



Federal Register

**Monday,
December 13, 2004**

Part XLV

Social Security Administration

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 June 28, 2004.

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 J. 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 decisionmakers. 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.

Our regulatory agenda includes items to amend our regulations to reflect the Medicare Prescription Drug, Improvement, and Modernization Act of 2004 (Pub. L. 108-173). We are planning regulatory changes to reflect provisions

of the Social Security Protection Act of 2004 (Pub. L. 108-203).

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. In addition, we expect to propose revisions to the existing rules that implement the Ticket to Work program.

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.

For this edition of SSA's regulatory agenda, the most important significant regulatory actions are included in The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

The fall 2004 regulatory agenda for the Social Security Administration follows.

Dated: October 7, 2004.

Martin J. Sussman,
SSA Regulations Officer.

Social Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3694	Revised Medical Criteria for Endocrine Disorders (436P)	0960-AD78
3695	Supplemental Standards for Ethical Conduct for Employees of the Social Security Administration (601P)	0960-AE48
3696	Deeming of Income From an Ineligible Spouse to an Eligible Individual and an Eligible Child (606P)	0960-AE50
3697	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
3698	Enforcement of Nondiscrimination in Social Security Programs or Activities (661P)	0960-AE78
3699	Privacy and Disclosure of Official Records and Information (711P) (Reg Plan Seq No. 150)	0960-AE88
3700	Federal Salary Offset (Withholding a Portion of a Federal Employee's Salary To Collect a Delinquent Debt Owed to the Social Security Administration) (721P) (Reg Plan Seq No. 151)	0960-AE89
3701	Exemption of Work Activity as a Basis for a Continuing Disability Review (Ticket to Work and Work Incentives Improvement Act of 1999) (725P) (Reg Plan Seq No. 152)	0960-AE93
3702	Medical Equivalence for Adults and Children (787P)	0960-AF19
3703	SSI Trusts and Transfers of Resources (791P)	0960-AF22

SSA

Social Security Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
3704	Revised Medical Criteria for Evaluating Immune System Disorders (804P) (Reg Plan Seq No. 153)	0960-AF33
3705	Disability Insurance Program Demonstration Project Authority (Ticket to Work and Work Incentives Improvement Act of 1999) (789P)	0960-AF41
3706	Revised Medical Criteria for Evaluating Cardiovascular Disorders (826P)	0960-AF48
3707	Amendments to the Ticket to Work and Self-Sufficiency Program (967P) (Reg Plan Seq No. 154)	0960-AF89
3708	Elimination of Parent-to-Child Deeming for Individuals Who No Longer Meet the Definition of Spouse of the Natural or Adoptive Parent (793P) (Reg Plan Seq No. 155)	0960-AF96
3709	Exclusion of Military Pay for Combat Service from Deemed Income and Resources (978P)	0960-AF97
3710	\$30 Private Insurance (794P)	0960-AF99
3711	Rules for Helping Blind and Disabled Individuals Achieve Self-Support (506P) (Reg Plan Seq No. 156)	0960-AG00
3712	Liability of Representative Payees for Overpayments to Deceased Recipients (796P)	0960-AG02
3713	Medicare Prescription Drug Premium and Cost-Sharing (1024P) (Reg Plan Seq No. 157)	0960-AG03
3714	Civil Monetary Penalties, Assessments, and Recommended Exclusions (2362P) (Reg Plan Seq No. 158)	0960-AG08
3715	Representative Payment; Additional Protections for Persons With Representative Payees (2422P) (Reg Plan Seq No. 159)	0960-AG09
3716	Issuance of Work Report Receipts, Payment of Trial Work Period Months After a Fraud Conviction and Changes to the Student Earned Income Exclusion (2502P) (Reg Plan Seq No. 160)	0960-AG10
3717	Income Related Medicare Part B Premium Subsidy Reduction (2101P) (Reg Plan Seq No. 161)	0960-AG11
3718	Denial of Title II Benefits to Persons Fleeing Prosecution, Custody, or Confinement, and to Persons Violating Probation or Parole (2222P) (Reg Plan Seq No. 162)	0960-AG12
3719	Changes to SSI Income and Resources Provisions Based on Sections 430, 435, and 436 of the Social Security Protection Act (SSPA) of 2004 (2482P)	0960-AG13
3720	Privacy and Disclosure of Official Records and Information; Availability of Information and Records to the Public (2562P) (Reg Plan Seq No. 163)	0960-AG14
3721	Representation of Parties; Recognition, Disqualification, and Reinstatement of Representative (2602P)	0960-AG15

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Social Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3722	Revised Medical Criteria for Evaluating Malignant Neoplastic Diseases (399F) (Reg Plan Seq No. 164)	0960-AD67
3723	Technical Changes to Supplemental Security Income (SSI) Regulations (664F)	0960-AE79
3724	Expedited Reinstatement of Disability Benefits (Ticket to Work and Work Incentives Improvement Act) (790F)	0960-AF21
3725	Revised Medical Criteria for Evaluating Impairments of the Digestive System (800F)	0960-AF28
3726	Revised Medical Criteria for Evaluating Impairments Affecting Multiple Body Systems (803F)	0960-AF32
3727	Revisions to the Medical-Vocational Guidelines (823F)	0960-AF47
3728	Amendments to Annual Earnings Test Regulations (866F)	0960-AF62
3729	Stepchild Entitlement and Termination Requirements (934F)	0960-AF78
3730	Referral of Persons Eligible for Disability or Blindness Benefits to Other Agencies for Vocational Rehabilitation Services (929F)	0960-AF80
3731	Elimination 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 (950F) (Reg Plan Seq No. 165)	0960-AF84
3732	Mandatory Exclusion of Health Care Providers, Representatives, and Representative Payees From Participation in SSA Programs (954F)	0960-AF85
3733	Continuation of Benefit Payments to Certain Individuals Who Are Participating in a Program of Vocational Rehabilitation Services, Employment Services, or Other Support Services (925F) (Reg Plan Seq No. 166)	0960-AF86
3734	Elimination of Deemed Military Wages (968F)	0960-AF90
3735	Administrative Review Process; Incorporation by Reference of Oral Findings of Fact and Rationale in Wholly Favorable Written Decisions (964I) (Reg Plan Seq No. 167)	0960-AF92
3736	Expanded Authority for Cross-Program Recovery of Benefit Overpayments (2221F) (Reg Plan Seq No. 168)	0960-AG06
3737	Work Activity and Income of Persons Working as Members of Advisory Committees Established Under the Federal Advisory Committee Act (FACA) (2382I)	0960-AG07

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

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Social Security Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3738	Dedicated Accounts and Installment Payments for Certain Past Due SSI Benefits (622F)	0960-AE59
3739	Revised Medical Criteria for Evaluating Genitourinary Disorders (802F)	0960-AF30
3740	Revised Medical Criteria for Evaluating Special Senses and Speech Disorders (805P)	0960-AF34
3741	Revised Medical Criteria for Evaluating Neurological Disorders (806P)	0960-AF35
3742	Determining Disability for An Individual With Drug Addiction or Alcoholism (851P)	0960-AF57
3743	Revised Medical Criteria for Evaluating Respiratory System Disorders (859P)	0960-AF58
3744	Revised Medical Criteria for Evaluating Growth Disorders (444P)	0960-AF67
3745	Revised Medical Criteria for Evaluating Mental Disorders (886P)	0960-AF69
3746	Revised Medical Criteria for Evaluating Hematological Disorders (974P)	0960-AF88
3747	Recontacting Your Medical Source(s) (2241P)	0960-AG04
3748	Medical and Other Evidence of Your Impairment(s) (2261P)	0960-AG05

Social Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3749	Filing Claims Under the Federal Tort Claims Act and the Military Personnel and Civilian Employees Claims Act (785F)	0960-AF39
3750	Representative Payment Under Titles II, VIII, and XVI of the Social Security Act (949F)	0960-AF83
3751	Evidence Requirement for Assignment of Social Security Numbers (SSNs); Assignment of SSNs to Foreign Students (960F)	0960-AF87
3752	Coverage of Residents in the Commonwealth of the Northern Mariana Islands (CNMI); Coverage of Ministers, Members of the Clergy, and Christian Science Practitioners (792F)	0960-AG01

Social Security Administration (SSA)

Proposed Rule Stage

3694. 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	FR Cite
NPRM	12/00/04	

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

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-AD78

3695. 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.

SSA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:**

Undetermined

Agency Contact: Asim Akbari, Attorney, Social Security Administration, Office of the General Counsel, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 966-6581

Richard M. Bresnick, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235

Phone: 410 965-1758

RIN: 0960-AE48**3696. 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 proposed 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	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:**

Undetermined

Agency Contact: Sean Balsler, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235
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Fax: 410 966-2830
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RIN: 0960-AE50**3697. 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 SSIIPIA, 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 SSIIPIA.

Timetable:

Action	Date	FR Cite
NPRM	03/00/05	

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

Agency Contact: Eileen Inglesby-Houghton, Attorney, Social Security Administration, Office of the General Counsel, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-4816

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

Phone: 410 965-1769

RIN: 0960-AE63**3698. 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	FR Cite
NPRM	03/00/05	

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

SSA

Proposed Rule Stage

Phone: 410 965-1769

RIN: 0960-AE78

3699. PRIVACY AND DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION (711P)

Regulatory Plan: This entry is Seq. No. 150 in part II of this issue of the **Federal Register**.

RIN: 0960-AE88

3700. FEDERAL SALARY OFFSET (WITHHOLDING A PORTION OF A FEDERAL EMPLOYEE'S SALARY TO COLLECT A DELINQUENT DEBT OWED TO THE SOCIAL SECURITY ADMINISTRATION) (721P)

Regulatory Plan: This entry is Seq. No. 151 in part II of this issue of the **Federal Register**.

RIN: 0960-AE89

3701. EXEMPTION OF WORK ACTIVITY AS A BASIS FOR A CONTINUING DISABILITY REVIEW (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999) (725P)

Regulatory Plan: This entry is Seq. No. 152 in part II of this issue of the **Federal Register**.

RIN: 0960-AE93

3702. 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 404.1525 to 404.1527; 20 CFR 404.1529; 20 CFR 416.925; 20 CFR 416.926; 20 CFR 416.926a; 20 CFR 416.927; 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	FR Cite
NPRM	03/00/05	

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

3703. 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	FR Cite
NPRM	08/00/05	

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, 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

3704. REVISED MEDICAL CRITERIA FOR EVALUATING IMMUNE SYSTEM DISORDERS (804P)

Regulatory Plan: This entry is Seq. No. 153 in part II of this issue of the **Federal Register**.

RIN: 0960-AF33

3705. 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.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Ed Beane, Social Insurance Specialist, Social Security Administration, Office of Program Development and Research, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-9866

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

RIN: 0960-AF41

SSA

Proposed Rule Stage

3706. REVISED MEDICAL CRITERIA FOR EVALUATING CARDIOVASCULAR DISORDERS (826P)**Priority:** Other Significant**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	FR Cite
NPRM	09/16/04	69 FR 55874
NPRM Comment Period End	11/15/04	

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
Phone: 410 966-9822

RIN: 0960-AF48**3707. AMENDMENTS TO THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM (967P)**

Regulatory Plan: This entry is Seq. No. 154 in part II of this issue of the **Federal Register**.

RIN: 0960-AF89**3708. ELIMINATION OF PARENT-TO-CHILD DEEMING FOR INDIVIDUALS WHO NO LONGER MEET THE DEFINITION OF SPOUSE OF THE NATURAL OR ADOPTIVE PARENT (793P)**

Regulatory Plan: This entry is Seq. No. 155 in part II of this issue of the **Federal Register**.

RIN: 0960-AF96**3709. EXCLUSION OF MILITARY PAY FOR COMBAT SERVICE FROM DEEMED INCOME AND RESOURCES (978P)**

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

Legal Authority: Sec 1614(f) of the Social Security Act

CFR Citation: 20 CFR 416.1161; 20 CFR 416.1202

Legal Deadline: None

Abstract: These proposed rules would provide for excluding additional military pay for combat service from countable income and resources when we determine the eligibility of children and spouses of military personnel for Supplemental Security Income (SSI). The exclusions ensure that the SSI benefits of children and spouses of military personnel are not adversely affected by the deployment of their family members to a combat zone.

Under these rules, in determining an individual's eligibility for SSI, we would not count the following types of income of an ineligible parent or spouse:

Any additional increment in pay, other than any increase in basic pay, received while serving as a member of the uniformed services, if:

1. The spouse or parent received the pay as a result of deployment to or while serving in a combat zone; and
2. The spouse or parent was not receiving the additional pay immediately prior to deployment to or service in a combat zone.

Under these rules, we also would exclude from deemed resources for nine months following the month of receipt, the unspent portion of any retroactive payment of:

1. Special pay (hostile fire and imminent danger pay) received by the ineligible spouse or ineligible parent

from one of the uniformed services pursuant to 37 U.S.C. 310; and

2. Family separation allowance received by the ineligible spouse or ineligible parent from one of the uniformed services pursuant to 37 U.S.C. 427 as a result of deployment to or while serving in a combat zone.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

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

Agency Contact: Karen E. Kerwath, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-9835

RIN: 0960-AF97**3710. \$30 PRIVATE INSURANCE (794P)**

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

Unfunded Mandates: Undetermined**Legal Authority:** 42 USC 1382(e)

CFR Citation: 20 CFR 416.201; 20 CFR 416.211; 20 CFR 416.212; 20 CFR 416.414; 20 CFR 416.571; 20 CFR 416.1149; 20 CFR 416.1165; 20 CFR 416.1167; 20 CFR 416.1202

Legal Deadline: None

Abstract: These proposed rules make technical and conforming updates to the title XVI regulations based on section 5522(c) of the Balanced Budget Act of 1997 (Pub. L. 105-33). Section 5522(c) eliminated obsolete terminology in section 1611(e)(1) of the Social Security Act that specified particular kinds of medical facilities where the \$30 reduced benefit rate could apply. Section 5522(c) also amended section 1611(e)(1)(G) of the Social Security Act to extend applicability of temporary institutionalization benefits to children who enter private medical treatment facilities and who otherwise would be subject to a reduced benefit because of private insurance coverage.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

SSA

Proposed Rule Stage

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:**

Undetermined

Agency Contact: Karen E. Kerwath, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-9835

Lois A. Berg, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-1713

Related RIN: Previously reported as 0960-AF25

RIN: 0960-AF99

3711. RULES FOR HELPING BLIND AND DISABLED INDIVIDUALS ACHIEVE SELF-SUPPORT (506P)

Regulatory Plan: This entry is Seq. No. 156 in part II of this issue of the **Federal Register**.

RIN: 0960-AG00

3712. LIABILITY OF REPRESENTATIVE PAYEES FOR OVERPAYMENTS TO DECEASED RECIPIENTS (796P)

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

Legal Authority: PL 106-169, sec 201; 42 USC 404(a); 42 USC 405(a) ; 42 USC 902(a); 42 USC 1383(b); 42 USC 1383(d)

CFR Citation: 20 CFR 404.501; 20 CFR 416.537

Legal Deadline: None

Abstract: We propose to revise our regulations to reflect section 201 of Public Law 106-169 that amended 42 U.S.C. sections 404(a) and 1383(b) to make a representative payee personally liable for repayment of a title II/title XVI overpayment to the representative payee on behalf of and individual after the individual's death.

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Thelma Allen, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
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RIN: 0960-AG02

3713. MEDICARE PRESCRIPTION DRUG PREMIUM AND COST-SHARING (1024P)

Regulatory Plan: This entry is Seq. No. 157 in part II of this issue of the **Federal Register**.

RIN: 0960-AG03

3714. • CIVIL MONETARY PENALTIES, ASSESSMENTS, AND RECOMMENDED EXCLUSIONS (2362P)

Regulatory Plan: This entry is Seq. No. 158 in part II of this issue of the **Federal Register**.

RIN: 0960-AG08

3715. • REPRESENTATIVE PAYMENT; ADDITIONAL PROTECTIONS FOR PERSONS WITH REPRESENTATIVE PAYEES (2422P)

Regulatory Plan: This entry is Seq. No. 159 in part II of this issue of the **Federal Register**.

RIN: 0960-AG09

3716. • ISSUANCE OF WORK REPORT RECEIPTS, PAYMENT OF TRIAL WORK PERIOD MONTHS AFTER A FRAUD CONVICTION AND CHANGES TO THE STUDENT EARNED INCOME EXCLUSION (2502P)

Regulatory Plan: This entry is Seq. No. 160 in part II of this issue of the **Federal Register**.

RIN: 0960-AG10

3717. • INCOME RELATED MEDICARE PART B PREMIUM SUBSIDY REDUCTION (2101P)

Regulatory Plan: This entry is Seq. No. 161 in part II of this issue of the **Federal Register**.

RIN: 0960-AG11

3718. • DENIAL OF TITLE II BENEFITS TO PERSONS FLEEING PROSECUTION, CUSTODY, OR CONFINEMENT, AND TO PERSONS VIOLATING PROBATION OR PAROLE (2222P)

Regulatory Plan: This entry is Seq. No. 162 in part II of this issue of the **Federal Register**.

RIN: 0960-AG12

3719. • CHANGES TO SSI INCOME AND RESOURCES PROVISIONS BASED ON SECTIONS 430, 435, AND 436 OF THE SOCIAL SECURITY PROTECTION ACT (SSPA) OF 2004 (2482P)

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

Unfunded Mandates: Undetermined

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

CFR Citation: 20 CFR 416.1111; 20 CFR 416.1112; 20 CFR 416.1123; 20 CFR 416.1124; 20 CFR 416.1161; 20 CFR 416.1210; 20 CR 416.1267 (New)

Legal Deadline: None

Abstract: We propose to revise our regulations on how we determine an individual's income and resources under the SSI program based on the Social Security Protection Act (SSPA) of 2004. Provisions of the SSPA make a number of changes in the way we determine income and resources including: how we calculate infrequent and irregular income; what income we exclude from interest and dividend income; how we count cash military compensation; and when we exclude certain things received for tuition or educational fees from income or resources. We are also proposing to apply the exclusions required by the SSPA when determining the countable income and resources of an ineligible spouse or ineligible parent.

SSA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	

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

Agency Contact: Barbara E. Snyder, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
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Lois A. Berg, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-1713

RIN: 0960-AG13

3720. • PRIVACY AND DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION; AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC (2562P)

Regulatory Plan: This entry is Seq. No. 163 in part II of this issue of the **Federal Register**.

RIN: 0960-AG14

3721. • REPRESENTATION OF PARTIES; RECOGNITION, DISQUALIFICATION, AND REINSTATEMENT OF REPRESENTATIVE (2602P)

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

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 405(a); 42 USC 406; 42 USC 902(a)(5); 42 USC 1383(d)(1)

CFR Citation: 20 CFR 404.1705; 20 CFR 404.1750; 20 CFR 404.1770; 20 CFR 404.1799; 20 CFR 416.1505; 20 CFR 416.1550; 20 CFR 416.1570; 20 CFR 416.1599

Legal Deadline: None

Abstract: We propose to amend our regulations to explain how we plan to implement section 206(a)(1) of the Social Security Act (the Act), as amended by section 205 of the Social Security Protection Act of 2004 (Pub. L. 108-203). As amended, section 206(a)(1) of the Act provides that the Commissioner of Social Security, after due notice and opportunity for hearing, may refuse to recognize as a representative, and may disqualify a representative already recognized, any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice or who has been disqualified from participating in our appearing before any Federal program or agency; that the Commissioner may also refuse to recognize, and may disqualify, as a non-attorney representative any attorney who has

been disbarred or suspended from any court or bar to which he or she was previously admitted to practice; and that a representative who has been disqualified or suspended from appearing before SSA as a result of collecting or receiving a fee in excess of the amount authorized shall be barred from appearing before SSA as a representative until full restitution is made to the claimant and, thereby, may be considered for reinstatement only under such rules as the Commissioner may prescribe. We also propose to make our existing rules regarding the recognition on non-attorneys conform to the proposed new rules that relate to attorneys.

Timetable:

Action	Date	FR Cite
NPRM	02/00/05	

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

Agency Contact: William Storey, Social Insurance Specialist, Social Security Administration, Office of Hearings and Appeals, One Skyline Tower, Falls Church, VA 22046
Phone: 703 605-8276

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Phone: 410 965-1758

RIN: 0960-AG15

Social Security Administration (SSA)

Final Rule Stage

3722. REVISED MEDICAL CRITERIA FOR EVALUATING MALIGNANT NEOPLASTIC DISEASES (399F)

Regulatory Plan: This entry is Seq. No. 164 in part II of this issue of the **Federal Register**.

RIN: 0960-AD67

3723. 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	FR Cite
Final Action	04/00/05	

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

SSA

Final Rule Stage

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

3724. EXPEDITED REINSTATEMENT OF DISABILITY BENEFITS (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT) (790F)

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	FR Cite
NPRM	10/27/03	68 FR 61162
NPRM Comment Period End	12/26/03	
Comment Period Extended	01/05/04	69 FR 307
Comment Period End	01/16/04	
Final Action	01/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: John Nelson, Social Insurance Specialist, Social Security Administration, Office of Program Development and Research, 6401 Security Boulevard, Baltimore, MD 21235
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Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235

Phone: 410 965-1769

RIN: 0960-AF21

3725. 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 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	FR Cite
NPRM	11/14/01	66 FR 57009
NPRM Comment Period End	01/14/02	
Final Action	03/00/05	

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 Programs, 6401 Security Boulevard, Baltimore, MD 21235
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Phone: 410 965-1769

RIN: 0960-AF28

3726. REVISED MEDICAL CRITERIA FOR 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	FR Cite
NPRM	12/23/02	67 FR 78196
NPRM Comment Period End	02/21/03	
Final Action	03/00/05	

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
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Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
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RIN: 0960-AF32

3727. REVISIONS TO THE MEDICAL-VOCATIONAL GUIDELINES (823F)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 405(a); 42 USC 423; 42 USC 1382c; 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

SSA

Final Rule Stage

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	FR Cite
NPRM	07/07/03	68 FR 40213
NPRM Comment Period End	09/05/03	
Final Action	12/00/04	

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 Programs, 6401 Security Boulevard, Baltimore, MD 21235
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RIN: 0960-AF47**3728. AMENDMENTS TO ANNUAL EARNINGS TEST REGULATIONS (866F)****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, Public Law 106-182, enacted on April 7, 2000, eliminates the annual earnings test for retirement beneficiaries, starting from the month in which they reach full retirement age.

Timetable:

Action	Date	FR Cite
NPRM	08/25/03	68 FR 50985
NPRM Comment Period End	10/24/03	
Final Action	01/00/05	

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

Agency Contact: Dorothy Skipwith, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
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RIN: 0960-AF62**3729. STEPCHILD ENTITLEMENT AND TERMINATION REQUIREMENTS (934F)****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 plans 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	FR Cite
NPRM	08/12/03	68 FR 47877
NPRM Comment Period End	10/14/03	
Final Action	01/00/05	

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

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Phone: 410 965-0020

RIN: 0960-AF78**3730. REFERRAL OF PERSONS ELIGIBLE FOR DISABILITY OR BLINDNESS BENEFITS TO OTHER AGENCIES FOR VOCATIONAL REHABILITATION SERVICES (929F)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 1320b-19 note

CFR Citation: 20 CFR 404.1630; 20 CFR 404.2101 to 404.2109; 20 CFR 404.2111; 20 CFR 404.2127; 20 CFR 416.101; 20 CFR 416.1030; 20 CFR 416.1701; 20 CFR 416.1710; 20 CFR 416.2201; 20

SSA

Final Rule Stage

CFR 416.110; 20 CFR 416.2209; 20 CFR 416.2211 to 416.2227

Legal Deadline: None

Abstract: These final rules remove regulatory provisions relating to the requirement to refer for vocational rehabilitation (VR) services those individuals who become entitled to or eligible for disability or blindness benefits under titles II and XVI of the Social Security Act (the Act). These changes are being made to reflect the repeal of section 222(a) and amendment of section 1615(a) of the Act. Prior to their repeal and amendment, these sections of the Act required the Commissioner of Social Security to refer disabled or blind beneficiaries to a State VR agency or for necessary rehabilitation services. The final rules also remove regulatory provisions for referral of disabled or blind beneficiaries to alternate participants for VR services that have become obsolete.

Timetable:

Action	Date	FR Cite
Final Action	01/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: Melvin Winer, Social Insurance Specialist, Social Security Administration, Office of Employment Support Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
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Phone: 410 965-1769

RIN: 0960-AF80

3731. ELIMINATION 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 (950F)

Regulatory Plan: This entry is Seq. No. 165 in part II of this issue of the **Federal Register**.

RIN: 0960-AF84

3732. MANDATORY EXCLUSION OF HEALTH CARE PROVIDERS, REPRESENTATIVES, AND REPRESENTATIVE PAYEES FROM PARTICIPATION IN SSA PROGRAMS (954F)

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 would exclude representatives and health care providers who are convicted of violating certain criminal statutes involving fraud and other matters in the title II or title XVI programs administered by SSA, or who are assessed a civil monetary penalty for making false or misleading statements related to such programs, from participation in those programs. The minimum exclusion period is five years, but exclusions can be permanent.

Timetable:

Action	Date	FR Cite
NPRM	07/02/04	69 FR 40338
NPRM Comment Period End	09/02/04	
Final Action	04/00/05	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Chuck Urban, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
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Phone: 410 965-1769

RIN: 0960-AF85

3733. CONTINUATION OF BENEFIT PAYMENTS TO CERTAIN INDIVIDUALS WHO ARE PARTICIPATING IN A PROGRAM OF VOCATIONAL REHABILITATION SERVICES, EMPLOYMENT SERVICES, OR OTHER SUPPORT SERVICES (925F)

Regulatory Plan: This entry is Seq. No. 166 in part II of this issue of the **Federal Register**.

RIN: 0960-AF86

3734. ELIMINATION OF DEEMED MILITARY WAGES (968F)

Priority: Substantive, Nonsignificant

Legal Authority: PL 107-117; PL 108-203

CFR Citation: 20 CFR 404.1301

Legal Deadline: None

Abstract: We plan to revise our regulations to reflect a provision in Public Laws 107-117 and 108-203 that eliminates deemed military service wage credits for members of the uniformed services for all years after calendar year 2001.

Timetable:

Action	Date	FR Cite
Final Action	02/00/05	

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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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-AF90

SSA

Final Rule Stage

3735. ADMINISTRATIVE REVIEW PROCESS; INCORPORATION BY REFERENCE OF ORAL FINDINGS OF FACT AND RATIONALE IN WHOLLY FAVORABLE WRITTEN DECISIONS (964I)

Regulatory Plan: This entry is Seq. No. 167 in part II of this issue of the Federal Register.

RIN: 0960-AF92

3736. • EXPANDED AUTHORITY FOR CROSS-PROGRAM RECOVERY OF BENEFIT OVERPAYMENTS (2221F)

Regulatory Plan: This entry is Seq. No. 168 in part II of this issue of the Federal Register.

RIN: 0960-AG06

3737. • WORK ACTIVITY AND INCOME OF PERSONS WORKING AS MEMBERS OF ADVISORY COMMITTEES ESTABLISHED UNDER THE FEDERAL ADVISORY COMMITTEE ACT (FACA) (2382I)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 423

CFR Citation: 20 CFR 404.1574; 20 CFR 416.974

Legal Deadline: None

Abstract: We plan to revise our disability regulations under titles II and XVI of the Social Security Act to incorporate a special rule that effects individuals who are receiving payments or providing services as members, staff, or consultants of a committee, board, commission, council or similar group established under the Federal Advisory Committee Act (FACA). Under the revisions, we will not count any earnings an individual is receiving from serving as a member, staff, or consultant of a FACA advisory committee when we determine if an individual is engaging in substantial gainful activity under titles II and XVI. In addition, we will not evaluate any of the services the individual is providing as a member, staff consultant of the FACA advisory committee when determining if the individual has engaged in substantial gainful activity under titles II and XVI.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mary Hoover, Social Insurance Specialist, Social Security Administration, Office of Program Development and Research, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-5651

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Phone: 410 965-0020

RIN: 0960-AG07

Social Security Administration (SSA)

Long-Term Actions

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. 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 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	FR Cite
Interim Final Rule	12/20/96	61 FR 67203
Interim Final Rule Comment Period End	02/18/97	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Lois A. Berg, Social Insurance Specialist, Social Security Administration, Office of Regulations,

6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-1713

RIN: 0960-AE59

3739. REVISED MEDICAL CRITERIA FOR EVALUATING GENITOURINARY DISORDERS (802F)

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,

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Long-Term Actions

treatment, and methods of evaluating genitourinary impairments.

Timetable:

Action	Date	FR Cite
NPRM	08/23/04	69 FR 51777
NPRM Comment Period End	10/22/04	
Final Action	To Be Determined	

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, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 966-1192

RIN: 0960-AF30

3740. 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	FR Cite
NPRM	To Be Determined	

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
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Robert J. Augustine, Social Insurance Specialist, Social Security

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Phone: 410 965-0020

RIN: 0960-AF34

3741. 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	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0960-AF35

3742. DETERMINING DISABILITY FOR AN INDIVIDUAL WITH DRUG ADDICTION OR ALCOHOLISM (851P)

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: We propose to revise our regulations that address drug addiction

and alcoholism (DAA) under titles 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	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0960-AF57

3743. 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

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	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0960-AF58

3744. 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	FR Cite
NPRM	To Be	Determined

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 Programs, 6401 Security Boulevard, Baltimore, MD 21235
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Related RIN: Related to 0960-AD80

RIN: 0960-AF67

3745. REVISED MEDICAL CRITERIA FOR EVALUATING MENTAL DISORDERS (886P)

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	FR Cite
ANPRM	03/17/03	68 FR 12639
ANPRM Comment Period End	06/16/03	
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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RIN: 0960-AF69

3746. 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	FR Cite
NPRM	12/00/05	

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
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RIN: 0960-AF88

3747. RECONTACTING YOUR MEDICAL SOURCE(S) (2241P)

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

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 421; 42 USC 422(c); 42 USC 423; 42 USC 423 note; 42 USC 425; 42 USC 902(a)(5); 42 USC 1382; 42 USC 1382c; 42 USC 1382h; 42 USC 1382h note; 42 USC 1383(a); 42 USC 1383(c); 42 USC 1383(d)(1); 42 USC 1383b; PL 98-460; PL 104-193

CFR Citation: 20 CFR 404.1512; 20 CFR 416.912

Legal Deadline: None

Abstract: Some courts have interpreted our regulations to require that we recontact a treating source when we do

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not adopt the treating source's medical opinion, even though we considered the opinion but found that the overall evidence was adequate to decide whether the individual was disabled. Accordingly, we propose to revise our regulations to clarify when we will and will not recontact the individual's treating source(s) or other medical source(s) for additional evidence or clarification when evidence from such source(s) is insufficient or inconsistent, as discussed in sections 404.1527(c) and 416.927(c). We also propose to revise our regulations to explain that we will not recontact the individual's treating source(s) or other medical source(s) if there is sufficient evidence for us to decide whether the individual is disabled.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0960-AG04

3748. MEDICAL AND OTHER EVIDENCE OF YOUR IMPAIRMENT(S) (2261P)

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

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 421 note; 42 USC 423; 42 USC 423 note; 42 USC 425; 42 USC 902(a)(5); 42 USC 1382; 42 USC 1382c; 42 USC 1382h; 42 USC 1382h note; 42 USC 1383(a); 42 USC 1383(c); 42 USC 1383(d)(1); 42 USC 1383b; PL 104-193; PL 98-460

CFR Citation: 20 CFR 404, subpart P; 20 CFR 416, subpart I

Legal Deadline: None

Abstract: We propose to revise our rules that affect the Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs by clarifying the role of optometrists as acceptable medical sources. The rules would clarify that we may establish a medically determinable impairment with medical evidence of record from optometrists instead of having to purchase consultative examinations from ophthalmologists.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tessa Albright, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-7789

RIN: 0960-AG05

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3749. FILING CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT AND THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES CLAIMS ACT (785F)

Priority: Substantive, Nonsignificant

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

Completed:

Reason	Date	FR Cite
Final Action	08/11/04	69 FR 48767
Final Action Effective	09/10/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Doug Cohen
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RIN: 0960-AF39

3750. REPRESENTATIVE PAYMENT UNDER TITLES II, VIII, AND XVI OF THE SOCIAL SECURITY ACT (949F)

Priority: Other Significant

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 404.2040a; 20 CFR 404.2041; 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 416.640a; 20 CFR 416.641; 20 CFR 416.650; 20 CFR 416.665; 20 CFR 416.1402; 20 CFR 408.601; 20 CFR 408.610; 20 CFR 408.611; 20 CFR 408.615; 20 CFR 408.620; 20 CFR 408.621; 20 CFR 408.622; 20 CFR 408.624; 20 CFR 408.625; 20 CFR 408.630; 20 CFR 408.635; 20 CFR 408.640; 20 CFR 408.641; 20 CFR 408.645; 20 CFR 408.650; 20 CFR 408.655; 20 CFR 408.660; 20 CFR 408.665

Completed:

Reason	Date	FR Cite
Final Action	10/07/04	69 FR 60223
Final Action Effective	11/08/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

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RIN: 0960-AF83

3751. EVIDENCE REQUIREMENT FOR ASSIGNMENT OF SOCIAL SECURITY NUMBERS (SSNS); ASSIGNMENT OF SSNS TO FOREIGN STUDENTS (960F)

Priority: Other Significant

CFR Citation: 20 CFR 422.105; 20 CFR 422.107

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Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	09/13/04	69 FR 55065
Final Action Effective	10/13/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Agency Contact:** Robert J. Augustine
Phone: 410 965-0020**RIN:** 0960-AF87**3752. COVERAGE OF RESIDENTS IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS (CNMI); COVERAGE OF MINISTERS, MEMBERS OF THE CLERGY, AND CHRISTIAN SCIENCE PRACTITIONERS (792F)****Priority:** Substantive, Nonsignificant**CFR Citation:** 20 CFR 404.2; 20 CFR 404.460; 20 CFR 404.1004; 20 CFR 404.1020; 20 CFR 404.1022; 20 CFR 404.1071; 20 CFR 404.1093; 20 CFR 404.1096; 20 CFR 404.1200; 20 CFR 404.1202(b)**Completed:**

Reason	Date	FR Cite
NPRM	04/07/04	69 FR 18310
Final Action	08/20/04	69 FR 51553
Final Action Effective	09/20/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert J. Augustine
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