20 CFR 404.611; 20 CFR 422.505

**Legal Deadline:** None

**Abstract:** This final rule includes language that explains the Internet applications completed on SSA's website and submitted to SSA are prescribed applications for filing for social security benefits. It incorporates an explanation that once SSA has an approved electronic signature method in place, the signature method will be included as part of the Internet application process and will be required for the applications.

#### Timetable:

Action	Date
NPRM	08/17/01 66 FR 43136
NPRM Comment Period End	10/16/01
Final Action	05/00/03

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Saundra Robinson, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-4327

Fran O. Thomas, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-9822

**RIN:** 0960-AF52

### 3730. REFERRAL OF PERSONS ELIGIBLE FOR DISABILITY OR BLINDNESS BENEFITS TO OTHER AGENCIES FOR VOCATIONAL REHABILITATION SERVICES (929F)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-170; 42 USC 405(a); 42 USC 421; 42 USC 422; 42 USC 902(a)(5); 42 USC 1381 to 1383d; 42 USC 1383(e); 48 USC 1681 note

**CFR Citation:** 20 CFR 404.1630; 20 CFR 404.2104; 20 CFR 404.2106; 20 CFR 416.101; 20 CFR 416.110; 20 CFR 4116.1030; 20 CFR 416.1701; 20 CFR 416.1710; 20 CFR 416.2204; 20 CFR 416.2206

**Legal Deadline:** None

**Abstract:** We are revising our regulations pertaining to the requirement to refer for vocational rehabilitation (VR) services those individuals who filed for disability benefits, thereby conforming them to provisions in the Ticket to Work and Work Incentives Improvement Act of 1999. The Ticket to Work and Work Incentives Improvement Act of 1999 repealed the VR referral requirement effective with January 1, 2001. For States in which we have implemented the Ticket to Work program, we are no longer referring beneficiaries eligible for disability benefits to State vocational rehabilitation agencies.

#### Timetable:

Action	Date
Final Action	12/00/03

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** Melvin Winer, Social Insurance Specialist, Social Security Administration, Office of Employment Support Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-9175

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Phone: 410 965-1769

**RIN:** 0960-AF80

### 3731. ELIMINATION OF SANCTIONS FOR REFUSAL OF VOCATIONAL REHABILITATION SERVICES WITHOUT CAUSE (938F)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 402; 42 USC 403; 42 USC 404(a); 42 USC 404(e); 42 USC 405(a); 42 USC 405(c); 42 USC 423(e); 42 USC 424a; 42 USC 425; 42 USC 902(a)(5); 42 USC 1320a-8a

**CFR Citation:** 20 CFR 404.401; 20 CFR 404.402; 20 CFR 404.412; 20 CFR 404.421 to 404.423; 20 CFR 404.425; 20 CFR 404.435 to 404.437; 20 CFR 404.458; 20 CFR 404.902; 20 CFR 404.1596; 20 CFR 404.2101 to 2103; 20 CFR 404.2109; 20 CFR 404.2113; 20 CFR 404.2116; 20 CFR 404.2117; 20 CFR 416.213; 20 CFR 416.708; 20 CFR 416.1701; 20 CFR 416.1715; 20 CFR 416.2040; 20 CFR 416.2201 to 416.2203; 20 CFR 416.2209; 20 CFR 416.2213; 20 CFR 416.2216; 20 CFR 416.2217

**Legal Deadline:** None

**Abstract:** We are revising our regulations to eliminate the sanctions for refusal of vocational rehabilitation (VR) services without good cause, thereby conforming them to the amendments made by the Ticket to Work and Work Incentives Improvement Act of 1999. The Ticket to Work and Work Incentives Improvement Act of 1999, which established the Ticket to Work program, repealed the VR refusal sanctions (i.e., deductions from social security disability or suspension of Supplemental Security Income benefits) effective with January 1, 2001. Under the obsolete sanctions, we were required to suspend disability benefits or Supplemental Security Income (SSI) payments for any disability beneficiary or disabled or blind SSI recipient who refused rehabilitation services without good cause. Since January 1, 2001, refusal of rehabilitation services is no longer a reason for us to sanction disability benefits. Accordingly, we are eliminating the rules regarding the sanctions for refusal of vocational rehabilitation services without good cause.

#### Timetable:

Action	Date
Final Action	06/00/03

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

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**Government Levels Affected:** None

**Agency Contact:** Melvin Winer, Social Insurance Specialist, Social Security Administration, Office of Employment Support Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-9175

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Phone: 410 965-1769

**RIN:** 0960-AF81

### 3732. INTERRELATIONSHIP OF OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM WITH THE RAILROAD RETIREMENT PROGRAM (943I)

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** PL 107-90, sec 103; 42 USC 405(i); 45 USC 231(a) to 231(e); 45 USC 231(l); 45 USC 231(q); 45 USC 231(r)

**CFR Citation:** 20 CFR 404.1401; 20 CFR 404.1402; 20 CFR 404.1404; 20 CFR 404.1405; 20 CFR 404.1413

**Legal Deadline:** None

**Abstract:** These interim final rules implement section 103 of the Railroad Retirement and Survivors' Improvement Act of 2001, that established an alternative railroad annuity vesting requirement for certain categories of individuals. Under the alternative provision, affected railroad workers with 5 or more years of service (but less than 10) become vested under the Railroad Retirement Act provided all of those years of service accrued after December 31, 1995. The provision was effective on January 1, 2002.

**Timetable:**

Action	Date
Interim Final Rule	07/00/03

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Marilyn Buster, Social Insurance Specialist, Social Security Administration, Office of

Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235  
Phone: 410 965-5555

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020

**RIN:** 0960-AF82

### 3733. ● F-1 STUDENTS (960I)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Sec 205(c)(2) of the Social Security Act

**CFR Citation:** 20 CFR 422.105; 20 CFR 422.107

**Legal Deadline:** None

**Abstract:** We are clarifying our rules for assigned SSNs to foreign academic students in INS classification status F.1. In addition to meeting SSA's requirements to provide evidence of age, identity, legal alien status, and work authorization, F-1 students will also be required to present evidence that employment has been secured before we will assign the F-1 student an SSN card that is valid for work.

**Timetable:**

Action	Date
Interim Final Rule	07/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Susan Werych, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-9145

Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020

**RIN:** 0960-AF87

### 3734. ● AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC (969F)

**Priority:** Other Significant

**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1360; 18 USC 1905; 26 USC 6103; 31 USC 9701; 36 USC 923b; 42 USC 405; 42 USC 902(a)(5); 42 USC 1306

**CFR Citation:** 20 CFR 402.125; 20 CFR 402.135; 20 CFR 402.180; 20 CFR 402.190; 20 CFR 402.195

**Legal Deadline:** None

**Abstract:** These final rules amend our regulations to reflect organizational changes and to correct a typographical error. We are changing the title of the official responsible for decisions on Freedom of Information Act (FOIA) requests to conform to organizational changes. We published a notice on October 10, 2002, of organizational and functional changes within the Office of the General Counsel (OGC). The Office of Public Disclosure in OGC is now responsible for FOIA activities in SSA. This function previously was performed by the Office of Program Support, Office of Disclosure Policy in the Office of Disability and Income Security programs. We published a notice on November 15, 2002, deleting the Office of Program Support. These revisions will inform the public of the change in the official designated as SSA's Freedom of Information Officer.

**Timetable:**

Action	Date
Final Action	08/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Ethel Burrows, Social Insurance Specialist, Social Security Administration, Office of the General Counsel, Office of Public Disclosure, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-3948

Fran O. Thomas, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-9822

**RIN:** 0960-AF91

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**3735. • ADMINISTRATIVE REVIEW PROCESS; INCORPORATION BY REFERENCE OF ORAL FINDINGS OF FACT AND RATIONALE IN WHOLLY FAVORABLE WRITTEN DECISIONS (964I)****Priority:** Other Significant**Legal Authority:** 42 USC 405(a); 42 USC 405(b); 42 USC 902(a)(5); 42 USC 1383**CFR Citation:** 20 CFR 404.953; 20 CFR 416.1453**Legal Deadline:** None**Abstract:** This interim final rule revises our regulations to provide that if an

Administrative Law Judge (ALJ) enters a wholly favorable, oral decision into the record of a hearing, the ALJ may subsequently issue a written decision that gives the findings and the reasons for the decision by incorporating by reference the findings and reasons stated orally at the hearing, provided that the ALJ does not determine subsequent to the hearing that the oral findings and reasons should be changed.

**Timetable:**

Action	Date
Interim Final Rule	05/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020**RIN:** 0960-AF92

## Social Security Administration (SSA)

## Long-Term Actions

**3736. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS) (554F)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 403(11); 41 USC 701 et seq; 42 USC 902(a)(5)**CFR Citation:** 20 CFR 436.000**Legal Deadline:** None**Abstract:** This final regulation migrates the HHS grants regulation at 45 CFR part 76 into a new SSA regulation at 20 CFR part 436 now that SSA is an independent agency.**Timetable:**

Action	Date
NPRM	01/23/02 67 FR 3266
NPRM Comment Period End	03/25/02
Next Action	Undetermined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020**RIN:** 0960-AE27**3737. SUPPLEMENTAL STANDARDS FOR ETHICAL CONDUCT FOR EMPLOYEES OF THE SOCIAL SECURITY ADMINISTRATION (601P)****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC app, Ethics in Government Act of 1978; 5 USC 7301; 5 USC 7353**CFR Citation:** 5 CFR ch LXXXI (New)**Legal Deadline:** None**Abstract:** The Social Security Administration (SSA), with the concurrence of the Office of Government Ethics (OGE), proposes to issue regulations for officers and employees of SSA that supplement the OGE Standards of Ethical Conduct for Employees of the Executive Branch, which became effective February 3, 1993. The proposed rule specifies procedural and substantive requirements that are necessary to address ethical issues unique to SSA.**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Stuart M. Besser, Attorney, Social Security Administration, Office of the General Counsel, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-3194Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1769**RIN:** 0960-AE48**3738. DEDICATED ACCOUNTS AND INSTALLMENT PAYMENTS FOR CERTAIN PAST DUE SSI BENEFITS (622F)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 902(a)(5); 42 USC 1381; 42 USC 1381a; 42 USC 1382(c); 42 USC 1382(e); 42 USC 1383(a) to 1383(d); 42 USC 1383(g)**CFR Citation:** 20 CFR 416.545; 20 CFR 416.546; 20 CFR 416.640; 20 CFR 416.1210; 20 CFR 416.1247**Legal Deadline:** Final, Statutory, November 22, 1996. Interim Final Rules were published on December 20, 1996.**Abstract:** These regulations reflect amendments to the Social Security Act made by sections 213 and 221 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Section 213 requires the establishment of accounts in financial institutions for the payment of past due SSI benefits after reimbursement to a State for Interim Assistance Reimbursement exceeding 6 months' benefits to representative payees on behalf of children under age 18. These accounts will be dedicated for certain

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purposes by restrictions on the use of such past due benefits.

Section 221 requires past due SSI benefits after reimbursement to a State for Interim Assistance Reimbursement that equals or exceeds 12 months' benefits to be paid in installments, with certain exceptions.

**Timetable:**

Action	Date
Interim Final Rule	12/20/96 61 FR 67203
Interim Final Rule	02/18/97
Comment Period End	
Final Action	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

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**RIN:** 0960-AE59

**3739. TITLE VI (CIVIL RIGHTS ACT (1964)), TITLE IX (EDUCATION AMEND. (1972)), REHABILITATION ACT (1973), AND AGE DISCRIMINATION ACT (1975) IN PROGRAMS/ACTIVITIES RECEIVING FINANCIAL ASSISTANCE BY SSA (617P)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 20 USC 1681; 29 USC 794; 42 USC 902(a)(5); 42 USC 2000d; 42 USC 6101

**CFR Citation:** 20 CFR 431

**Legal Deadline:** None

**Abstract:** Prior to March 31, 1995, SSA was an operating component of HHS and the general regulatory authority for SSA programs and administration was vested in the Secretary of Health and Human Services (the Secretary) based on section 1102 of the Social Security Act (the Act) (42 U.S.C. 1302). The Social Security Independence and Program Improvements Act (SSIIPIA) established SSA as an independent agency in the Executive Branch of the Federal Government effective March 31, 1995, and vested general regulatory authority in the Commissioner of Social Security (the Commissioner). Under section 106(b) of SSIPIA, HHS regulations in effect immediately prior to March 31, 1995, which relate to

functions now vested in the Commissioner by reason of SSA's independence, continue to apply to SSA until such time as they are modified, suspended, terminated or repealed by the Commissioner. SSA is promulgating regulations at 20 CFR part 431, which are based in large measure upon the HHS regulations at 45 CFR parts 80, 81, 84, 86, and 91. These SSA regulations reflect changes necessary to adapt the HHS regulations to SSA procedures. Upon SSA's rules becoming final regulations, the HHS regulations will cease to have application to SSA in accordance with section 106(b) of SSIPIA.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0960-AE63

**3740. ENFORCEMENT OF NONDISCRIMINATION IN SOCIAL SECURITY PROGRAMS OR ACTIVITIES (661P)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 29 USC 794; 42 USC 902

**CFR Citation:** 20 CFR 432

**Legal Deadline:** None

**Abstract:** These proposed regulations are intended to ensure that individuals are not subjected to discrimination on the basis of disability, race, color, national origin, sex, age, or religion in any program or activity conducted by SSA.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1769

**RIN:** 0960-AE78

**3741. PRIVACY AND DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION (711P)**

**Priority:** Other Significant

**Legal Authority:** 5 USC 552; 5 USC 552a; 42 USC 1306(a); 42 USC 902(a)(5)

**CFR Citation:** 20 CFR 401.30; 20 CFR 401.45; 20 CFR 401.55; 20 CFR 401.150; 20 CFR 401.180

**Legal Deadline:** None

**Abstract:** We propose to revise our privacy and disclosure rules to:

1. Describe safeguards against inappropriate disclosure of personal information when individuals request information about themselves by electronic means (e.g., through the Internet);
2. Revise our special procedures on an individual's access to medical records;
3. Add a new section to grant direct access to a minor's medical records by the minor's parent or legal guardian acting on the minor's behalf; and
4. Fully describe the role and function of the Privacy Officer.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Chris W. Johnson, Social Insurance Specialist, Social Security Administration, Office of Public Disclosure, Office of the General Counsel, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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Phone: 410 965-1769

RIN: 0960-AE88

### 3742. PAYMENT OF BENEFITS TO ALIENS RESIDING OUTSIDE THE UNITED STATES (909F)

**Priority:** Other Significant

**Legal Authority:** 42 USC 402(t); 42 USC 405(a); 42 USC 902(a)(5)

**CFR Citation:** 20 CFR 404.460

**Legal Deadline:** None

**Abstract:** We are revising our rules to remove Democratic Kampuchea (now Cambodia) and Vietnam from the list of countries to which social security benefits may not be sent to aliens in those countries under Department of the Treasury (Treasury) restrictions. The removal of the Treasury restrictions on these countries permits benefit payments to accrue for aliens who are entitled to title II benefits for months in which they reside in either Cambodia or Vietnam provided they are not subject to other nonpayment provisions for those months. These benefits may be paid to them if they go to the United States or to another country to which SSA sends benefits, or if we receive assurance of free access to beneficiaries and vital records from appropriate officials in the country in which they reside. The revisions are necessary to reflect that Treasury has published regulations that have removed restrictions on sending Federal payments to any payees living in Cambodia or Vietnam.

**Timetable:**

Action	Date
Final Action	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-0020

RIN: 0960-AF70

### 3743. • MANDATORY EXCLUSION OF HEALTH CARE PROVIDERS, REPRESENTATIVES, AND REPRESENTATIVE PAYEES FROM PARTICIPATION IN SSA PROGRAMS (954P)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-169, sec 208; 42 USC 1320b-6

**CFR Citation:** 20 CFR 404.1503b; 20 CFR 416.903b

**Legal Deadline:** None

**Abstract:** This proposed rule creates a new administrative procedure that requires the SSA to exclude representatives and health care providers who are convicted under title 18 of the U.S. Code of fraud in the title II or title XVI disability programs administered by SSA, or who are assessed civil monetary penalties under section 1129a of the Social Security Act from further participation in those programs for at least five years and may result in permanent exclusion.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1769

RIN: 0960-AF85

### 3744. • CONTINUATION OF BENEFIT PAYMENT TO CERTAIN INDIVIDUALS WHO ARE PARTICIPATING IN A PROGRAM OF VOCATIONAL REHABILITATION SERVICES, EMPLOYMENT SERVICES, OR OTHER SUPPORT SERVICES (925P)

**Priority:** Other Significant

**Legal Authority:** 42 USC 425(b); 42 USC 1383(a)(6)

**CFR Citation:** 20 CFR 404.316; 20 CFR 404.327 (New); 20 CFR 404.328 (New); 20 CFR 404.337; 20 CFR 404.352; 20 CFR 404.392; 20 CFR 404.902; 20 CFR 404.1586; 20 CFR 404.1596; 20 CFR 404.1597; 20 CFR 416.1321; 20 CFR 416.1331; 20 CFR 416.1338; 20 CFR 416.1402

**Legal Deadline:** None

**Abstract:** We propose to amend our regulations that provide for the continuation of Social Security or Supplemental Security Income (SSI) disability benefit payments to certain individuals who recover medically while participating in a vocational rehabilitation (VR) program with a State VR agency. For benefit payments to continue, we must determine that completion of the program, or its continuation for a specified period of time, will increase the likelihood that the individual may be permanently removed from the benefit rolls. The proposed changes to the regulations take account of statutory amendments that extend eligibility for these continued benefit payments to certain individuals who recover medically while participating in another appropriate program of VR services. These include individuals participating in the Ticket to Work and Self-Sufficiency program or another program of VR services, employment services, or other support services approved by the Commissioner of Social Security. The proposed rules also reflect a statutory amendment to cover certain individuals who receive SSI benefits based on blindness and who recover medically while in an appropriate VR program.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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RIN: 0960-AF86

### 3745. • WHO IS ELIGIBLE TO RECEIVE A TICKET UNDER THE TICKET TO WORK PROGRAM (967P)

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** Not Yet Determined

**CFR Citation:** 20 CFR 411.125

**Legal Deadline:** None

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**Abstract:** These proposed rules eliminate exceptions in the current rules to expand the eligibility under the Ticket to Work and Self-Sufficiency Program to three additional groups of individuals. The Ticket to Work and Work Incentives Act of 1999 added section 1148 to the Social Security Act, to establish the Ticket to Work and Self-Sufficiency Program, to expand the universe of service providers available to beneficiaries with disabilities who are seeking employment to assist them in obtaining, regaining, and maintaining self-supporting employment. These rules propose to extend eligibility under the Program to

beneficiaries between the ages of 16 and 18, beneficiaries whose impairments are expected to improve and for whom we have not yet conducted at least one continuing disability review, and beneficiaries who have received title XVI payments prior to age 18, but for whom we have not yet conducted a redetermination of their eligibility under the disability standard for adults.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Geoffrey Funk, Social Insurance Specialist, Social Security Administration, Office of Employment Support Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-9010

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**RIN:** 0960-AF89

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**3746. REPEAL OF FACILITY OF PAYMENT PROVISION (508F)**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 20 CFR 404.402(b); 20 CFR 404.458

**Completed:**

Reason	Date
Final Action	04/01/03 68 FR 15658
Final Action Effective	04/01/03

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert J. Augustine  
 Phone: 410 965-0020

**RIN:** 0960-AE02

Phone: 410 965-2468

Suzanne DiMarino  
 Phone: 410 965-1769

**RIN:** 0960-AF16

408.601 (New); 20 CFR 408.610 (New); 20 CFR 408.615 (New); 20 CFR 408.620 (New) to 408.622 (New); 20 CFR 408.624 (New); 20 CFR 408.625 (New); 20 CFR 408.635 (New); 20 CFR 408.640 (New); 20 CFR 408.641 (New); 20 CFR 408.645 (New); 20 CFR 408.650 (New); 20 CFR 408.655 (New); 20 CFR 408.660 (New); 20 CFR 408.665 (New)

**Completed:**

Reason	Date
Final Action	04/04/03 68 FR 16415
Final Action Effective	05/05/03

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert J. Augustine  
 Phone: 410 965-0020

**RIN:** 0960-AF61

**3747. CHANGE IN RETIREMENT AGE (775F)**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 20 CFR 404.201; 20 CFR 404.277; 20 CFR 404.304; 20 CFR 404.310 to 404.313; 20 CFR 404.317; 20 CFR 404.335 to 404.338; 20 CFR 404.352; 20 CFR 404.409 to 404.413; 20 CFR 404.421; 20 CFR 404.621; 20 CFR 404.623; 20 CFR 404.762

**Completed:**

Reason	Date
Final Action	01/30/03 68 FR 4700
Final Action Effective	01/30/03

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Bill Hilton

**3748. SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS (880F)**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 20 CFR 408.101 (New); 20 CFR 408.105 (New); 20 CFR 408.110 (New); 20 CFR 408.120 (New); 20 CFR 408.201 (New); 20 CFR 408.202 (New); 20 CFR 408.204 (New); 20 CFR 408.206 (New); 20 CFR 408.208 (New); 20 CFR 408.210 (New); 20 CFR 408.212 (New); 20 CFR 408.214 (New); 20 CFR 408.216 (New); 20 CFR 408.218 (New); 20 CFR 408.220 (New); 20 CFR 408.222 (New); 20 CFR 408.224 (New); 20 CFR 408.226 (New); 20 CFR 408.228 (New); 20 CFR 408.230 (New); 20 CFR 408.232 (New); 20 CFR 408.234 (New); 20 CFR 408.301 (New); 20 CFR 408.305 (New); 20 CFR 408.310 (New); 20 CFR 408.315 (New); 20 CFR 408.320 (New); 20 CFR 408.325 (New); 20 CFR 408.330 (New); 20 CFR 408.340 (New); 20 CFR 408.345 (New); 20 CFR 408.351 (New); 20 CFR 408.355 (New); 20 CFR 408.360 (New); 20 CFR 408.401 (New) to 408.406 (New); 20 CFR 408.410 (New); 20 CFR 408.412 (New); 20 CFR 408.413 (New); 20 CFR 408.420 (New); 20 CFR 408.425 (New); 20 CFR 408.430 (New); 20 CFR 408.432 (New); 20 CFR 408.435 (New); 20 CFR 408.437 (New); 20 CFR 408.501 (New); 20 CFR 408.505 (New); 20 CFR 408.510 (New); 20 CFR 408.515 (New); 20 CFR

**3749. CLAIMANT IDENTIFICATION PILOT PROJECTS (937F)**

**Priority:** Other Significant  
**CFR Citation:** 20 CFR 404.617 (New); 20 CFR 416.217 (New)

**Completed:**

Reason	Date
NPRM	11/15/02 67 FR 69161
Final Action	05/01/03 68 FR 23192
Final Action Effective	05/31/03

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Suzanne DiMarino

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**SSA**

**Completed Actions**

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Phone: 410 965-1769

**RIN:** 0960-AF79

[FR Doc. 03-8009 Filed 5-23-03; 8:45 am]

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