



Friday
April 25, 1997

Part XLIII

**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 12866 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 then 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 on November 29, 1996.

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, Acting Regulations Officer, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235; telephone (410) 965-1767.

SUPPLEMENTARY INFORMATION: The Social Security Administration (SSA) has

responsibility for the old-age, survivors, and disability insurance programs under title II of the Social Security Act (the Act) and the supplemental security income program under title XVI of the Act. We are not a regulatory agency. For the most part, SSA's regulations 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 beneficiary's 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 improvements to provide better service to SSA customers; and 3) improvements or clarifications to fulfill commitments made as part of the President's Regulatory Reinvention Initiative.

We continue to seek legislative improvements for the programs we administer. However, because of the complexity of our programs, statutory language is rarely detailed enough to govern the actions of agency adjudicative decisionmakers. Supporting regulations are often required. In some instances, the 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.

Providing world-class service to our customers remains a principal objective of the Social Security Administration. Our regulatory program supports this overarching Agency goal. One of the areas in which we are working hard to deliver high quality service is our disability determination process. Several of our agenda items support improvements to disability program administration. Also, some of the regulatory items support SSA's Disability Redesign Plan. The Disability Redesign aims to streamline our disability determination process and provide better service to applicants for disability benefits.

Consistent with the President's Regulatory Reinvention Initiative, we are working diligently to improve our program benefit regulations and to develop partnerships with large segments of the community of stakeholders interested in Social Security programs. Our aim is to clarify or improve over 50 percent of the Code of Federal Regulations pages for which we are responsible. The remainder of our Unified Agenda items are such improvements and clarifications.

The April 1997 regulatory agenda for the Social Security Administration follows.

Martin J. Sussman,
Acting SSA Regulations Officer.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3795	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Fees for Representation of Claimants (296P)	0960-AD23
3796	Procedure To Review Complaints of Alleged Misconduct on the Part of Administrative Law Judges (341P)	0960-AD54
3797	Misuse of Symbols, Emblems, or Names in Reference to the Social Security Administration (530P)	0960-AE15
3798	Permit Department of State and Immigration and Naturalization Service To Collect Information Needed To Assign Social Security Numbers to Aliens (569P)	0960-AE36
3799	Assessment of Residual Functional Capacity (599P)	0960-AE42
3800	Supplemental Standards for Ethical Conduct for Employees of the Social Security Administration (601P)	0960-AE48
3801	Determining Disability and Blindness; Eliminating the Lower Substantial Gainful Activity Earnings Guideline Amounts (603P)	0960-AE49
3802	Quality Review of Administrative Law Judges' Decisions (623P)	0960-AE53
3803	Implementing Modifications to Prehearing Procedures and Decisions by Adjudication Officers (616P)	0960-AE55
3804	Federal OASDI and SSI for the Aged, Blind and Disabled; Evaluating Opinion Evidence (624P)	0960-AE56
3805	Testing Elimination of the Fourth Step in the Disability Claim Process (Request for Appeals Council Review) (621P)	0960-AE58
3806	Listening-In to or Recording Telephone Conversations (626P)	0960-AE66

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Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3807	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Musculoskeletal System (143F)	0960-AB01
3808	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs, Determining Disability and Blindness; Substantial Gainful Activity Guides (147F)	0960-AB73
3809	Standards of Conduct for Claimant Representatives (431F)	0960-AD73
3810	Valuation of Certain In-Kind Support and Maintenance (ISM) Where There Is a Cost-of-Living Adjustment in SSI Benefits (454F)	0960-AD82
3811	Deeming in the Supplemental Security Income (SSI) Program When an Ineligible Spouse or Parent Is Absent From Household Due Solely to Active Military Service (462F)	0960-AD86
3812	Technical Changes to Title XVI (466F)	0960-AD89
3813	Definition of United States Resident; Religious Record of Birth or Baptism as Evidence of Citizenship; Plan To Help Blind and Disabled Individuals Achieve Self-Support (515F)	0960-AE05
3814	Old-Age, Survivors, and Disability Insurance Benefits; Replacing Social Security Number Cards (543F)	0960-AE18
3815	Requirements for Awards and Subawards to Institutions of Higher Education; Certain Grants and Agreements With States, Local, and Indian Tribal Governments (547F)	0960-AE25
3816	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) (554F)	0960-AE27
3817	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and Indian Tribal Governments (555F)	0960-AE28
3818	Restrictions on Lobbying in Connection With the Award of Grants, Contracts, and Cooperative Agreements (556F)	0960-AE29
3819	Application of State Law in Determining Child Relationship (557F)	0960-AE30
3820	Amended 20 CFR, Parts 400-499; Employees' Benefits (595F)	0960-AE45
3821	Administrative (613F)	0960-AE51
3822	Indemnification of SSA Employees (614F)	0960-AE52
3823	Supplemental Security Income; Determining Disability for a Child Under Age 18; Interim Final Rules With Request for Comments (625I)	0960-AE57
3824	Reduction in SSI Payable to Institutionalized Children Whose Medical Costs Are Covered by Private Insurance (630F)	0960-AE61

Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3825	Old-Age, Survivors, and Disability Insurance Program; Medical Criteria for Evaluating Mental Disorders for Adults (222F)	0960-AC74
3826	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Representative Payee Reforms (295F)	0960-AD22
3827	Election of Benefits Based on Age by Disabled Widow, Widower, and Surviving Divorced Spouse Beneficiaries (343P)	0960-AD56
3828	Reliable Information Which Is Currently Available for Determining Benefit Amounts in the Supplemental Security Income Program (382F)	0960-AD65
3829	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Hemic and Lymphatic System, and Malignant Neoplastic Diseases (399P)	0960-AD67
3830	Reliable Information Which Is Currently Available for Determining Benefit Amounts in the Supplemental Security Income Program (NEWMAN) (434P)	0960-AD77
3831	Revised Medical Criteria for Determination of Disability, Endocrine System and Obesity and Related Criteria (436P)	0960-AD78
3832	Benefits for Spouses, Divorced Spouses, and Children (455F)	0960-AD83
3833	Federal Old-Age, Survivors, and Disability Insurance and Supplemental Security Income, Acceptable Medical Sources (469P)	0960-AD91
3834	Old-Age, Survivors, and Disability Insurance Program; Contributions for Support (475P)	0960-AD92
3835	Computation of SSI Benefits for the First Three Months of Payment (476P)	0960-AD93
3836	Definition of "Largest Benefit Amount" for Simultaneous Entitlement to Child's Benefits (481P)	0960-AD95
3837	Federal OASDI and SSI for the Aged, Blind, and Disabled; Benefit Reforms for Individuals Disabled Based on Drug Addiction or Alcoholism (496F)	0960-AD96
3838	Federal OASDI and SSI for the Aged, Blind, and Disabled; Representative Payment Provisions for Individuals Disabled Based on Drug Addiction or Alcoholism (507P)	0960-AD98

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Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3839	SSI Eligibility for Students Temporarily Abroad (505P)	0960-AE01
3840	Repeal of Facility of Payment Provision (508F)	0960-AE02
3841	Guaranteed Family Maximums (510F)	0960-AE03
3842	Supplemental Security Income for the Aged, Blind, and Disabled; Income and Resources, Deeming of Parental Income and Resources When Children Are Hospitalized (522P)	0960-AE08
3843	Old-Age, Survivors, and Disability Insurance; Overpayment Debt Collection Procedures (523P)	0960-AE09
3844	Determinations and Administrative Review Process; Administrative Res Judicata and Related Rules (526P)	0960-AE11
3845	OASDI; Nonpayment of Benefits to Incarcerated Individuals and Individuals Confined in Criminal Cases, Pursuant to Conviction or by Court Order Based on Findings of Insanity (531P)	0960-AE16
3846	Supplemental Security Income; Plans for Achieving Self-Support (506P)	0960-AE17
3847	Reduction of Disability Benefits—Workers' Compensation/Public Disability Benefits (567P)	0960-AE35
3848	Elimination of Rounding Distortion in the Calculation of the Contribution and Benefit Base and Earnings Test Exempt Amounts (512F)	0960-AE40
3849	Deeming of Income From an Ineligible Spouse to an Eligible Individual and an Eligible Child (606P)	0960-AE50
3850	Payments for Vocational Rehabilitation Services (615P)	0960-AE54
3851	Dedicated Accounts and Installment Payments for Certain Past Due SSI Benefits (622F)	0960-AE59
3852	Effectuation of Title VI of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, in Programs Receiving Financial Assistance by SSA (617F)	0960-AE63
3853	Availability of Information and Records to the Public—Charging Fees for Providing Personal Information (618P) ...	0960-AE64
3854	Revised Medical Criteria for Determination of Disability, Endocrine System and Related Criteria (620P)	0960-AE65
3855	SSI Overpayment Recovery by Offset of Federal Income Tax Refund (632I)	0960-AE67
3856	Electronic Freedom of Information Act Amendments (640P)	0960-AE68
3857	Coverage of Employees of State and Local Governments; Office of Management and Budget (OMB) Control Number (280F)	0960-AE69

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3858	Fees for Federal Administration of State Supplementary Payments in the SSI Program; Interest Charging on State Supplementary Payment Funds (376F)	0960-AD75
3859	Temporary Increase in Sponsorship Period for Aliens Under the SSI Program (457P)	0960-AD84
3860	Privacy and Disclosure of Official Records and Information; Availability of Information and Records to the Public (546F)	0960-AE24
3861	Cycling Payment of Social Security Benefits (558F)	0960-AE31
3862	Hearing Procedures for Civil Monetary Penalty Cases (579F)	0960-AE41
3863	Elimination of Mandatory Annual Earnings Reports (592F)	0960-AE44
3864	Implementation of the Equal Access to Justice Act in Agency Proceedings (596F)	0960-AE46
3865	Revised Medical Criteria for Determination for Disability Extension of Expiration Date for Growth Impairment Listing (627F)	0960-AE60

SOCIAL SECURITY ADMINISTRATION (SSA)

Proposed Rule Stage

3795. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; FEES FOR REPRESENTATION OF CLAIMANTS (296P)**Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** PL 101-508, Sec 5106**CFR Citation:** 20 CFR 404.1703; 20 CFR 404.1713; 20 CFR 404.1720; 20 CFR 404.1715 to 404.1717; 20 CFR 404.1725; 20 CFR 416.1503; 20 CFR 416.1513; 20 CFR 416.1520; 20 CFR 416.1515 to 416.1517; 20 CFR 416.1525**Legal Deadline:** None**Abstract:** We propose to amend the regulations to reflect section 5106(a) of Pub. L. 101-508 which modifies the manner in which past-due benefits are calculated and the process by which SSA approves fees charged by persons representing claimants before the Agency.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/97	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Lawrence V. Dudar, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1759**RIN:** 0960-AD23**3796. PROCEDURE TO REVIEW COMPLAINTS OF ALLEGED MISCONDUCT ON THE PART OF ADMINISTRATIVE LAW JUDGES (341P)****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** EO 12674 as modified by EO 12731; 42 USC 405**CFR Citation:** 20 CFR 422.215; 20 CFR 422.700 to 714 (New)**Legal Deadline:** None**Abstract:** These proposed regulations would establish a procedure to review complaints of alleged misconduct on the part of Administrative Law Judges.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/97	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Robert J. Augustine, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 966-5121**RIN:** 0960-AD54**3797. MISUSE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE TO THE SOCIAL SECURITY ADMINISTRATION (530P)****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** PL 103-296, sec 312**CFR Citation:** 20 CFR 422.527**Legal Deadline:** None**Abstract:** This regulation will implement section 312 of P.L. 103-296 which expands prohibitions on the use of certain letters and symbols and also the reproduction for a fee of forms and publications of SSA and HHS.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/97	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Suzanne DiMarino, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1769**RIN:** 0960-AE15**3798. PERMIT DEPARTMENT OF STATE AND IMMIGRATION AND NATURALIZATION SERVICE TO COLLECT INFORMATION NEEDED TO ASSIGN SOCIAL SECURITY NUMBERS TO ALIENS (569P)****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 42 USC 405; 42 USC 1383**CFR Citation:** 20 CFR 422.103; 20 CFR 422.105; 20 CFR 422.106; 20 CFR 422.107; 20 CFR 422.110**Legal Deadline:** None**Abstract:** We are proposing to provide authorization for elements of the Department of State and the Immigration and Naturalization Service to obtain, as part of the immigration process, enumeration information for SSA to enable SSA to assign SSNs and issue SSN cards to aliens. We also propose to amend the rule on the presumption of authority of a nonimmigrant to accept employment to include circumstances where a form I-94 has not been issued and to remove outdated rules on school enumeration.**Statement of Need:** This regulation is necessary to implement a Reinventing Government initiative.**Summary of the Legal Basis:** These changes are not required by statute or court order.**Alternatives:** None.**Anticipated Costs and Benefits:** We will need to reimburse INS for the enumeration work they perform. We estimate that there is a 20% greater efficiency to the government if INS gathers the information to enumerate these applicants. After reimbursing INS, we expect to save approximately \$7 million per year. This totals to \$34 million (rounded) for the period FY 1998 through FY 2002.**Risks:** At this time we have not identified any risks associated with the proposal.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/97	

Small Entities Affected: None**Government Levels Affected:** Federal

Agency Contact: Daniel T. Bridgewater, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-3298

RIN: 0960-AE36

3799. ASSESSMENT OF RESIDUAL FUNCTIONAL CAPACITY (599P)

Priority: Other Significant

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

CFR Citation: 20 CFR 404.1500, app 2

Legal Deadline: None

Abstract: This rule would make minor clarification to the Social Security Medical-Vocational guidelines used to evaluate disability in individuals under age 50 who have severe impairments that do not meet or equal the criteria of any listed impairment but have a residual functional capacity for no more than the full range of sedentary work. The guidelines are contained in appendix 2 of Subpart P of 20 CFR 404.

Statement of Need: This regulation is necessary to implement one of several process unification initiatives approved by the Commissioner on July 8, 1996.

Summary of the Legal Basis: None.

Alternatives: None.

Anticipated Costs and Benefits: Since these regulations merely clarify existing policy, they impose no additional program or administrative costs.

Risks: None--Because the only purpose of these regulations is to clarify existing policy.

Timetable:

Action	Date	FR Cite
NPRM	04/00/97	
Final Action	09/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Augustine, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 966-5121

RIN: 0960-AE42

3800. SUPPLEMENTAL STANDARDS FOR ETHICAL CONDUCT FOR EMPLOYEES OF THE SOCIAL SECURITY ADMINISTRATION (601P)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC App. (Ethics in Government Act of 1978)

CFR Citation: 5 CFR ch LXXXI (New)

Legal Deadline: None

Abstract: The Social Security Administration (SSA), with the concurrence of the Office of Government Ethics (OGE), proposes to issue regulations for officers and employees of SSA that supplement the OGE Standards of Ethical Conduct for Employees of the Executive Branch, which became effective February 3, 1993. The proposed rule specifies procedural and substantive requirements that are necessary to address ethical issues unique to SSA. There were no alternatives considered for these proposed rules. The proposed changes addressed have already been implemented. Any costs or savings will be insignificant.

Timetable:

Action	Date	FR Cite
NPRM	04/00/97	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Henry D. Lerner, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1762

RIN: 0960-AE48

3801. DETERMINING DISABILITY AND BLINDNESS; ELIMINATING THE LOWER SUBSTANTIAL GAINFUL ACTIVITY EARNINGS GUIDELINE AMOUNTS (603P)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 423(d)(4); 42 USC 1382c (a)(3)(D)

CFR Citation: 20 CFR 404.1574; 20 CFR 416.974

Legal Deadline: None

Abstract: These proposed rules would eliminate the lower substantial gainful activity earnings guideline amounts to simplify the evaluation of work activity in claims for disability benefits under titles II and XVI of the Social Security Act. This reflects a recommendation of the Disability Reengineering Project Proposal published in the Federal Register on April 15, 1994 (59 FR 18188).

Timetable:

Action	Date	FR Cite
NPRM	12/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard M. Bresnick, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1758

RIN: 0960-AE49

3802. QUALITY REVIEW OF ADMINISTRATIVE LAW JUDGES' DECISIONS (623P)

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 31 USC 3720A; 42 USC 401(j); 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 405(j); 42 USC 421(d); 42 USC 423(h); 42 USC 425; 42 USC 902(a)(5); PL 96-265, sec 304(g)

CFR Citation: 20 CFR 404.900ff; 20 CFR 416.1400ff

Legal Deadline: None

Abstract: These regulations are in furtherance of our published Plan for a New Disability Claim Process and, specifically, the quality assurance aspect of that Plan (59 FR 47918). This initiative provides for a preeffectuation review of a sample of decisions made by Office of Hearings and Appeals (OHA) administrative law judges. Decisions that appear to be unsupported by the evidence of record will be forwarded to the OHA Appeals Council for review in accordance with 20 CFR 404.970 or 416.1470. These regulations will set out the procedures by which we will identify and refer

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Proposed Rule Stage

these cases to the Appeals Council for quality review under its existing authority to review cases on its own motion.

Statement of Need: This regulation is necessary to implement one of several process unification initiatives approved by the Commissioner on July 8, 1996.

Summary of the Legal Basis: None.

Alternatives: None.

Anticipated Costs and Benefits: We do not anticipate any additional program or administrative costs.

Risks: At this time we have not identified any risks associated with the proposal.

Timetable:

Action	Date	FR Cite
NPRM	04/00/97	
Final Action	09/00/97	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Harry J. Short, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-6243

RIN: 0960-AE53

3803. IMPLEMENTING MODIFICATIONS TO PREHEARING PROCEDURES AND DECISIONS BY ADJUDICATION OFFICERS (616P)

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 31 USC 3720A; 42 USC 401(j); 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 421(d); 42 USC 425; 42 USC 902(a)(5)

CFR Citation: 20 CFR 404.943 (New); 20 CFR 416.1443 (New)

Legal Deadline: None

Abstract: We are amending our rules to implement use of an adjudication officer, who, under the Plan for a New Disability Claim Process approved by the Commissioner of Social Security in September 1994 (the disability redesign plan), would be the focal point for all prehearing activities when a request for

a hearing before an administrative law judge (ALJ) is filed. The adjudication officer position is an integral part of the disability redesign plan. These proposed rules will add several new sections setting out the responsibilities of the adjudication officer in connection with a claim for Social Security or Supplemental Security Income (SSI) benefits based on disability.

Statement of Need: These regulations are needed to implement a major initiative discussed in the Plan for a New Disability Claim Process approved by the Commissioner of Social Security in September 1994 (the disability redesign plan).

Summary of the Legal Basis: None.

Alternatives: None.

Anticipated Costs and Benefits: No program costs are expected. There will be some administrative costs as a result of setting up these new positions in the field offices. However we expect these costs to be offset by subsequent processing efficiencies resulting in significant administrative savings.

Risks: At this time we have not identified any risks associated with the proposal.

Timetable:

Action	Date	FR Cite
NPRM	09/00/97	
Final Action	01/00/98	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Harry J. Short, Legal Assistant, 3-C-3 Operations, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-6243

RIN: 0960-AE55

3804. FEDERAL OASDI AND SSI FOR THE AGED, BLIND AND DISABLED; EVALUATING OPINION EVIDENCE (624P)

Priority: Other Significant

Legal Authority: 42 USC 405(a); 42 USC 405(b); 42 USC 902(c)(5); 42 USC 1382C; 42 USC 221

CFR Citation: 20 CFR 404.1502; 20 CFR 404.1512; 20 CFR 404.1513; 20 CFR 404.1519; 20 CFR 404.1527; 20 CFR 416.902; 20 CFR 416.912; 20 CFR 416.913; 20 CFR 416.919; 20 CFR 416.927

Legal Deadline: None

Abstract: We propose to revise our disability regulations to clarify the weight administrative law judges and the Appeals Council are to give to opinion evidence from State agency medical and psychological consultants, other program physicians and psychologists, and medical experts in claims for disability benefits under title II and title XVI of the Social Security Act.

Statement of Need: This regulation is necessary to implement one of several process unification initiatives approved by the Commissioner on July 8, 1996.

Summary of the Legal Basis: None.

Alternatives: None.

Anticipated Costs and Benefits: We do not anticipate any additional program or administrative costs.

Risks: At this time we have not identified any risks associated with the proposal.

Timetable:

Action	Date	FR Cite
NPRM	09/00/97	
Final Action	06/00/98	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard M. Bresnick, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1758

RIN: 0960-AE56

3805. TESTING ELIMINATION OF THE FOURTH STEP IN THE DISABILITY CLAIM PROCESS (REQUEST FOR APPEALS COUNCIL REVIEW) (621P)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 31 USC 3720A; 42 USC 401(j); 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 421(d); 42 USC 425; 42 USC 902(a)(5)

CFR Citation: 20 CFR 404.967; 20 CFR 416.1467

Legal Deadline: None

SSA

Proposed Rule Stage

Abstract: These proposed regulations will authorize testing of that aspect of our published Plan for a New Disability Claim Process dealing with elimination of the fourth and final step in the existing process -- the step at which individuals who are dissatisfied with an ALJ's decision may request review by the Appeals Council (59 FR September 19, 1994, 47887, 47917-47918). The redesign plan calls for eliminating this step, which is currently a prerequisite to an individual's establishing a right to file a civil action, and for making judicial review the next level of appeal following the ALJ step. Under the redesign plan, the Appeals Council will function in a quality assurance role in disability cases, reviewing cases under its existing authority to review cases on its own motion, and will also evaluate cases in which civil actions are filed to determine, in conjunction with agency counsel, if the ALJ's decision should be defended. The proposed rules will authorize testing of these changes in the Appeals Council's role and in the disability claim process.

Timetable:

Action	Date	FR Cite
NPRM	08/00/97	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Harry J. Short, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-6243

RIN: 0960-AE58

3806. • LISTENING-IN TO OR RECORDING TELEPHONE CONVERSATIONS (626P)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 405; 42 USC 1383; 44 USC 3506

CFR Citation: 20 CFR 422

Legal Deadline: None

Abstract: The Information Technology Management Reform Act (ITMRA), effective August 8, 1996, repealed the

central authority of GSA to promulgate regulations governing information management practices. Prior to that date GSA had promulgated the FIRMR part 201-21.603 which governed the conduct of telephone service observation. ITMRA causes each agency to be responsible for its own information management practices. SSA is promulgating this regulation to govern the conduct of telephone service observation activity within its programs.

Timetable:

Action	Date	FR Cite
NPRM	08/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lois A. Berg, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1713

RIN: 0960-AE66

SOCIAL SECURITY ADMINISTRATION (SSA)

Final Rule Stage

3807. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MUSCULOSKELETAL SYSTEM (143F)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

CFR Citation: 20 CFR 404.1500, app 1

Legal Deadline: None

Abstract: Sections 1.00 and 101.00 of appendix 1 to the disability regulations at 20 CFR 404.1501 through 404.1599 describe those musculoskeletal impairments which are considered severe enough to prevent a person from doing any gainful activity or age-appropriate activities. Comprehensive revisions to these sections 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	12/21/93	58 FR 67574
NPRM Comment Period End	02/22/94	
Final Action	12/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard M. Bresnick, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1758

RIN: 0960-AB01

3808. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS, DETERMINING DISABILITY AND BLINDNESS; SUBSTANTIAL GAINFUL ACTIVITY GUIDES (147F)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: PL 98-460, sec 10; PL 99-643; PL 100-203; PL 101-508

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None

Abstract: These final regulations will clarify how the Social Security Administration evaluates a person's work activity to determine whether work is substantial gainful activity and whether an individual is entitled to a trial work period. These regulations also reflect statutory changes with respect to the trial work period and the re-entitlement period.

SSA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	03/06/95	60 FR 12166
NPRM Comment Period End	05/15/95	
Final Action	12/00/97	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Richard M. Bresnick, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1758

RIN: 0960-AB73**3809. STANDARDS OF CONDUCT FOR CLAIMANT REPRESENTATIVES (431F)****Priority:** Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 405(a); 42 USC 406; 42 USC 902(a)(5); 42 USC 1383(d)(1); 42 USC 1383(d)(2)

CFR Citation: 20 CFR 404.1700ff; 20 CFR 416.1500ff

Legal Deadline: None

Abstract: We are amending our regulations to establish standards of conduct and responsibility for persons serving as representatives of claimants seeking a right or benefit under titles II or XVI of the Social Security Act. These regulations are part of SSA's Disability Redesign.

Timetable:

Action	Date	FR Cite
NPRM	01/03/97	62 FR 352
NPRM Comment Period End	03/04/97	
Final Action	03/00/98	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Richard M. Bresnick, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1758

RIN: 0960-AD73**3810. VALUATION OF CERTAIN IN-KIND SUPPORT AND MAINTENANCE (ISM) WHERE THERE IS A COST-OF-LIVING ADJUSTMENT IN SSI BENEFITS (454F)****Priority:** Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: PL 103-66, sec 13735

CFR Citation: 20 CFR 416.420; 20 CFR 416.1130(a)

Legal Deadline: None

Abstract: This final regulation will reflect the amendment to section 1611(c) of the Act, effective January 1, 1995, that the current Federal benefit rate be used in determining the value of certain in-kind support and maintenance for the first 2 months in which a cost-of-living adjustment in SSI benefits applies.

Timetable:

Action	Date	FR Cite
NPRM	08/09/95	60 FR 40542
NPRM Comment Period End	10/10/95	
Final Action	12/00/97	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Lawrence V. Dudar, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1759

RIN: 0960-AD82**3811. DEEMING IN THE SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM WHEN AN INELIGIBLE SPOUSE OR PARENT IS ABSENT FROM HOUSEHOLD DUE SOLELY TO ACTIVE MILITARY SERVICE (462F)****Priority:** Substantive, Nonsignificant

Legal Authority: PL 103-66, sec 13733; 42 USC 902(a)(5)

CFR Citation: 20 CFR 416.1167

Legal Deadline: None

Abstract: We are proposing to add a rule on how the income and resources of ineligible spouses or parents affect the eligibility and benefit amounts of

Supplemental Security Income (SSI) claimants and recipients when those spouses or parents are absent from their households due solely to a duty assignment as a member of the Armed Forces on active duty. We are proposing to add this rule because the current rules do not reflect the provision of the Social Security Act (the Act), as amended by the Omnibus Budget Reconciliation Act of 1993 (OBRA 1993), that addresses this situation.

Timetable:

Action	Date	FR Cite
NPRM	01/24/97	62 FR 3633
NPRM Comment Period End	03/25/97	
Final Action	01/00/98	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Daniel T. Bridgewater, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-3298

RIN: 0960-AD86**3812. TECHNICAL CHANGES TO TITLE XVI (466F)****Priority:** Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382j

CFR Citation: 20 CFR 416.1236; 20 CFR 416 app

Legal Deadline: None

Abstract: We are amending the supplemental security income regulations by making technical changes to update the appendix at the end of subpart K which lists exclusions from income in statutes other than the Social Security Act and to update the lists of statutory exclusions from resources contained in subpart L.

Timetable:

Action	Date	FR Cite
Final Action	06/00/97	

Small Entities Affected: None**Government Levels Affected:** None

SSA

Final Rule Stage

Agency Contact: Suzanne DiMarino, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1769

RIN: 0960-AD89

3813. DEFINITION OF UNITED STATES RESIDENT; RELIGIOUS RECORD OF BIRTH OR BAPTISM AS EVIDENCE OF CITIZENSHIP; PLAN TO HELP BLIND AND DISABLED INDIVIDUALS ACHIEVE SELF-SUPPORT (515F)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 902(a)(5); 42 USC 1381a; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382 note; 42 USC 1382c(a)(1)(B); 42 USC 1382c(f); 42 USC 1382(e); 42 USC 1382j; 42 USC 1383; 8 USC 1254a; 48 USC 1681 note

CFR Citation: 20 CFR 416.1180; 20 CFR 416.1603; 20 CFR 416.1610

Legal Deadline: None

Abstract: These final regulations clarify SSA's policies on the definition of a U.S. resident. They also clarify the requirements for a religious record of birth or baptism in the United States to be acceptable evidence to establish status as a U.S. citizen or national. We are also correcting a typographical error in the wording of one section of the regulation concerning income that is used or set aside to be used under a plan to become self-supporting.

Timetable:

Action	Date	FR Cite
NPRM	04/22/96	61 FR 17609
NPRM Comment Period End	06/21/96	
Final Action	06/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lois Berg, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1713

RIN: 0960-AE05

3814. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS; REPLACING SOCIAL SECURITY NUMBER CARDS (543F)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 405

CFR Citation: 20 CFR 422.103

Legal Deadline: None

Abstract: These final rules will support our pilot test for replacing social security number cards when we receive a request by telephone. We will test replacing the card based on information furnished by telephone, without requiring additional documentation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/22/95	60 FR 32444
Interim Final Rule Comment Period End	08/21/95	
Final Action	09/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel T. Bridgewater, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-3298

RIN: 0960-AE18

3815. REQUIREMENTS FOR AWARDS AND SUBAWARDS TO INSTITUTIONS OF HIGHER EDUCATION; CERTAIN GRANTS AND AGREEMENTS WITH STATES, LOCAL, AND INDIAN TRIBAL GOVERNMENTS (547F)

Priority: Info./Admin./Other

Legal Authority: 5 USC 301; 31 USC 7505; 41 USC 403(11)

CFR Citation: 20 CFR 435.000

Legal Deadline: None

Abstract: This final regulation migrates the HHS grants regulation at 45 CFR part 74 into a new SSA regulation at 20 CFR 435 now that SSA is an independent agency.

Timetable:

Action	Date	FR Cite
Final Action	05/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry J. Short, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-6243

RIN: 0960-AE25

3816. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS) (554F)

Priority: Info./Admin./Other

Legal Authority: 5 USC 301; 41 USC 403(11); 41 USC 701 et seq

CFR Citation: 20 CFR 436.000

Legal Deadline: None

Abstract: This final regulation migrates the HHS grants regulation at 45 CFR part 76 into a new SSA regulation at 20 CFR part 436 now that SSA is an independent agency.

Timetable:

Action	Date	FR Cite
Final Action	05/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry J. Short, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-6243

RIN: 0960-AE27

3817. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS AND INDIAN TRIBAL GOVERNMENTS (555F)

Priority: Info./Admin./Other

Legal Authority: 5 USC 301; 41 USC 403(ii)

CFR Citation: 20 CFR 437.000

Legal Deadline: None

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

SSA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Action	05/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry J. Short, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-6243

RIN: 0960-AE28

3818. RESTRICTIONS ON LOBBYING IN CONNECTION WITH THE AWARD OF GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS (556F)

Priority: Info./Admin./Other

Legal Authority: 5 USC 301; 31 USC 1352

CFR Citation: 20 CFR 438.000

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Action	05/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry J. Short, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-6243

RIN: 0960-AE29

3819. APPLICATION OF STATE LAW IN DETERMINING CHILD RELATIONSHIP (557F)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

CFR Citation: 20 CFR 404.354; 20 CFR 404.355; 20 CFR 404.365

Legal Deadline: None

Abstract: We are proposing to revise our rules to explain which version of State law we will apply in determining whether a natural child has inheritance rights; depending on whether the insured is living or deceased, how we will apply State law requirements on time limits for determining inheritance rights, and how we will apply State law requirements for a court determination of paternity. We are also proposing to clarify our current rule on determining an applicant's status as a legally adopted child of an insured individual.

Timetable:

Action	Date	FR Cite
NPRM	01/30/97	62 FR 4494
NPRM Comment Period End	03/31/97	
Final Action	01/00/98	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lois A. Berg, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1713

RIN: 0960-AE30

3820. AMENDED 20 CFR, PARTS 400-499; EMPLOYEES' BENEFITS (595F)

Priority: Info./Admin./Other

Legal Authority: 42 USC 902(a)(5)

CFR Citation: 20 CFR 400 to 499

Legal Deadline: None

Abstract: These final rules amend our regulations to revise references to the Department of Health and Human Services and the Department of Health, Education, and Welfare and to the Secretary to read the Social Security Administration and the Commissioner, respectively. Parts 401 and 422 subpart E are not addressed in this regulation because they are covered by another regulation.

Timetable:

Action	Date	FR Cite
Final Action	04/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Suzanne DiMarino, Legal Assistant, Social Security

Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1769

RIN: 0960-AE45

3821. ADMINISTRATIVE (613F)

Priority: Info./Admin./Other

Legal Authority: 42 USC 902(a)(5)

CFR Citation: 20 CFR 429.100ff

Legal Deadline: None

Abstract: These final rules adopt as Social Security Administration rules the Department of Health and Human Services' practices and procedures contained in 45 CFR Part 35.

Timetable:

Action	Date	FR Cite
Final Action	04/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Suzanne DiMarino, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1769

RIN: 0960-AE51

3822. INDEMNIFICATION OF SSA EMPLOYEES (614F)

Priority: Info./Admin./Other

Legal Authority: 42 USC 902(a)(5)

CFR Citation: 20 CFR 430.101

Legal Deadline: None

Abstract: These final rules adopt as Social Security Administration rules the Department of Health and Human Services' policy contained in 45 CFR part 36. These regulations permit, but do not require, the Agency to indemnify all employees for a judgement, verdict or monetary award resulting from conduct within the scope of his or her employment.

Timetable:

Action	Date	FR Cite
Final Action	04/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Suzanne DiMarino, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235

SSA

Final Rule Stage

Phone: 410 965-1769

RIN: 0960-AE52

3823. SUPPLEMENTAL SECURITY INCOME; DETERMINING DISABILITY FOR A CHILD UNDER AGE 18; INTERIM FINAL RULES WITH REQUEST FOR COMMENTS (625I)

Priority: Economically Significant

Legal Authority: 42 USC 405(a); 42 USC 902(a)(5); PL 104-193

CFR Citation: 20 CFR 404.1500 app 1; 20 CFR 416.901; 20 CFR 416.906; 20 CFR 416.911; 20 CFR 416.912; 20 CFR 416.913; 20 CFR 416.919a; 20 CFR 416.919n; 20 CFR 416.924; 20 CFR 416.924a to 416.924e; 20 CFR 416.925; 20 CFR 416.926a; 20 CFR 416.927; 20 CFR 416.929; 20 CFR 416.987 (New);

...

Legal Deadline: Final, Statutory, November 22, 1996.

90 Days After Enactment--3 months after the effective date of P.L. 104-193, August 22, 1996

Abstract: These rules implement the childhood disability provisions of sections 211 and 212 of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 that provide a new definition of disability for children (i.e., individuals under age 18), mandate changes to the evaluation process for children's disability claims and continuing disability review, and require that disability redeterminations be performed for 18-year-olds eligible as children in the month before they attain age 18.

Statement of Need: This regulation is necessary to implement provision of P.L. 104-193.

Summary of the Legal Basis: These regulations are required by P.L. 104-193.

Alternatives: None.

Anticipated Costs and Benefits: As required by the legislation we will review the claims of certain children currently receiving SSI Disability benefits. Benefits will be terminated for some of these children, and others who file new applications will be denied under the new standard.

Risks: At this time we have not identified any risks associated with the proposal.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/11/97	62 FR 6408
Interim Final Rule	04/14/97	
Comment Period		
End		
Final Action	11/00/97	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Daniel T. Bridgewater, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-3298

RIN: 0960-AE57

3824. • REDUCTION IN SSI PAYABLE TO INSTITUTIONALIZED CHILDREN WHOSE MEDICAL COSTS ARE COVERED BY PRIVATE INSURANCE (630F)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 902(a)(5); 42 USC 1381a; 42 USC 1382; 42 USC 1382c; 42 USC 1382d(c); 42 USC 1382h; 42 USC 1383; 42 USC 1383c; 48 USC 1681

CFR Citation: 20 CFR 416.1149; 20 CFR 416.1165; 20 CFR 416.1202; 20 CFR 416.211; 20 CFR 416.212; 20 CFR 416.414

Legal Deadline: Final, Statutory, November 22, 1996.

Abstract: These regulations reflect an amendment to section 1611(e)(1)(B) of the Act made by section 214 of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Section 214 extends applicability of the reduced SSI benefit rate (currently \$30.00 per month) to children under age 18 in medical care facilities receiving payments on their behalf under a health insurance policy issued by a private provider. Under these rules, children with private health insurance coverage will be treated the same as children with Medicaid coverage in terms of the amount of monthly SSI benefits for which they are eligible. While the major impact of these changes will be to reduce benefits for those children described above, some children residing in public institutions, which receive private health insurance payments and which previously did not receive any SSI benefits on their behalf, would now be eligible for SSI benefits up to \$30.00 per month.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/08/97	62 FR 1053
Interim Final Rule	03/10/97	
Comment Period		
End		
Final Action	10/00/97	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Daniel T. Bridgewater, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-3298

RIN: 0960-AE61

SOCIAL SECURITY ADMINISTRATION (SSA)

Long-Term Actions

3825. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; MEDICAL CRITERIA FOR EVALUATING MENTAL DISORDERS FOR ADULTS (222F)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing

Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 405; 42 USC 1382c

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

Legal Deadline: None

Abstract: These amendments revise the medical evaluation criteria for mental disorders for the Social Security and Supplemental Security Income

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Long-Term Actions

disability programs. The revisions will reflect advances in medical treatment and in methods of evaluating certain mental impairments and will provide up-to-date medical criteria for use in the evaluation of disability claims based on mental disorders.

Timetable:

Action	Date	FR Cite
NPRM	07/18/91	56 FR 33130
NPRM Comment	09/18/91	
Period End		
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard M. Bresnick, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1758

RIN: 0960-AC74

3826. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; REPRESENTATIVE PAYEE REFORMS (295F)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: PL 101-508, sec 5105

CFR Citation: 20 CFR 404.902; 20 CFR 404.2001; 20 CFR 404.2011; 20 CFR 404.2022; 20 CFR 404.2024; 20 CFR 404.2025; 20 CFR 404.2030; 20 CFR 404.2041; 20 CFR 404.2050; 20 CFR 416.601; 20 CFR 416.611; 20 CFR 416.622; 20 CFR 416.624; 20 CFR 416.625; 20 CFR 416.630; ...

Legal Deadline: None

Abstract: Effective stewardship at SSA programs requires mechanisms to assure that benefits are used to meet the needs of beneficiaries who are not able to manage their own benefits due to legal incompetence or medical infirmity. Congress determined that improvements to the representative payment procedures were needed to assure program integrity as part of P.L. 101-508. Any costs associated with these regulations are reflected in the President's budget as part of legislative

in implementation. They are required to further our program integrity efforts.

Timetable:

Action	Date	FR Cite
NPRM	03/15/94	59 FR 11949
NPRM Comment	05/16/94	
Period End		
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lois Berg, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1713

RIN: 0960-AD22

3827. ELECTION OF BENEFITS BASED ON AGE BY DISABLED WIDOW, WIDOWER, AND SURVIVING DIVORCED SPOUSE BENEFICIARIES (343P)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 405

CFR Citation: 20 CFR 404.335; 20 CFR 404.336; 20 CFR 404.337

Legal Deadline: None

Abstract: We propose to amend our regulations to permit the election of benefits based on age by widows, widowers and surviving divorced spouses (hereinafter, collectively widows) who are at least age 60 and who are already entitled to widow's benefits based on disability. This proposal would allow the widow to choose which of the two types of widow's benefits is more advantageous. The estimated increase in benefit payments is less than \$500,000 per year for fiscal years 1992-1995.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cassandra A. Bond, Legal Assistant, Division of Regulations and Rulings, Social Security

Administration, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1794

RIN: 0960-AD56

3828. RELIABLE INFORMATION WHICH IS CURRENTLY AVAILABLE FOR DETERMINING BENEFIT AMOUNTS IN THE SUPPLEMENTAL SECURITY INCOME PROGRAM (382F)

Priority: Info./Admin./Other

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 1302; 42 USC 1382(a) to 1382(c); 42 USC 1382(e); 42 USC 1382a; 42 USC 1382f; 42 USC 1383

CFR Citation: 20 CFR 416.420

Legal Deadline: NPRM, Judicial, March 16, 1993.

Abstract: Pursuant to the Court order in *Gould, et al. v. Sullivan*, No. C2-87-964 (S.D. Ohio, October 2, 1992), we proposed a rule for determining benefits in the SSI program. Under section 1611(c)(4)(A) of the Social Security Act, if the Secretary determines that reliable information is currently available concerning the income and other circumstances of an individual for a month, the Secretary may use that information to determine an individual's SSI benefit amount for that month. This discretionary method of determining SSI benefit amounts is an exception to the use of information from a prior month, known as retrospective monthly accounting (RMA), as provided in section 1611(c)(1) of the Act. The proposed rule explained that the Secretary has determined that no information exists which is reliable and currently available to use in computing SSI benefit amounts pursuant to section 1611(c)(4).

Timetable:

Action	Date	FR Cite
NPRM	03/16/93	58 FR 14191
NPRM Comment	05/17/93	
Period End		
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

SSA

Long-Term Actions

Agency Contact: Henry D. Lerner, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1762

RIN: 0960-AD65

3829. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; HEMIC AND LYMPHATIC SYSTEM, AND MALIGNANT NEOPLASTIC DISEASES (399P)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

CFR Citation: 20 CFR 404.1500, app 1

Legal Deadline: None

Abstract: Sections 7.00 and 107.00 (hemic and lymphatic system), and 13.00 and 113.00 (malignant neoplastic diseases) of appendix 1 to subpart P of part 404 of the Disability Regulations (404.1501 through 404.1599) describe those impairments which are considered severe enough to prevent a person from engaging in any gainful activity, or in the case of a child under age 18, age-appropriate activities. We are proposing revisions to 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	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry J. Short, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-6243

RIN: 0960-AD67

3830. RELIABLE INFORMATION WHICH IS CURRENTLY AVAILABLE FOR DETERMINING BENEFIT AMOUNTS IN THE SUPPLEMENTAL SECURITY INCOME PROGRAM (NEWMAN) (434P)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 1302; 42 USC 1382(a) to 1382(c); 42 USC 1383

CFR Citation: 20 CFR 416.420

Legal Deadline: None

Abstract: The Social Security Act (the Act) provides that if the Commissioner of Social Security (the Commissioner) determines that reliable information is currently available concerning the income of an individual, the Commissioner may use that information to determine an individual's current month's supplemental security income (SSI) benefit amount. This method of determining SSI benefit amounts is an exception to the use of income from a prior month, known as retrospective monthly accounting (RMA). The Commissioner has determined that no reliable information exists which is currently available for determining SSI benefit amounts for a current month using any method other than RMA. These rules are applicable only in California pursuant to a court order issued in Newman v. Shalala.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry D. Lerner, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1762

RIN: 0960-AD77

3831. REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY, ENDOCRINE SYSTEM AND OBESITY AND RELATED CRITERIA (436P)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing

Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 405; 42 USC 1302; 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 the Disability Regulations (404.1501 through 404.1599) describe those impairments which are considered severe enough to prevent a person from engaging in any gainful activity, or in the case of a child under age 18, age-appropriate activities. 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	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Augustine, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 966-5121

RIN: 0960-AD78

3832. BENEFITS FOR SPOUSES, DIVORCED SPOUSES, AND CHILDREN (455F)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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 404.331; 20 CFR 404.332; 20 CFR 404.341; 20 CFR 404.357; 20 CFR 404.361; 20 CFR 404.366

Legal Deadline: None

SSA

Long-Term Actions

Abstract: This regulation will make technical changes to several sections. Most of the changes correct problems with wording which occurred during the 1980 recodification.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Lois Berg, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1713

RIN: 0960-AD83

3833. FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME, ACCEPTABLE MEDICAL SOURCES (469P)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

CFR Citation: 20 CFR 404.1513; 20 CFR 416.913

Legal Deadline: None

Abstract: We propose to add speech and language pathologists to the list of acceptable medical sources in our current regulations. These sources will assist us in establishing the existence of speech and language impairments. We also propose to make other changes in our regulations to clarify what we mean by an acceptable medical source.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard M. Bresnick, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1758

RIN: 0960-AD91

3834. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; CONTRIBUTIONS FOR SUPPORT (475P)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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 428(a) to 428(e); 42 USC 1302

CFR Citation: 20 CFR 404.366

Legal Deadline: None

Abstract: To provide more uniformity in our decision making, we are proposing to amend our rules on the contributions for support that must be provided by the insured to certain categories of claimants for child's benefits.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lois Berg, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1713

RIN: 0960-AD92

3835. COMPUTATION OF SSI BENEFITS FOR THE FIRST THREE MONTHS OF PAYMENT (476P)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.320

Legal Deadline: None

Abstract: SSI eligibility and payment are calculated by taking into account income received by the applicant/recipient. Two calculations must be made for each month. The first

is the eligibility computation and is based on the current (payment) month's income. The second is the payment computation, which, under retrospective monthly accounting, is based (usually) on the income of a prior month called the budget month. Generally the budget month is 2 months prior to the payment month. The transitional computation for the first 3 months of SSI payment is an exception to the general rule described above. While the eligibility computation continues to apply to the current month's income, the budget month on which each of the first 3 months' payments are based is the first month of eligibility. This policy was intended to facilitate the transition into 2 month retrospective accounting cycle and to avoid penalizing the recipient for income received prior to initial SSI eligibility. However, the policy also has the effect of counting income which is only received in one month more than one time. In *Jones v. Shalala* the Ninth Circuit Court of Appeals ruled that SSA's transitional computation for the first 3 months of eligibility is not permissible because it will result in the triple counting of nonrecurring income received only in the first month of eligibility. The proposed policy addresses the triple counting of nonrecurring income.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry D. Lerner, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1762

RIN: 0960-AD93

3836. DEFINITION OF "LARGEST BENEFIT AMOUNT" FOR SIMULTANEOUS ENTITLEMENT TO CHILD'S BENEFITS (481P)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

SSA

Long-Term Actions

Legal Authority: 42 USC 402(d); 42 USC 403; 42 USC 404(a); 42 USC 404(e); 42 USC 405(a); 42 USC 405(c); 42 USC 416; 42 USC 422(b); 42 USC 423; 42 USC 424a; 42 USC 425; 42 USC 428(a) to 428(e); 42 USC 902(a)(5)

CFR Citation: 20 CFR 404.304; 20 CFR 404.353b; 20 CFR 404.407d

Legal Deadline: None

Abstract: Section 202(k)(2)(A) of the Act (42 U.S.C. 402(k)(2)(A)) contains the statutory requirements for determining the earnings record on which SSA will pay a person, who is simultaneously entitled to child's insurance benefits on the earnings records of more than one worker. Generally, the child's benefits will be paid on the earnings record that yields the highest primary insurance amount (PIA). However, under certain circumstances, the child's benefits will be paid on the earnings record that yields a lower PIA if that record produces the "largest benefit" to which the child could be entitled under section 202(d) without the application of the reduction under the "family maximum" provisions. In implementing section 202(k)(2)(A), SSA has determined the "largest benefit" under section 202(k)(2)(A) by comparing the original benefit amount (i.e., 50 percent of the PIA of a living worker and 75 percent of the PIA of a deceased worker) calculated on the dependent and/or survivor claim of the child on the earnings record of each worker without applying any reductions or deductions. The United States District Court for the Northern District of Alabama in *Agee v. Sullivan* rejected this interpretation and held that SSA must compare the amounts payable to the child under each earnings record after considering all applicable deductions and reductions other than the reduction under the family maximum provisions. Legal support for both interpretations can be found in the statutory language and legislative history of section 202(k)(2)(A). We have found current regulations implementing section 202(k)(2)(A) to be ambiguous. We propose to amend these regulations to reflect the longstanding SSA interpretation, rather than the interpretation adopted by the district court in the *Agee* decision.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lois Berg, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1713

RIN: 0960-AD95

3837. FEDERAL OASDI AND SSI FOR THE AGED, BLIND, AND DISABLED; BENEFIT REFORMS FOR INDIVIDUALS DISABLED BASED ON DRUG ADDICTION OR ALCOHOLISM (496F)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

CFR Citation: 20 CFR 404.315; 20 CFR 404.316; 20 CFR 404.321; 20 CFR 404.332; 20 CFR 404.335; 20 CFR 404.337; 20 CFR 404.350; 20 CFR 404.352; 20 CFR 404.402; 20 CFR 404.470; 20 CFR 404.480; 20 CFR 404.902; 20 CFR 404.1535; 20 CFR 404.1536; 20 CFR 404.1537; ...

Legal Deadline: Final, Statutory, February 11, 1995.
Section 201 of Public Law 103-296.

Abstract: The Social Security Independence and Program Improvements Act of 1994 (Public Law 103-296) contains provisions affecting the payment of benefits under titles II and XVI of the Social Security Act to individuals whose drug addiction or alcoholism is a contributing factor material to the determination of disability. These final rules implement certain provisions related to limitations on benefit payments and the nonpayment and termination of benefits to these individuals.

Timetable:

Action	Date	FR Cite
Notice of Intent with Request for Comments	10/17/94	59 FR 52380

Action	Date	FR Cite
Interim Final Rule	02/10/95	60 FR 8140
Interim Final Rule	04/11/95	
Comment Period End		
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard M. Bresnick, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1758

RIN: 0960-AD96

3838. FEDERAL OASDI AND SSI FOR THE AGED, BLIND, AND DISABLED; REPRESENTATIVE PAYMENT PROVISIONS FOR INDIVIDUALS DISABLED BASED ON DRUG ADDICTION OR ALCOHOLISM (507P)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: PL 103-296, sec 201; 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.2001; 20 CFR 404.2010; 20 CFR 404.2021; 20 CFR 404.2040; 20 CFR 404.2040a; 20 CFR 404.2053; 20 CFR 416.621; 20 CFR 416.640; 20 CFR 416.640a; 20 CFR 416.655

Legal Deadline: None

Abstract: We propose to revise our regulations to extend the representative payee requirement, which now applies only to recipients of supplemental security income (SSI) benefit payments, to Social Security disability insurance (DI) beneficiaries whose drug addiction or alcoholism is material to a finding of disability.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: State

Agency Contact: Harry J. Short, Legal Assistant, Social Security Administration, Division of Regulations

SSA

Long-Term Actions

and Rulings, 6401 Security Boulevard,
Baltimore, MD 21235
Phone: 410 965-6243

RIN: 0960-AD98

3839. SSI ELIGIBILITY FOR STUDENTS TEMPORARILY ABROAD (505P)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.202; 20 CFR 416.270 (New)

Legal Deadline: None

Abstract: These regulatory changes are required by section 204 of P.L. 103-296, the Social Security Independence and Program Improvements Act of 1994. This provision allows individuals who leave the United States temporarily as part of an educational program that is not available in the United States, that is designed for gainful employment, and that is sponsored by a school, college, or university in the United States, to continue receiving SSI benefits for up to 1 year if they were eligible for SSI benefits for the month they left the country.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry D. Lerner, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1762

RIN: 0960-AE01

3840. REPEAL OF FACILITY OF PAYMENT PROVISION (508F)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 403

CFR Citation: 20 CFR 404.402(b); 20 CFR 404.458

Legal Deadline: None

Abstract: This regulation will reflect section 309 of P.L. 103-296 which repeals the facility of payment provision under which Social Security benefits subject to the family maximum would not be redistributed in certain cases and provides that the reduction for the family maximum will be made prior to a temporary suspension for work when the non-working auxiliary resides in a separate household from the working auxiliary.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cassandra A. Bond, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1794

RIN: 0960-AE02

3841. GUARANTEED FAMILY MAXIMUMS (510F)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 403(a)

CFR Citation: 20 CFR 404.403

Legal Deadline: None

Abstract: This regulation will reflect effect section 310 of P.L. 103-296 which provides that the guaranteed primary insurance amount is to be used in establishing the maximum family benefit for workers who had previously been entitled to disability insurance benefits and became reentitled to retirement or disability benefits on or after December 1995.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cassandra A. Bond, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1794

RIN: 0960-AE03

3842. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; INCOME AND RESOURCES, DEEMING OF PARENTAL INCOME AND RESOURCES WHEN CHILDREN ARE HOSPITALIZED (522P)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 1302; 42 USC 1382c(f)(2); 42 USC 1383(d)

CFR Citation: 20 CFR 416.1165; 20 CFR 416.1167; 20 CFR 416.1202

Legal Deadline: None

Abstract: Current SSI regulations reflect the concept that deeming (the process of considering another person's income to be your own) applies only in household situations. Currently, children in medical care facilities are not subject to parental deeming because they are not considered to be in the same household as their parents. While maintaining the concept of "household" for deeming purposes, these proposed rules will expand upon current policy from the household and, as a result, subject to parental deeming. This extends the current policy that is applicable to children away at school to children in medical care facilities. That is, a child who is born in or enters a medical care facility and who is subject to the control of a parent will be considered temporarily absent from the parental household. During this absence, deeming will apply.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence V. Dudar, Legal Assistant, Social Security Administration, Division of Regulations

SSA

Long-Term Actions

and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1759

RIN: 0960-AE08

3843. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; OVERPAYMENT DEBT COLLECTION PROCEDURES (523P)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: PL 103-387

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This regulation will implement section 5 of Pub. L. 103-387, the Social Security Domestic Employment Act of 1994 which authorizes SSA to use certain delinquent debt collection procedures available to other Federal agencies, but which were not available to SSA under the Debt Collection Act of 1982. The procedures include reporting delinquent debtors to credit agencies, contracting with private debt collection agencies, and recovering debts by administrative offset of other Federal payments to which the debtor may be entitled. The procedures may be applied only if the overpayment was paid to a person after he or she attained age 18, the debt is not recoverable by other means provided by the Social Security Act, and the debtor is no longer a beneficiary. Authority to use such debt collection procedures sunsets September 30, 1999.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Augustine, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 966-5121

RIN: 0960-AE09

3844. DETERMINATIONS AND ADMINISTRATIVE REVIEW PROCESS; ADMINISTRATIVE RES JUDICATA AND RELATED RULES (526P)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 405(j); 42 USC 421; 42 USC 401(j); 42 USC 425; 42 USC 405 note; 42 USC 421 note; 42 USC 1383; 42 USC 1383b; 31 USC 3720A; 42 USC 902(a)(5)

CFR Citation: 20 CFR 404.903a (New); 20 CFR 404.903b (New); 20 CFR 404.957; 20 CFR 404.967; 20 CFR 416.1403a (New); 20 CFR 416.1403b (New); 20 CFR 416.1457; 20 CFR 416.1467

Legal Deadline: None

Abstract: We propose to amend our regulations which govern the administrative review process for the Social Security and Supplemental Security Income (SSI) programs under titles II and XVI of the Social Security Act (the Act) to reflect and implement sections 205(b)(3)(A) and 1631(c)(1)(B)(j) of the Act. These sections of the Act were added by section 5107 of the Omnibus Budget Reconciliation Act of 1990 (OBRA 1990), Pub. L. 101-508, to specify certain cases in which our policy on administrative res judicata may not be applied to deny a claimant's subsequent application for benefits under the Social Security or SSI program. In general, those sections of the Act provide that a claimant's failure to timely request review of an adverse initial or reconsidered determination which we make on an application for benefits under the Social Security or SSI program shall not serve as a basis for a denial by us of the claimant's subsequent application for benefits under the same program if the failure to so request review was due to certain circumstances specified in the statute.

In connection with making changes to our regulations to reflect this statutory exception to administrative res judicata, we are also proposing to amend our regulations to expand and clarify our rules concerning our policy on administrative res judicata. We are also

proposing to amend our regulations to clarify our rules concerning a distinct but related Agency policy which we refer to in our existing regulations as "collateral estoppel," but which we propose to rename "adoption of findings" in these proposed regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lois Berg, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1713

RIN: 0960-AE11

3845. OASDI; NONPAYMENT OF BENEFITS TO INCARCERATED INDIVIDUALS AND INDIVIDUALS CONFINED IN CRIMINAL CASES, PURSUANT TO CONVICTION OR BY COURT ORDER BASED ON FINDINGS OF INSANITY (531P)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 402(x); 42 USC 405; 42 USC 902

CFR Citation: 20 CFR 404.468

Legal Deadline: None

Abstract: The regulation will implement section 4 of P.L. 103-387 which modifies and expands the current prisoner nonpayment provisions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cassandra A. Bond, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1794

RIN: 0960-AE16

SSA

Long-Term Actions

3846. SUPPLEMENTAL SECURITY INCOME; PLANS FOR ACHIEVING SELF-SUPPORT (506P)**Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** PL 103-296, sec 203; 42 USC 1383b(d)**CFR Citation:** 20 CFR 416.1180; 20 CFR 416.1181; 20 CFR 416.1182; 20 CFR 416.1224; 20 CFR 416.1225; 20 CFR 416.1226**Legal Deadline:** None**Abstract:** These regulations propose to revise our rules on plans to achieve self-support (PASS) to take into account the time period an individual will need for completion of his or her PASS and other factors determined to be appropriate.**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Harry J. Short, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-6243**RIN:** 0960-AE17**3847. REDUCTION OF DISABILITY BENEFITS—WORKERS' COMPENSATION/PUBLIC DISABILITY BENEFITS (567P)****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 42 USC 402 to 405; 42 USC 424a; 42 USC 902(a)(5)**CFR Citation:** 20 CFR 404.408**Legal Deadline:** None**Abstract:** We propose to revise our rules on reduction of Social Security benefits based on disability on account of receipt of workers' compensation

and/or public disability benefits provided under Federal (other than Social Security), State, or local laws or plans to clarify our existing policies. We also propose to adopt a uniform method of proration of workers' compensation and public disability benefit settlements. In addition, we propose to incorporate into our rules the policy interpretations established previously in relevant Social Security Rulings (SSRs), and we will update provisions that have not been changed since 1984.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Daniel T. Bridgewater, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-3298**RIN:** 0960-AE35**3848. ELIMINATION OF ROUNDING DISTORTION IN THE CALCULATION OF THE CONTRIBUTION AND BENEFIT BASE AND EARNINGS TEST EXEMPT AMOUNTS (512F)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 405; 42 USC 1302; 42 USC 1383**CFR Citation:** 20 CFR 404.211(c); 20 CFR 404.430(c); 20 CFR 404.1047 to 1048; 20 CFR 404, subpart C, app 1; 20 CFR 404.403(d); 20 CFR 404.408ff; 20 CFR 404.1048(c); 20 CFR 404.1918(b)**Legal Deadline:** None**Abstract:** Section 321(g) of Pub. L. 103-296 designates 1994 as the base year to be used in calculating increases in the OASDI contribution and benefit base and earnings test exempt amounts for all years after 1994. (Increases in these amounts will no longer be based on the rounded amounts applicable in the previous year, which can distort the base and exempt amounts over time.) The provision is effective for the contribution and benefit base beginning in 1995 and for earnings test exempt amounts for taxable years ending after 1994.**Timetable:**

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Lawrence V. Dudar, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1759**RIN:** 0960-AE40**3849. DEEMING OF INCOME FROM AN INELIGIBLE SPOUSE TO AN ELIGIBLE INDIVIDUAL AND AN ELIGIBLE CHILD (606P)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 902(a)(5); 42 USC 1381a; 42 USC 1382; 42 USC 1382a; 42 USC 1382c(f); 42 USC 1383; 42 USC 1382b; 42 USC 1382j**CFR Citation:** 20 CFR 416.1160 (c)(3)(iii); 20 CFR 416.1165 (g)(1); 20 CFR 416.1166**Legal Deadline:** None**Abstract:** This rule would revise the method used under the SSI program to determine income for a child who lives with both parents where one parent is ineligible for SSI because of income deemed from an ineligible spouse. Instead of deeming any excess income from the ineligible spouse to the child, referred to as "pass-through deeming," we would deem income to the child using the method we use where neither parent files for SSI. Under current rules, "pass-through" deeming has had the unintended effect of deeming more income than would have been deemed if the regular rules for deeming from ineligible parents who do not file for SSI are used.**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None**Government Levels Affected:** Undetermined**Agency Contact:** Robert J. Augustine, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 966-5121**RIN:** 0960-AE50

SSA

Long-Term Actions

3850. PAYMENTS FOR VOCATIONAL REHABILITATION SERVICES (615P)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 405(a); 42 USC 422; 42 USC 902(a)(5); 42 USC 1382d; 42 USC 1383(d)(1); 42 USC 1383(e); 42 USC 1683b(a)

CFR Citation: 20 CFR 404.2111; 20 CFR 404.2117; 20 CFR 404.2121; 20 CFR 416.2211; 20 CFR 416.2217; 20 CFR 416.2221

Legal Deadline: None

Abstract: We are proposing to amend our regulations to minimize the reporting burden on providers of vocational rehabilitation (VR) services who serve Social Security beneficiaries and Supplemental Security Income recipients who are disabled or blind under our VR payment programs. These proposed changes to our regulations will: simplify the criteria for determining when VR services will be considered to have contributed to a continuous period of 9-months of substantial gainful activity (SGA) and make other changes to reduce burdens on State agencies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Augustine, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 966-5121

RIN: 0960-AE54

3851. • 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; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c(f); 42 USC 1382j; 42 USC 1383

CFR Citation: 20 CFR 416.535; 20 CFR 416.538; 20 CFR 416.542; 20 CFR 416.545; 20 CFR 416.546; 20 CFR 416.570; 20 CFR 416.640; 20 CFR 416.1124; 20 CFR 416.1210; 20 CFR 416.1247

Legal Deadline: Final, Statutory, November 22, 1996.

Abstract: These regulations reflect amendments to the Social Security Act made by sections 213 and 221 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Section 213 requires the establishment of accounts in financial institutions for the payment of past-due SSI benefits after reimbursement to a State for Interim Assistance Reimbursement exceeding 6 months' benefits to representative payees on behalf of children under age 18. These accounts will be dedicated for certain purposes by restrictions on the use of such past-due benefits.

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

Timetable:

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

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard M. Bresnick, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1758

RIN: 0960-AE59

3852. • EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, THE REHABILITATION ACT OF 1973, AND THE AGE DISCRIMINATION ACT OF 1975, IN PROGRAMS RECEIVING FINANCIAL ASSISTANCE BY SSA (617F)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 902(a)(5); 5 USC 301; 20 USC 1405; 21 USC 1174; 29 USC 794; 42 USC 290dd-2; 42 USC 2000d-1; 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 SSIPIA established SSA as an independent agency in the Executive Branch of the Federal Government effective March 31, 1995, and vested general regulatory authority in the Commissioner of Social Security (the Commissioner). Under section 106(b) of SSIPIA, HHS regulations in effect immediately prior to March 31, 1995, which relate to functions now vested in the Commissioner by reason of SSA's independence, continue to apply to SSA until such time as they are modified, suspended, terminated or repealed by the Commissioner. SSA is promulgating regulations at 20 CFR part 431 which are based in large measure upon the HHS regulations at 45 CFR parts 80, 81, 84, 85, 90, and 91. These SSA regulations reflect changes necessary to adapt the HHS regulations to SSA procedures.

Upon SSA's rules becoming final regulations, the HHS regulations will cease to have application to SSA in accordance with section 106(b) of SSIPIA.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Suzanne DiMarino, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1769

RIN: 0960-AE63

3853. • AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC—CHARGING FEES FOR PROVIDING PERSONAL INFORMATION (618P)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1360; 18 USC 1905; 26 USC 6103; 30 USC 923(b); 31 USC

SSA

Long-Term Actions

9701; 42 USC 405; 42 USC 902(a)(5); 42 USC 1306

CFR Citation: 20 CFR 402

Legal Deadline: None

Abstract: These proposed rules will, in general, provide that SSA will not charge fees for personal information if it is to be used for a publicly administered program whose purpose is compatible with a Social Security Act program.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry J. Short, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-6243

RIN: 0960-AE64

3854. • REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY, ENDOCRINE SYSTEM AND RELATED CRITERIA (620P)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 405; 42 USC 1383

CFR Citation: 20 CFR 404.1500

Legal Deadline: None

Abstract: This proposed rule would eliminate "Obesity" from the Listing of Impairments in appendix 1 of subpart P of 20 CFR part 404. Current medical and vocational research demonstrates that obesity, viewed alone, is not determinative of an individual's inability to engage in any gainful activity. Instead, individuals with obesity would have their cases reviewed under the listing for (an) affected body system(s) or, on a case-by-case basis, at the remaining steps of the sequential evaluation process.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Augustine, Legal Assistant, Social Security Administration, Division of Regulations

and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 966-5121

RIN: 0960-AE65

3855. • SSI OVERPAYMENT RECOVERY BY OFFSET OF FEDERAL INCOME TAX REFUND (632I)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 902(a)(5); 42 USC 1381; 42 USC 1381a; 42 USC 1382(c); 42 USC 1382(e); 31 USC 3720A

CFR Citation: 20 CFR 416.580 to 416.586; 20 CFR 416.1403

Legal Deadline: None

Abstract: These regulations will govern use of the Federal income tax refund offset program established under section 2653 of the Deficit Reduction Act of 1984. They will permit the recovery of SSI overpayments through the withholding of amounts due to former SSI recipients as Federal income tax refunds. In these rules, we reflect the provisions of 31 USC 3720A and explain the procedures we will follow in referring SSI overpayments to the Department of the Treasury for income tax refund offset.

Timetable:

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

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Augustine, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 966-5121

RIN: 0960-AE67

3856. • ELECTRONIC FREEDOM OF INFORMATION ACT AMENDMENTS (640P)

Priority: Substantive, Nonsignificant

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

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: P.L. 104-231, enacted 10/02/96, amended the Freedom of Information Act (FOIA) (5 USC 552). It has a two-fold purpose: to improve public access to Government information and records maintained in

an electronic format by Federal agencies and to reduce delays in agency responses to FOIA requests.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry D. Lerner, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1762

RIN: 0960-AE68

3857. • COVERAGE OF EMPLOYEES OF STATE AND LOCAL GOVERNMENTS; OFFICE OF MANAGEMENT AND BUDGET (OMB) CONTROL NUMBER (280F)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 405; 42 USC 410; 42 USC 418; 42 USC 902(a)(5)

CFR Citation: 20 CFR 404.1215; 20 CFR 404.1203; 20 CFR 404.1204; 20 CFR 404.1214; 20 CFR 404.1216; 20 CFR 404.1220; 20 CFR 404.1225; 20 CFR 404.1237; 20 CFR 404.1239; 20 CFR 404.1242; 20 CFR 404.1243; 20 CFR 404.1247; 20 CFR 404.1249; 20 CFR 404.1251; 20 CFR 404.1265; ...

Legal Deadline: None

Abstract: These final regulations supply the OMB control number for the information collection requirements in section 404.1215 of subpart M of our final regulations on coverage of employees of State and local governments. They also remove the Effective Date Note from 16 other sections in subpart M.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lois A. Berg, Legal Assistant, Social Security Administration, Division of Regulations and Rulings, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-1713

RIN: 0960-AE69

SOCIAL SECURITY ADMINISTRATION (SSA)

Completed Actions

3858. FEES FOR FEDERAL ADMINISTRATION OF STATE SUPPLEMENTARY PAYMENTS IN THE SSI PROGRAM; INTEREST CHARGING ON STATE SUPPLEMENTARY PAYMENT FUNDS (376F)

Priority: Info./Admin./Other

CFR Citation: 20 CFR 416.2010; 20 CFR 416.2090

Completed:

Reason	Date	FR Cite
Final Action	01/03/97	62 FR 309
Final Action Effective	02/03/97	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Henry D. Lerner
Phone: 410 965-1762

RIN: 0960-AD75

3859. TEMPORARY INCREASE IN SPONSORSHIP PERIOD FOR ALIENS UNDER THE SSI PROGRAM (457P)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

CFR Citation: 20 CFR 416.1160; 20 CFR 416.1204

Completed:

Reason	Date	FR Cite
Withdrawn	05/31/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lois Berg
Phone: 410 965-1713

RIN: 0960-AD84

3860. PRIVACY AND DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION; AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC (546F)

Priority: Info./Admin./Other

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

CFR Citation: 20 CFR 402.5 to 402.205

Completed:

Reason	Date	FR Cite
Final Action	01/29/97	62 FR 4142
Final Action Effective	01/29/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry D. Lerner
Phone: 410 965-1762

RIN: 0960-AE24

3861. CYCLING PAYMENT OF SOCIAL SECURITY BENEFITS (558F)

Priority: Economically Significant. Major under 5 USC 801.

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

CFR Citation: 20 CFR 404.1805; 20 CFR 404.903

Completed:

Reason	Date	FR Cite
Final Action	02/11/97	62 FR 6114
Final Action Effective	05/01/97	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Lois Berg
Phone: 410 965-1713

RIN: 0960-AE31

3862. HEARING PROCEDURES FOR CIVIL MONETARY PENALTY CASES (579F)

Priority: Substantive, Nonsignificant

CFR Citation: 20 CFR 498.200 to 498.223

Completed:

Reason	Date	FR Cite
Final Action	12/13/96	61 FR 65467
Final Action Effective	01/13/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry D. Lerner
Phone: 410 965-1762

RIN: 0960-AE41

3863. ELIMINATION OF MANDATORY ANNUAL EARNINGS REPORTS (592F)

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing

Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

CFR Citation: 20 CFR 404.452

Completed:

Reason	Date	FR Cite
Final Action	04/02/97	62 FR 15607
Final Action Effective	04/02/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Augustine
Phone: 410 966-5121

RIN: 0960-AE44

3864. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS (596F)

Priority: Substantive, Nonsignificant

CFR Citation: 20 CFR 426.101ff

Completed:

Reason	Date	FR Cite
Withdrawn	09/19/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Suzanne DiMarino
Phone: 410 965-1769

RIN: 0960-AE46

3865. REVISED MEDICAL CRITERIA FOR DETERMINATION FOR DISABILITY EXTENSION OF EXPIRATION DATE FOR GROWTH IMPAIRMENT LISTING (627F)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 402; 42 USC 405(a)

CFR Citation: 20 CFR 404.1500

Legal Deadline: None

Abstract: This final rule extends until December 7, 1998, the date on which the growth impairment listings contained in Part B of the Listings of Impairments will no longer be effective.

Timetable:

Action	Date	FR Cite
Final Action	12/06/96	61 FR 64615
Final Action Effective	12/06/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Augustine, Legal Assistant, Social Security

SSA

Completed Actions

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RIN: 0960-AE60

[FR Doc. 97-5804 Filed 04-24-97; 8:45 am]

BILLING CODE 4190-29-F