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**Monday,
May 16, 2005**

Part XLIV

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 December 13, 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 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.

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.

The spring 2005 regulatory agenda for the Social Security Administration follows.

Dated: March 18, 2005.

Martin J. Sussman,
SSA Regulations Officer.

Social Security Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3543	Revised Medical Criteria for Evaluating Neurological Impairments (806A)	0960-AF35
3544	Revised Medical Criteria for Evaluating Respiratory System Disorders (859A)	0960-AF58
3545	Revised Medical Criteria for Evaluating Hearing Impairments and Disturbance of Labyrinthine-Vestibular Function (2862A)	0960-AG20
3546	New Medical Criteria for Evaluating Language and Speech Disorders (2962A)	0960-AG21

Social Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3547	Privacy and Disclosure of Official Records and Information (711P)	0960-AE88
3548	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
3549	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

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Social Security Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
3550	Medical Equivalence for Adults and Children (787P)	0960-AF19
3551	SSI Trusts and Transfers of Resources (791P)	0960-AF22
3552	Revised Medical Criteria for Evaluating Immune System Disorders (804P)	0960-AF33
3553	Revised Medical Criteria for Evaluating Visual Disorders (805P)	0960-AF34
3554	Revised Medical Criteria for Evaluating Mental Disorders (886P)	0960-AF69
3555	Revised Medical Criteria for Evaluating Hematological Disorders (974P)	0960-AF88
3556	Amendments to the Ticket to Work and Self-Sufficiency Program (967P)	0960-AF89
3557	Elimination of Parent-to-Child Deeming for Individuals Who No Longer Meet the Definition of Spouse of the Natural or Adoptive Parent (793P)	0960-AF96
3558	\$30 Private Insurance (794P)	0960-AF99
3559	Rules for Helping Blind and Disabled Individuals Achieve Self-Support (506P)	0960-AG00
3560	Recontacting Your Medical Source(s) (2241P)	0960-AG04
3561	Optometrists as Acceptable Medical Sources To Establish a Medically Determinable Impairment (2261P)	0960-AG05
3562	Work Activity and Income of Persons Working as Members of Advisory Committees Established Under the Federal Advisory Committee Act (FACA) (2382P)	0960-AG07
3563	Representative Payment; Policies and Administrative Procedure for Imposing Penalties for False or Misleading Statements or Withholding of Information (2422P)	0960-AG09
3564	Rules for the Issuance of Work Report Receipts, Payment of Benefits for TWP Service Months After a Fraud Conviction, Changes to the SEIE and Expansion of the Reintitlement Period for Child's Benefits	0960-AG10
3565	Income Related Medicare Part B Premium Subsidy Reduction (2101P)	0960-AG11
3566	Nonpayment of Benefits to Fugitive Felons and Probation or Parole Violators (2222P)	0960-AG12
3567	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
3568	Privacy and Disclosure of Official Records and Information; Availability of Information and Records to the Public (2562P)	0960-AG14
3569	Representation of Parties; Recognition, Disqualification, and Reinstatement of Representative (2602P)	0960-AG15
3570	Continuing Disability Review Failure To Cooperate Process (2763P)	0960-AG19
3571	Additional Insured Status Requirements for Certain Noncitizen Workers (2882P)	0960-AG22

Social Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3572	Supplemental Standards for Ethical Conduct for Employees of the Social Security Administration (601F)	0960-AE48
3573	Dedicated Accounts and Installment Payments for Certain Past Due SSI Benefits (622F)	0960-AE59
3574	Technical Changes to Supplemental Security Income (SSI) Regulations (664F)	0960-AE79
3575	Expedited Reinstatement of Disability Benefits (Ticket to Work and Work Incentives Improvement Act) (790F)	0960-AF21
3576	Revised Medical Criteria for Evaluating Impairments of the Digestive System (800F)	0960-AF28
3577	Revised Medical Criteria for Evaluating Genitourinary Disorders (802F)	0960-AF30
3578	Revised Medical Criteria for Evaluating Impairments Affecting Multiple Body Systems (803F)	0960-AF32
3579	Revisions to the Medical-Vocational Guidelines (823F)	0960-AF47
3580	Revised Medical Criteria for Evaluating Cardiovascular Disorders (826F)	0960-AF48
3581	Amendments to Annual Earnings Test Regulations (866F)	0960-AF62
3582	Mandatory Exclusion of Health Care Providers, Representatives, and Representative Payees From Participation in SSA Programs (954F)	0960-AF85
3583	Continuation of Benefit Payments to Certain Individuals Who Are Participating in a Program of Vocational Rehabilitation Services, Employment Services, or Other Support Services (925F)	0960-AF86
3584	Elimination of Deemed Military Wages (968F)	0960-AF90
3585	Administrative Review Process; Incorporation by Reference of Oral Findings of Fact and Rationale in Wholly Favorable Written Decisions (964F)	0960-AF92
3586	Medicare Prescription Drug Premium and Cost-Sharing (1024P)	0960-AG03
3587	Civil Monetary Penalties, Assessments, and Recommended Exclusions (2362P)	0960-AG08
3588	Update to Divided State Retirement Systems Coverage Group List and Technical Coverage Corrections Required by the Social Security Protection Act of 2004 (2523F)	0960-AG18

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Social Security Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3589	Revised Medical Criteria for Endocrine Disorders (436P)	0960-AD78
3590	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
3591	Enforcement of Nondiscrimination in Social Security Programs or Activities (661P)	0960-AE78
3592	Determining Disability for An Individual With Drug Addiction or Alcoholism (851P)	0960-AF57
3593	Revised Medical Criteria for Evaluating Growth Disorders (444P)	0960-AF67
3594	Stepchild Entitlement and Termination Requirements (934F)	0960-AF78
3595	Referral of Persons Eligible for Disability or Blindness Benefits to Other Agencies for Vocational Rehabilitation Services (929F)	0960-AF80
3596	Exclusion of Military Pay for Combat Service from Deemed Income and Resources (978P)	0960-AF97
3597	Liability of Representative Payees for Overpayments to Deceased Recipients (796P)	0960-AG02
3598	Deemed Duration of Marriage for Widows/Widowers and Removal of Restriction on Benefits to Children of Military Parents Overseas (2883F)	0960-AG23

Social Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3599	Revised Medical Criteria for Evaluating Malignant Neoplastic Diseases (399F)	0960-AD67
3600	Deeming of Income From an Ineligible Spouse to an Eligible Individual and an Eligible Child (606P)	0960-AE50
3601	Disability Insurance Program Demonstration Project Authority (Ticket to Work and Work Incentives Improvement Act of 1999) (789P)	0960-AF41
3602	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)	0960-AF84
3603	Expanded Authority for Cross-Program Recovery of Benefit Overpayments (2221F)	0960-AG06
3604	Nonpayment of Benefits When the Social Security Administration Receives Notice that an Insured Person is Deported or Removed from the United States (2662F)	0960-AG16

Social Security Administration (SSA)

Prerule Stage

3543. REVISED MEDICAL CRITERIA FOR EVALUATING NEUROLOGICAL IMPAIRMENTS (806A)

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 are planning to update and revise the rules we use to evaluate neurological impairments 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 11.00 and 111.00 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	04/13/05	70 FR 19356
ANPRM Comment	06/13/05	
Period End		

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
Phone: 410 965-1891

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

3544. REVISED MEDICAL CRITERIA FOR EVALUATING RESPIRATORY SYSTEM DISORDERS (859A)

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 are planning to update and revise the rules we use to evaluate respiratory 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 rules we plan on revising are sections 3.00 and 103.00 in the Listing of

SSA

Prerule Stage

Impairments in appendix 1 to subpart P of part 404 of our regulations (the listings).

Timetable:

Action	Date	FR Cite
ANPRM	04/13/05	70 FR 19358
ANPRM Comment Period End	06/13/05	

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

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

3545. • REVISED MEDICAL CRITERIA FOR EVALUATING HEARING IMPAIRMENTS AND DISTURBANCE OF LABYRINTHINE-VESTIBULAR FUNCTION (2862A)

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: We are planning to update and revise the rules we use to evaluate

hearing impairments and disturbance of labyrinthine-vestibular function 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 section 2.00 and 102.00 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	04/13/05	70 FR 19353
ANPRM Comment Period End	06/13/05	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

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-AG20

3546. • NEW MEDICAL CRITERIA FOR EVALUATING LANGUAGE AND SPEECH DISORDERS (2962A)

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: We are considering whether to propose new rules for evaluating language and speech disorders by adding a new body system to the Listing of Impairments in appendix 1 to subpart P of part 404 of our regulations (the listings) for these disorders. The new rules would apply to adults and children who apply for, or receive, disability benefits under titles II and XVI of the Social Security Act (the Act).

Timetable:

Action	Date	FR Cite
ANPRM	04/13/05	70 FR 19351
ANPRM Comment Period End	06/13/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Undetermined

Agency Contact: Janet Bendann, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-9118

Rosemarie Greenwald, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 966-7813

RIN: 0960-AG21

Social Security Administration (SSA)

Proposed Rule Stage

3547. 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. More fully describe the role and function of the Privacy Officer;
2. Describe safeguards against inappropriate disclosure of personal information when individuals request information about themselves by electronic means (e.g., through the Internet);
3. Conform to special procedures on an individual's access to medical records; and
4. 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.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	

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 the

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Proposed Rule Stage

General Counsel, Office of Public Disclosure, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-8563

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

RIN: 0960-AE88

3548. 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	FR Cite
NPRM	11/00/05	

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

3549. 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 404.903; 20 CFR 404.1574; 20 CFR 404.1575; 20 CFR 404.1590; 20 CFR 404.1592a; 20 CFR 404.1594; 20 CFR 416.974; 20 CFR 416.990; 20 CFR 416.994; 20 CFR 416.1403

Legal Deadline: None

Abstract: We are proposing to amend our regulations to explain how we will implement section 221(m) of the Social Security Act (the Act). We are also proposing to amend our regulation to eliminate the use of the secondary substantial gainful activity amount for evaluating work done by an employee prior to January 2001. Section 221(m) affects our rules for when we will conduct a continuing disability review if a beneficiary works and receives benefits under title II of the Act based on disability. (We interpret this section to include beneficiaries who receive both title II disability benefits and Supplemental Security Income (SSI) payments based on disability.) It also affects the way we evaluate work activity when deciding if a beneficiary has engaged in substantial gainful activity, and affects the standards we use when we determine whether disability continues or ends.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Kristine Erwin-Tribbitt, Social Insurance Specialist, Social Security Administration, Office of Program Development and Research, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-3353

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

Phone: 410 965-1769

RIN: 0960-AE93

3550. 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	07/00/05	

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
Phone: 410 965-1891

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

3551. 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

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Proposed Rule Stage

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

3552. REVISED MEDICAL CRITERIA FOR EVALUATING IMMUNE SYSTEM DISORDERS (804P)

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 will 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 will revise are sections 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,

Polymyositis, Inflammatory Arthritis, and other connective tissue disorders.

Timetable:

Action	Date	FR Cite
ANPRM	05/09/03	68 FR 24896
ANPRM Comment	07/08/03	
Period End		
NPRM	12/00/05	

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

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

RIN: 0960-AF33

3553. REVISED MEDICAL CRITERIA FOR EVALUATING VISUAL 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 visual 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 our program experience and advances in medical knowledge, treatment, and methods of evaluating visual disorders.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

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
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

3554. 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 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	06/16/03	
Period End		
NPRM	12/00/05	

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

SSA

Proposed Rule Stage

3555. 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
Phone: 410 965-2289

RIN: 0960-AF88**3556. AMENDMENTS TO THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM (967P)****Priority:** Other Significant**Legal Authority:** 42 USC 902(a)(5); 42 USC 1320b-19; PL 106-170, sec 101

CFR Citation: 20 CFR 411.115; 20 CFR 411.125 to 411.140; 20 CFR 411.150 to 411.155; 20 CFR 411.171; 20 CFR 411.350 to 411.375; 20 CFR 411.385 to 411.395; 20 CFR 411.500 to 411.510; 20 CFR 411.525 to 411.565; 20 CFR 411.575 to 411.585

Legal Deadline: None

Abstract: These proposed rules are intended to amend the final rules implementing the Ticket to Work and Self-Sufficiency Program under section 1148 of the Social Security Act: to expand beneficiary eligibility to receive tickets under this program; to clarify the rules for assignment of a beneficiary's ticket to a State vocational rehabilitation (VR) agency; to revise the rules for payment when a beneficiary receives services from both a State VR agency and an employment network (EN); and, consistent with the Commissioner's authority in section 1148(h) of the Act, to revise the rules for milestone and outcome payments to ENs, in order to increase the incentives for providers of employment and other support services to participate in this program.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	

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

Agency Contact: Barbara Leary, Social Insurance Specialist, Social Security Administration, Office of Employment Support Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-7764

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

RIN: 0960-AF89**3557. ELIMINATION OF PARENT-TO-CHILD DEEMING FOR INDIVIDUALS WHO NO LONGER MEET THE DEFINITION OF SPOUSE OF THE NATURAL OR ADOPTIVE PARENT (793P)****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** Sec 1614(f)(2) of the Social Security Act

CFR Citation: 20 CFR 416.1160; 20 CFR 416.1165; 20 CFR 416.1202; 20 CFR 416.1851

Legal Deadline: None**Abstract:** We propose to change the Supplemental Security Income (SSI)

parent-to-child deeming rules to no longer consider the income and resources of a stepparent when an eligible child resides in the household with a stepparent, but not his or her natural or adoptive parent. We will clarify that a stepparent no longer meets the definition of a "parent" when his or her spouse dies or leaves the household. Thus, an eligible child is not subject to deeming from a stepparent unless the child lives with both his or her natural or adoptive parent and the stepparent. We also propose changing the age at which an individual is no longer considered an ineligible child for purposes of deeming from 21 to 22. We believe this change will simplify our rules for both the public and our public contact employees.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

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

Richard M. Bresnick, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1758

Related RIN: Related to 0960-AF24**RIN:** 0960-AF96**3558. \$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

SSA

Proposed Rule Stage

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	

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
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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

Related RIN: Previously reported as 0960-AF25

RIN: 0960-AF99

3559. RULES FOR HELPING BLIND AND DISABLED INDIVIDUALS ACHIEVE SELF-SUPPORT (506P)

Priority: Other Significant

Legal Authority: 42 USC 1383b(d)

CFR Citation: 20 CFR 416.1180; 20 CFR 416.1181; 20 CFR 416.1226

Legal Deadline: None

Abstract: We are proposing to amend our regulations to explain how we implement section 203 of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103-296). Section 203 of this law amended section 1633 of the Social Security Act to require us to establish

by regulations criteria for time limits and other criteria related to plans to achieve self-support (PASS). The law requires that the time limits take into account the length of time that a person needs to achieve his or her occupational goal, within a reasonable period, and other factors as determined by the Commissioner to be appropriate.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

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

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

Related RIN: Previously reported as 0960-AE17

RIN: 0960-AG00

3560. 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 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	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mike O'Connor, Social Insurance Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-1952

RIN: 0960-AG04

3561. OPTOMETRISTS AS ACCEPTABLE MEDICAL SOURCES TO ESTABLISH A MEDICALLY DETERMINABLE IMPAIRMENT (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 404.1513; 20 CFR 416.913

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 expanding the role of optometrists as acceptable medical sources. The rules would provide that

SSA

Proposed Rule Stage

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	08/00/05	

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
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RIN: 0960-AG05

3562. WORK ACTIVITY AND INCOME OF PERSONS WORKING AS MEMBERS OF ADVISORY COMMITTEES ESTABLISHED UNDER THE FEDERAL ADVISORY COMMITTEE ACT (FACA) (2382P)

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 title II of the Social Security Act to incorporate a special rule that affects individuals who are receiving payments or providing services as members 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 or consultant of a FACA advisory committee when we determine if an individual is engaging in substantial gainful activity under title II. In addition, we will not evaluate any of the services the individual is providing as a member or consultant of the FACA advisory

committee when determining if the individual has engaged in substantial gainful activity under title II.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

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
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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-AG07

3563. REPRESENTATIVE PAYMENT; POLICIES AND ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS OR WITHHOLDING OF INFORMATION (2422P)

Priority: Other Significant**Legal Authority:** 42 USC 405(j); 42 USC 1007; 42 USC 1383(a)(2)

CFR Citation: 20 CFR 404.459; 20 CFR 404.2022; 20 CFR 404.2035; 20 CFR 404.2040(a); 20 CFR 404.2045; 20 CFR 404.2065; 20 CFR 408.622; 20 CFR 408.635; 20 CFR 408.645; 20 CFR 408.665; 20 CFR 416.622; 20 CFR 416.635; 20 CFR 416.640(a); 20 CFR 416.645; 20 CFR 416.1340; PL 108-203, sec 102; PL 108-203, sec 103; PL 108-203, sec 104; PL 108-203, sec 105; PL 108-203, sec 106; PL 108-203, sec 201

Legal Deadline: None

Abstract: Effective stewardship of SSA programs requires mechanisms to assure that benefits are used to meet the needs of beneficiaries judged 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

proposed regulations are required to further our program integrity efforts.

In order to help prevent and respond to fraud and abuse in SSA's programs and operations, we propose regulations for imposing penalties for false or misleading statements or withholding of information when the person knows or should know that the failure to provide the information is misleading.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	
Final Action	05/00/06	

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

Agency Contact: Betsy Byrd, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
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-AG09

3564. RULES FOR THE ISSUANCE OF WORK REPORT RECEIPTS, PAYMENT OF BENEFITS FOR TWP SERVICE MONTHS AFTER A FRAUD CONVICTION, CHANGES TO THE SEIE AND EXPANSION OF THE REINTITLEMENT PERIOD FOR CHILD'S BENEFITS

Priority: Other Significant

Legal Authority: 42 USC 402; 42 USC 403; 42 USC 404(a); 42 USC 404(e); 42 USC 405(a) to 405(d); 42 USC 405(h); 42 USC 405 note; 42 USC 416(1); 42 USC 421(a); 42 USC 421(i); 42 USC 421 note ; 42 USC 422(c); 42 USC 423(e); 42 USC 425; 42 USC 428(a) to 428(e); 42 USC 902(a); 42 USC 902(5); 42 USC 902 note; 42 USC 1320 a-8a; 42 USC 1320 b-17; 42 USC 1381; 42 USC 1382; 42 USC 1382 note; 42 USC 1383

CFR Citation: 20 CFR 404.351; 20 CFR 404.401a; 20 CFR 404.471; 20 CFR 404.903; 20 CFR 404.1588; 20 CFR 404.1592; 20 CFR 416.708(c); 20 CFR 416.1112(c)(3); 20 CFR 416.1403; 20 CFR 416.1861

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Proposed Rule Stage

Legal Deadline: None

Abstract: We are proposing to amend our rules to reflect and implement sections 202, 208, 420A, and 432 of Public Law 108-203, the Social Security Protection Act of 2004 (SSPA). Section 202 of the SSPA requires us to issue a receipt each time you or your representative report a change in your work activity or give us documentation of a change in your earnings if you receive benefits based on disability under title II or title XVI of the Social Security Act (the Act). Section 208 changes the way we pay benefits during the trail work period if you are convicted by a Federal court of fraudulently concealing your work activity. Section 420A allows you to be reentitled to childhood disability benefits beyond the current 84-month period if your previous entitlement to childhood disability benefits terminated because of the performance of substantial gainful activity, and you are not entitled to a higher benefit on your own record. Section 432 changes the way we decide if you are eligible for the student earned income exclusion. We also propose to change the SSI student policy to include home schooling as a form of regular school attendance when determining eligibility for the student earned income exclusion.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
Final Action	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Cindy Duzan, Social Insurance Specialist, Social Security Administration, Office of Program Development and Research, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-4203

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

RIN: 0960-AG10

3565. INCOME RELATED MEDICARE PART B PREMIUM SUBSIDY REDUCTION (2101P)

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

Legal Authority: 42 USC 405; PL 108-173

CFR Citation: 20 CFR 418 (New)

Legal Deadline: None

Abstract: We propose to add to our regulations a new part 418 that would include our rules applicable to reduction of premium subsidies for beneficiaries who have income above the statutorily specified level. Section 811 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 amends section 1839 of the Act. Starting in 2007, the new subsection 1839(i) requires that Medicare part B enrollees with the specified income receive a reduced part B premium subsidy. The statute establishes four income range "notches" above a threshold, and prescribes a percentage adjustment of premiums for each notch. As income increases, the premium subsidy decreases; in effect, the higher the income, the higher the part B premium. All beneficiaries will continue to receive some part B premium subsidy. The income threshold in 2007 is \$80,000 (\$160,000 for an individual who files a joint income tax return). The premium adjustments will be phased in over a five year period from 2007 through 2010. After 2007, the threshold amount and all of the notch amounts will be annually adjusted for inflation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Agency Contact: Craig Streett, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-9793

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-AG11

3566. NONPAYMENT OF BENEFITS TO FUGITIVE FELONS AND PROBATION OR PAROLE VIOLATORS (2222P)

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

Legal Authority: 42 USC 402(x)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: These regulations will propose rules for prohibiting title II benefits to persons fleeing prosecution or custody, or confinement after conviction and to persons violating probation or parole. We will also propose rules for establishing that good cause exists for continuing to pay such benefits.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Bill Hilton, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-2468

Richard M. Bresnick, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1758

RIN: 0960-AG12

3567. 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 1382 Note; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c(f); 42 USC 1382j; 42 USC 1383

SSA

Proposed Rule Stage

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: 1) how we calculate infrequent and irregular income; 2) what income we exclude from interest and dividend income; 3) how we count cash military compensation; and 4) 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.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

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
Phone: 410 965-5655

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

3568. PRIVACY AND DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION; AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC (2562P)

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 app A(c)(4); 20 CFR 402.45(e)

Legal Deadline: None

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

1. Add a new section to set out detailed procedures to further preserve the anonymity and protect the physical well-being of employees in abusive relationships or who fear for their physical well-being because of threats from others;
2. Conform SSA's Freedom of Information Act regulations in this respect more closely to Office of Personnel Management (OPM) regulations; and
3. Develop procedures for the protection in the electronic environment of personally identifiable information for at-risk employees.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Edie McCracken, Social Insurance Specialist, Social Security Administration, Office of the General Counsel, Office of Public Disclosure, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-6117

RIN: 0960-AG14

3569. REPRESENTATION OF PARTIES; RECOGNITION, DISQUALIFICATION, AND REINSTATEMENT OF REPRESENTATIVE (2602P)

Priority: Other Significant

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

CFR Citation: 20 CFR 404.1705; 20 CFR 404.1745; 20 CFR 404.1750; 20 CFR 404.1755; 20 CFR 404.1765; 20 CFR 404.1770; 20 CFR 404.1790; 20 CFR 404.1799; 20 CFR 416.1505; 20 CFR 416.1545; 20 CFR 416.1550; 20 CFR 416.1555; 20 CFR 416.1565; 20 CFR 416.1570; 20 CFR 416.1590; 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 (Public Law 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 or 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 of non-attorneys conform to the proposed new rules that relate to attorneys.

Timetable:

Action	Date	FR Cite
NPRM	04/13/05	70 FR 19361
NPRM Comment	06/13/05	
Period End		

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

Richard M. Bresnick, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1758

RIN: 0960-AG15

SSA

Proposed Rule Stage

3570. • CONTINUING DISABILITY REVIEW FAILURE TO COOPERATE PROCESS (2763P)

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

Unfunded Mandates: 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 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)(1)

CFR Citation: 20 CFR 404.1594; 20 CFR 404.1596; 20 CFR 416.994

Legal Deadline: None

Abstract: We propose to amend our regulations to provide that we will suspend your disability benefits before we make a determination during a continuing disability review (CDR) under title II of the Social Security Act (the Act) when you fail to comply with our request for necessary information. And, should you remain noncompliant for a period of one year following your suspension, we will then terminate your disability benefits. We are proposing these revisions to conform our title II procedures for determining whether you continue to meet the disability requirements to our current title XVI procedures.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Rosemarie Greenwald, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 966-7813

RIN: 0960-AG19

3571. • ADDITIONAL INSURED STATUS REQUIREMENTS FOR CERTAIN NONCITIZEN WORKERS (2882P)

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

Legal Authority: 42 USC 414.423(a)(1)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: To implement section 211 of the Social Security Protection Act of 2004, we propose to revise our regulations on determining fully insured and currently insured status, and related disability entitlement rules, for certain alien workers under title II of the Social Security Act (the Act). An

alien worker who was originally assigned a Social Security number on or after January 1, 2004, must meet one of two additional requirements as a prerequisite for establishing insured status, or satisfying related disability entitlement requirements. Implementation of these proposed regulatory revisions will yield significant program savings because title II entitlement will be precluded based on the earnings of noncitizen workers who do not meet the new statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jessica Burns, Social Insurance Specialist, Social Security Administration, Office of Income Support Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 966-8481

Richard M. Bresnick, Social Insurance Specialist, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-1758

RIN: 0960-AG22

Social Security Administration (SSA)

Final Rule Stage

3572. SUPPLEMENTAL STANDARDS FOR ETHICAL CONDUCT FOR EMPLOYEES OF THE SOCIAL SECURITY ADMINISTRATION (601F)

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), will 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. This final rule specifies procedural and substantive requirements that are necessary to address ethical issues unique to SSA.

Timetable:

Action	Date	FR Cite
NPRM	02/11/05	70 FR 7192
NPRM Comment Period End	03/14/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

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RIN: 0960-AE48

3573. 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)

SSA

Final Rule Stage

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 six 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	02/18/97	
Comment Period End		
Final Action	12/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

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RIN: 0960-AE59

3574. 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	08/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0960-AE79

3575. EXPEDITED REINSTATEMENT OF DISABILITY BENEFITS (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT) (790F)

Priority: Other Significant

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 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	

Action	Date	FR Cite
Comment Period Extended	01/05/04	69 FR 307
Comment Period End	01/16/04	
Final Action	07/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0960-AF21

3576. 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	
NPRM Comment Period Reopened	11/08/04	69 FR 64702

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Action	Date	FR Cite
Comment Period End	01/07/05	
Final Action	10/00/05	

Regulatory Flexibility Analysis

Required: No

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

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RIN: 0960-AF28

3577. 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: These final rules will 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	FR Cite
NPRM	08/23/04	69 FR 51777
NPRM Comment Period End	10/22/04	
Final Action	09/00/05	

Regulatory Flexibility Analysis

Required: No

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

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RIN: 0960-AF30

3578. 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 will 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	09/00/05	

Regulatory Flexibility Analysis

Required: No

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

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RIN: 0960-AF32

3579. 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

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	06/00/05	

Regulatory Flexibility Analysis

Required: No

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

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RIN: 0960-AF47

3580. REVISED MEDICAL CRITERIA FOR EVALUATING CARDIOVASCULAR DISORDERS (826F)**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

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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 will 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	
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0960-AF48

3581. 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	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0960-AF62

3582. 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 final rule will 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	08/31/04	
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

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RIN: 0960-AF85

3583. CONTINUATION OF BENEFIT PAYMENTS TO CERTAIN INDIVIDUALS WHO ARE PARTICIPATING IN A PROGRAM OF VOCATIONAL REHABILITATION SERVICES, EMPLOYMENT SERVICES, OR OTHER SUPPORT SERVICES (925F)

Priority: Other Significant

Legal Authority: 42 USC 902(a)(5); 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 404.902; 20 CFR 404.1586; 20 CFR 404.1596; 20 CFR 404.1597; 20 CFR 416.1320; 20 CFR 416.1331; 20 CFR 416.1338; 20 CFR 416.1402

Legal Deadline: None

Abstract: These final rules revise the regulations that provide for the continuation of benefit payments to certain individuals who recover medically while participating in a vocational rehabilitation program with a State vocational rehabilitation agency. We are revising these regulations because of statutory amendments, which extend eligibility for these continued benefit payments to certain individuals who recover medically while participating in another appropriate program of vocational rehabilitation services. These include individuals participating in the Ticket to Work and Self-Sufficiency Program or another program of vocational rehabilitation services, employment services, or other support services approved by the Commissioner of Social Security.

Prior to November 1991, the Social Security Act provided for the

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continuation of payment of Social Security Disability Insurance and Supplemental Security Income disability and blindness benefits to individuals whose disability or blindness ended for medical reasons while they were participating in an approved State vocational rehabilitation program under title I of the Rehabilitation Act of 1973, if the Commissioner of Social Security determined that completion or continuation of the program would increase the likelihood of the individual's permanent removal from the disability benefit rolls. The Omnibus Budget Reconciliation Act of 1987 extended eligibility for continued benefits to individuals who receive Supplemental Security Income benefits based on blindness. (We implemented this change by issuing operating instructions effective April 1, 1988, the effective date of the amendment.) The Omnibus Budget Reconciliation Act of 1990 extended eligibility for continued benefits to individuals participating in an approved non-State vocational rehabilitation program at the time their disability ended. (We implemented this change by issuing operating instructions effective November 1991, the effective date of the amendments.) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires the redetermination of eligibility based on disability of individuals who attain age 18, based on the rules for determining initial eligibility for adults. These redeterminations are not continuing disability reviews, however, we are revising our regulations to provide that an individual whose disability has ended as a result of an age-18 redetermination may qualify for continued benefits based on participation in an approved program and increased likelihood of permanent removal from the disability rolls, if the individual meets all other requirements for continued benefits. The Ticket to Work and Work Incentives Improvement Act of 1999 authorizes continued benefits for a person who medically recovers while participating in a program consisting of the Ticket to Work program or another program of vocational rehabilitation services, employment services, or other support services approved by the Commissioner of Social Security, provided that the other requirements for benefit continuation are met.

These final rules will also explain what we mean by "an appropriate program of vocational rehabilitation services, employment services, or other support services." They will explain when an individual will be considered to be "participating" in the program. They will explain how we will determine whether an individual's completion of or continuation in an appropriate program of vocational rehabilitation services, employment services, or other support services will increase the likelihood that the individual will not have to return to the disability rolls. They will also explain that, for students age 18 through 21, "an appropriate program of vocational rehabilitation services, employment services, or other support services" includes an individualized education plan developed under policies and procedures approved by the Secretary of Education for assistance to States for the education of children under the Individuals with Disabilities Education Act, as amended.

Timetable:

Action	Date	FR Cite
NPRM	08/01/03	68 FR 45180
NPRM Comment Period End	09/30/03	
Final Action	05/00/05	

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

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RIN: 0960-AF86**3584. ELIMINATION OF DEEMED MILITARY WAGES (968F)****Priority:** Other Significant**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	05/00/05	

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

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RIN: 0960-AF90**3585. ADMINISTRATIVE REVIEW PROCESS; INCORPORATION BY REFERENCE OF ORAL FINDINGS OF FACT AND RATIONALE IN WHOLLY FAVORABLE WRITTEN DECISIONS (964F)****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: These final rules will revise 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 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.

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Timetable:

Action	Date	FR Cite
Interim Final Rule	10/20/04	69 FR 61594
Interim Final Rule Effective	10/20/04	
Interim Final Rule Comment Period End	12/20/04	
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0960-AF92

3586. MEDICARE PRESCRIPTION DRUG PREMIUM AND COST-SHARING (1024P)

Priority: Other Significant

Legal Authority: PL 108-173; 42 USC 405

CFR Citation: None

Legal Deadline: None

Abstract: We propose to add to our regulations a new part 418 to contain rules that we will apply when we evaluate applications for premium and cost-sharing subsidies under the Medicare program. We propose to include a new subpart D, Medicare part D Subsidies, to this part. This new subpart would contain the rules that we use to determine eligibility for premium and cost-sharing subsidies under the Medicare part D program, which was added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. (Medicare part D is a program for voluntary prescription drug coverage effective January 1, 2006.) These proposed rules would describe: what the new subpart is about; how we determine whether you are eligible for premium and cost-sharing subsidies; how we redetermine your eligibility for a subsidy; how you apply for a subsidy; how we evaluate your income and resources; when your eligibility for premium and cost-sharing subsidies terminates; how you may report changes in your circumstances; and how you can appeal a determination we make under the part D subsidy program.

Timetable:

Action	Date	FR Cite
NPRM	03/04/05	70 FR 10558
NPRM Comment Period End	05/03/05	
Final Action	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

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RIN: 0960-AG03

3587. CIVIL MONETARY PENALTIES, ASSESSMENTS, AND RECOMMENDED EXCLUSIONS (2362P)

Priority: Other Significant

Legal Authority: 42 USC 902(a)(5); 42 USC 1320a-8; 42 USC 1320b-10

CFR Citation: 20 CFR 498.100 TO 498.104; 20 CFR 498.106; 20 CFR 498.109; 20 CFR 498.114; 20 CFR 498.128

Legal Deadline: None

Abstract: These proposed regulations would amend the existing regulations for the implementation of section 1129 of the Social Security Act (42 U.S.C. 1320a-8) to:

(1) reflect the expanded authority under section 1129 to impose a civil monetary penalty and assessment, as applicable, for fraud involved in the receipt of benefits under title VIII of the Social Security Act; and (2) add as new categories for civil monetary penalty and assessment under section 1129 (i) representative payees with respect to wrongful conversion, and (ii) individuals who withhold the disclosure of material facts to the SSA.

These proposed regulations would also amend the existing regulations for the implementation of section 1140 of the Social Security Act (42 USC 1320b-10)

to: (1) require an advertiser or direct marketer who offers to assist an individual in obtaining products or services for a fee, that SSA otherwise provides free of charge, to include a written notice on the solicitation/ mailing that the product or service is available from SSA free of charge; and (2) expand the list of terms in section 1140 that encompass the scope of words or phrases that the statute prohibits from being used in a misleading manner.

Timetable:

Action	Date	FR Cite
NPRM	03/23/05	70 FR 14603
NPRM Comment Period End	05/23/05	
Final Action	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 0960-AG08

3588. • UPDATE TO DIVIDED STATE RETIREMENT SYSTEMS COVERAGE GROUP LIST AND TECHNICAL COVERAGE CORRECTIONS REQUIRED BY THE SOCIAL SECURITY PROTECTION ACT OF 2004 (2523F)

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

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: We are issuing these final rules to conform our regulations to four self-implementing provisions in the Social Security Protection Act of 2004 (SSPA). One provision adds two States to a list of States that are permitted to divide its retirement systems based on whether the employees in positions

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under that system want Social Security coverage or not. The other three provisions make technical corrections to the Social Security Act (the Act) and the Internal Revenue Code (IRC) regarding various coverage issues under the Act.

Timetable:

Action	Date	FR Cite
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

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RIN: 0960-AG18

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3589. 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	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0960-AD78

3590. 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	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0960-AE63

3591. 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

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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	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0960-AE78

3592. 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

3593. 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

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Related RIN: Related to 0960-AD80

RIN: 0960-AF67

3594. 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	10/14/03	
Period End		
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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SSA

Long-Term Actions

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RIN: 0960-AF78

3595. 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 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	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State

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RIN: 0960-AF80

3596. 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	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0960-AF97

3597. 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 an individual after the individual's death.

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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SSA

Long-Term Actions

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RIN: 0960-AG02

3598. • DEEMED DURATION OF MARRIAGE FOR WIDOWS/WIDOWERS AND REMOVAL OF RESTRICTION ON BENEFITS TO CHILDREN OF MILITARY PARENTS OVERSEAS (2883F)

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

Unfunded Mandates: Undetermined

Legal Authority: PL 108-203, sec 414; PL 108-203, sec 434

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: We are issuing these final rules to reflect changes in the Social

Security Act (the Act) made by section 414 and 434 of the Social Security Protection Act of 2004 (SSPA), enacted on March 2, 2004. Section 414 added a new situation in which the nine-month duration-of-marriage requirement for surviving spouses is deemed to be met. The duration-of-marriage requirement will be deemed to be met if SSA determines that the surviving spouse claimant and the deceased number holder would have been married for at least nine months, except that it was unlawful for the number holder to divorce the prior spouse by reason of the prior spouse's institutionalization because of mental incompetence or a similar incapacity.

Section 434 removed a restriction that existed for payment of title XVI benefits to children living outside the United States. As a result of section 434, payment of title XVI benefits is extended to children who are born blind or disabled and/or become blind or disabled after their military parents are stationed outside the United States.

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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RIN: 0960-AG23

Social Security Administration (SSA)

Completed Actions

3599. REVISED MEDICAL CRITERIA FOR EVALUATING MALIGNANT NEOPLASTIC DISEASES (399F)

Priority: Other Significant

CFR Citation: 20 CFR 404.1500, app 1

Completed:

Reason	Date	FR Cite
Final Rule	11/15/04	69 FR 67017
Final Rule Effective	12/15/04	
Final Rule; Correcting Amendments	03/25/05	70 FR 15227

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0960-AD67

3600. DEEMING OF INCOME FROM AN INELIGIBLE SPOUSE TO AN ELIGIBLE INDIVIDUAL AND AN ELIGIBLE CHILD (606P)

Priority: Substantive, Nonsignificant

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

Completed:

Reason	Date	FR Cite
Withdrawn	03/08/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0960-AE50

3601. DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999) (789P)

Priority: Other Significant

CFR Citation: 20 CFR 404.1599

Completed:

Reason	Date	FR Cite
Withdrawn	01/24/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0960-AF41

3602. 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)

Priority: Other Significant

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

SSA

Completed Actions

416.1157; 20 CFR 416.1210; 20 CFR 416.1216; 20 CFR 416.1218

Completed:

Reason	Date	FR Cite
Final Action	02/07/05	70 FR 6340
Final Action Effective	03/09/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Albert Fatur
Phone: 410 965-9855Robert J. Augustine
Phone: 410 965-0020**RIN:** 0960-AF84**3603. EXPANDED AUTHORITY FOR CROSS-PROGRAM RECOVERY OF BENEFIT OVERPAYMENTS (2221F)****Priority:** Other Significant**CFR Citation:** 20 CFR 404.530; 20 CFR 404.535; 20 CFR 404.540; 20 CFR 404.545; 20 CFR 408.930; 20 CFR 408.931; 20 CFR 408.932; 20 CFR 408.933; 20 CFR 416.570; 20 CFR 416.572; 20 CFR 416.573; 20 CFR 416.574; 20 CFR 416.575**Completed:**

Reason	Date	FR Cite
Interim Final Rule	01/03/05	70 FR 11
Interim Final Rule Comment Period End	02/02/05	
Final Action	03/30/05	70 FR 16111
Final Action Effective	03/30/05	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Robin Weber
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Phone: 410 965-1758**RIN:** 0960-AG06**3604. • NONPAYMENT OF BENEFITS WHEN THE SOCIAL SECURITY ADMINISTRATION RECEIVES NOTICE THAT AN INSURED PERSON IS DEPORTED OR REMOVED FROM THE UNITED STATES (2662F)****Priority:** Other Significant**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 416(l); 42 USC 423(e); 42 USC 424a; 42 USC 425; 42 USC 902(a)(5); 42 USC 1320a-8a; 48 USC 1801**CFR Citation:** 20 CFR 404.464**Legal Deadline:** None**Abstract:** We are issuing this final rule to conform our regulations to a legislative change, section 412 of the Social Security Protection Act of 2004 (SSPA), Public Law 108-203, which modifies the provisions of section 202(n) of the Social Security Act (the Act). Those provisions prohibit the payment of title II benefits to the insured person on a record (and, in some cases, to dependents or survivors otherwise entitled on that record) when SSA receives notice of the insured

person's deportation or removal from the United States under provisions of the Immigration and Nationality Act (INA). Section 412 was enacted, in part, to conform the Act to amendments to the INA enacted April 1, 1997, under the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (the Immigration Reform Act), Public Law 104-208. The Immigration Reform Act changed the terminology, section references and function of many provisions of the INA that, in turn, affect section 202(n) of the Act.

Timetable:

Action	Date	FR Cite
Final Action	03/31/05	70 FR 16409
Final Action Effective	03/31/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Terry Fahey, Social Insurance Specialist, Social Security Administration, Office of International Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
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Phone: 410 965-1758**RIN:** 0960-AG16

[FR Doc. 05-6006 Filed 05-13-05; 8:45 am]

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