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Monday,  
November 22, 1999

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Part XLVI

**Social Security  
Administration**

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Semiannual Regulatory Agenda

## Social Security Administration (SSA)

### SOCIAL SECURITY ADMINISTRATION

#### Office of the Commissioner

#### 20 CFR Ch. III

#### Semiannual Unified Regulatory Agenda

**AGENCY:** Social Security Administration

**ACTION:** Semiannual regulatory agenda

**SUMMARY:** Executive Order 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 April 26, 1999.

**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 Georgia E. Myers, Acting Regulations Officer, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401; Telephone (410) 965-3632.

**SUPPLEMENTARY INFORMATION:** For this edition of the Social Security Administration's (SSA) regulatory agenda, the most important significant regulatory actions are included in The Regulatory Plan, which appears in Part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the Table of Contents below and are denoted by a bracketed bold reference which directs the reader to the appropriate Sequence Number in Part II.

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 (SSI) program under title XVI of the Act. We are not a regulatory agency. For the most part, our 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 decision-makers. 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.

Included in our Agenda is an item, which will amend our regulations to provide more choices for people with disabilities who seek Return-to-Work services so that they may become self-sufficient. This proposed regulation parallels provisions of legislation, The Work Incentives Improvement Act of 1999, presently pending in Congress.

An area 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. In addition, we have announced a prototype involving a combination of modifications to the disability determination process. The prototype incorporates multiple modifications to the disability determinations procedures employed by State Disability Determination Services which have been shown to be effective in earlier tests. The prototype incorporates a series of changes that improve the initial disability determination process by: providing greater decisional authority to the disability examiner and more effective use of the expertise of the medical consultant; ensuring appropriate development and explanation of key issues; increasing opportunities for claimant interaction with the decision maker before a determination is made;

and simplifying the appeals process by eliminating the reconsideration step.

Two of our agenda items implement elements of a major agency initiative known as "process unification." Process unification is designed to produce one set of adjudicative standards for all levels of disability review within SSA. Weight of Disability Determination Service Medical Consultant Opinions will define the weight to be given to opinion evidence from State agency medical and psychological consultants, other program physicians and psychologists, and medical experts in claims at the hearing level for disability benefits under titles II and XVI of the Act. Assessment of Residual Functional Capacity will clarify the guidelines in our regulations used in determining whether an individual under age 50 lacks the capacity to perform less than a full range of sedentary work.

The Agenda contains several other regulations intended to improve the processing of disability claims including a final rule regarding sources of evidence for establishing the existence of a medically determinable impairment, a proposed rule to reflect advances in medical practices such as organ transplantation, and a proposed rule to add a new medical listing for individuals age 18 or older who have non-mosaic Down syndrome.

SSA is committed to enhancing the service that we provide to our customers by reducing the time it takes them to receive a hearing and decision. We believe that the new Hearings Process Improvement (HPI) Initiative will enhance the timeliness of decisions, and improve customer service by effectively utilizing the staffing resources that are dedicated to this goal. The Hearings Process Improvement Initiative is part of SSA's overall plan for managing the disability process. One very important HPI initiative listed in the Agenda item, Expansion of the Use of Video Teleconference Technology in Hearings before Administrative Law Judges (ALJs) of the Social Security Administration, is expected to improve customer service by providing faster access to a hearing before an ALJ by removing the need for the claimant (and representative, if any) and the ALJ to be physically present at the same location.

We remain committed to improving stewardship of the SSI program, for which we have had responsibility since

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the program's inception in 1974, as efficiently and effectively as possible. In this Agenda is a proposed rule, Collection of SSI (Title XVI) Overpayment Debts from Title II Benefits, which will implement one of the debt collection tools recently authorized by legislation.

Eliminating fraud and abuse in Social Security's programs is a vital goal of SSA. SSA's Strategic Plan asserts zero tolerance for fraud and abuse, and states that we will increase our attention on deterring fraudulent activities. This initiative reflects SSA's idea that we

must remain vigilant if we are to fulfill our role as capable stewards of the public trust. To further this goal, in this Agenda are proposed revisions to our rules based on legislation pending in Congress, which would provide us with additional tools to strengthen the integrity of the Social Security and SSI programs, and a final rule implementing legislation to preclude eligibility for SSI benefits for certain fugitives and probation and parole violators.

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. The remainder of our Unified Agenda items reflect such improvements and clarifications.

The October 1999 regulatory agenda for the Social Security Administration follows.

**Dated:** September 30, 1999

**Georgia E. Myers,**

*Acting SSA Regulations Officer*

Prerule Stage

Sequence Number	Title	Regulation Identification Number
4110	Assignment of Social Security Administration Numbers (SSN) for Non-Work Purposes (751P) .....	0960-AF05

Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
4111	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Representative Payment Under Title II and XVI of the Social Security Act (295P) .....	0960-AD22
4112	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Fees for Representation of Claimants (296P) .....	0960-AD23
4113	Modification of Private Printing and Prescribed Applications and Other Forms (530P) .....	0960-AE15
4114	Supplemental Security Income; Plans for Achieving Self-Support (506P) .....	0960-AE17
4115	Requirements for Awards and Subawards to Institutions of Higher Education; Certain Grants and Agreements with State, Local, and Indian Tribal Governments (547P) .....	0960-AE25
4116	Federal Salary Offset (Withholding a Portion of a Federal Employee's Salary To Collect a Delinquent Debt Owed to the Social Security Administration) (721P) .....	0960-AE89
4117	Private Collection Agencies (Using Private Collection Agencies to Help SSA Collect Delinquent Title II Debts Owed by Former Beneficiaries) (722P) .....	0960-AE90
4118	Charging Interest (Charging Interest on Delinquent Debts) (723P) .....	0960-AE91
4119	Administrative Wage Garnishment (To Repay a Debt Owed to the Social Security Administration) (724P) .....	0960-AE92
4120	Self-Sufficiency Incentives for Title II and Title XVI Program Beneficiaries (725P) .....	0960-AE93
4121	Testimony By Employees and the Production of Records in Legal Proceedings (732P) .....	0960-AE95
4122	Federal Old-Age, Survivors and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Clarification of "Age" as a Vocational Factor (736F) .....	0960-AE96
4123	OASDI and SSI; Expansion of the Use of Video Teleconference Technology in Hearings Before Administrative Law Judges of the Social Security Administration (737P) <b>(Reg Plan Seq No. 152)</b> .....	0960-AE97
4124	Federal Old-Age, Survivors, and Disability Insurance; Determining Disability and Blindness; Addition of Medical Criteria for Evaluating Down Syndrome in Adults (743P) .....	0960-AF03
4125	Assessing Attorney Representatives for Direct Payment (763P) <b>(Reg Plan Seq No. 153)</b> .....	0960-AF08
4126	Anti-Fraud Provisions (765P) <b>(Reg Plan Seq No. 154)</b> .....	0960-AF09
4127	Work Incentives Improvement Act (767P) <b>(Reg Plan Seq No. 155)</b> .....	0960-AF11
4128	Amount of Student-Earned Income Exclusion .....	0960-AF12
4129	Title XVI, Cross-Program Recovery (746P) .....	0960-AF13

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

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## Final Rule Stage

Sequence Number	Title	Regulation Identification Number
4130	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs, Determining Disability and Blindness; Substantial Gainful Activity Guides (147F) .....	0960-AB73
4131	Federal Old-Age, Survivors, and Disability Insurance; Determining Disability and Blindness; Revision to Medical-Vocational Guidelines (599F) <b>(Reg Plan Seq No. 156)</b> .....	0960-AE42
4132	Federal Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind and Disabled; Evaluating Opinion Evidence (624F) <b>(Reg Plan Seq No. 157)</b> .....	0960-AE56
4133	Dedicated Accounts and Installment Payments for Certain Past Due SSI Benefits (622F) .....	0960-AE59
4134	Denial of SSI Benefits for Fugitive Felons and Probation and Parole Violators (660F) .....	0960-AE77
4135	Reduction of Title II Benefits Under the Family Maximum Provisions in Cases of Dual Entitlement (692F) .....	0960-AE85
4136	20 CFR Parts 401, 402, 404, 410, 416 and 422—Revised as of April 1, 1999; Correction (745F) .....	0960-AF04
4137	Cost of Living Increases in Primary Insurance Amounts (759F) .....	0960-AF14

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

## Long-Term Actions

Sequence Number	Title	Regulation Identification Number
4138	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Musculoskeletal System (143F) .....	0960-AB01
4139	Old-Age, Survivors, and Disability Insurance Program; Medical Criteria for Evaluating Mental Disorders and Traumatic Brain Injury in Adults (222F) .....	0960-AC74
4140	Election of Benefits Based on Age by Disabled Widow, Widower, and Surviving Divorced Spouse Beneficiaries (343P) .....	0960-AD56
4141	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Hemiac and Lymphatic System, and Malignant Neoplastic Diseases (399P) .....	0960-AD67
4142	Revised Medical Criteria for Determination of Disability, Endocrine System (436P) .....	0960-AD78
4143	Federal Old-Age, Survivors, and Disability Insurance and Supplemental Security Income, Medical and Other Evidence of Your Impairment(s) and Definition of Medical Consultant (469F) .....	0960-AD91
4144	Old-Age, Survivors, and Disability Insurance Program; Contributions for Support (475P) .....	0960-AD92
4145	Computation of SSI Benefits for the First Three Months of Payment (476P) .....	0960-AD93
4146	Definition of "Largest Benefit Amount" for Simultaneous Entitlement to Child's Benefits (481P) .....	0960-AD95
4147	Repeal of Facility of Payment Provision (508F) .....	0960-AE02
4148	Administrative Review Process; Administrative Res Judicata and Related Rules (526P) .....	0960-AE11
4149	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
4150	Old-Age, Survivors, and Disability Insurance Benefits; Replacing Social Security Number Cards (543F) .....	0960-AE18
4151	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) (554F) .....	0960-AE27
4152	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and Indian Tribal Governments (555F) .....	0960-AE28
4153	Restrictions on Lobbying in Connection with the Award of Grants, Contracts, and Cooperative Agreements (556F) .....	0960-AE29
4154	Elimination of Rounding Distortion in the Calculation of the Contribution and Benefit Base and Earnings Test Exempt Amounts (512F) .....	0960-AE40
4155	Supplemental Standards for Ethical Conduct for Employees of the Social Security Administration (601P) .....	0960-AE48
4156	Deeming of Income From an Ineligible Spouse to an Eligible Individual and an Eligible Child (606P) .....	0960-AE50
4157	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
4158	Availability of Information and Records to the Public—Charging Fees for Providing Personal Information (618P) ...	0960-AE64
4159	Coverage of Employees of State and Local Governments; Office of Management and Budget (OMB) Control Number (280F) .....	0960-AE69
4160	Determining Disability and Blindness; Providing for Use of a Single Decisionmaker to Make Determinations of Disability Under Titles II and XVI of the Social Security Act (668P) .....	0960-AE73
4161	Enforcement of Nondiscrimination in Social Security Programs or Activities (661P) .....	0960-AE78
4162	Adding New SSI Income and Resource Exclusion (VA Payments to Certain Vietnam Veterans' Children with Spina Bifida) to Lists of Exclusions Provided by Other Federal Statutes (664F) .....	0960-AE79
4163	Privacy and Disclosure of Official Records and Information (711P) .....	0960-AE88

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Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identification Number
4164	Revised Medical Criteria for Determination of Disability, Appendix 1 to Subpart P—Listing of Impairments (740P)	0960-AE99

Completed Actions

Sequence Number	Title	Regulation Identification Number
4165	Procedure To Review Complaints of Alleged Misconduct on the Part of Administrative Law Judges (341P) .....	0960-AD54
4166	Federal OASDI and SSI for the Aged, Blind, and Disabled; Benefit Reforms for Individuals Disabled Based on Drug Addiction or Alcoholism (496F) .....	0960-AD96
4167	Determining Disability and Blindness; Eliminating the Lower Substantial Gainful Activity Earnings Guideline Amounts (603P) .....	0960-AE49
4168	Implementing Modifications to Prehearing Procedures and Decisions by Adjudication Officers (616P) .....	0960-AE55
4169	Revised Medical Criteria for Determination of Disability, Deletion of Obesity Listing (620F) .....	0960-AE65
4170	Effective Date of Application for Supplemental Security Income (SSI) Benefits (642F) .....	0960-AE71
4171	Reflect a Requirement of the Social Security Act That the Commissioner Disregard Evidence in Certain Situations Involving Fraud or Similar Fault Under Titles II or XVI of the Act (671P) .....	0960-AE75
4172	Standards of Conduct 20 CFR Part 430—Personnel (672F) .....	0960-AE81
4173	Employer ID Numbers for State and Local Government Employment (691F) .....	0960-AE84
4174	Increase in Substantial Gainful Activity (738F) .....	0960-AE98
4175	Federal Old-Age Survivor's and Disability Insurance; Determining Disability and Blindness; Extension of Expiration Dates for Several Body Systems Listings (741F) .....	0960-AF02
4176	Administrative Review Process; Prehearing Proceedings and Decisions by Attorney Advisors; Extension of Expiration Date (761F) .....	0960-AF07

Social Security Administration (SSA)

Prerule Stage

**4110. • ASSIGNMENT OF SOCIAL SECURITY ADMINISTRATION NUMBERS (SSN) FOR NON-WORK PURPOSES (751P)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 405; 42 USC 432; 42 USC 902(a)(5); 42 USC 1320b-1; 42 USC 1320b-13

**CFR Citation:** 20 CFR 422.104

**Legal Deadline:** None

**Abstract:** SSA is providing advance notice of proposed rulemaking regarding when we will assign an SSN to an alien who is legally in the United States (U.S.) but not under authority of law permitting him or her to work in the U.S. We are considering a proposal to assign an SSN to an alien who is legally in the U.S. but does not have authorization to work only if there is

a Federal statute or regulation that requires the alien to furnish an SSN to receive a federally-funded benefit or service. Under such a proposal, we would no longer assign an SSN to an alien if the alien's sole reason for applying for the SSN is to satisfy a State or local statute or regulation that requires an individual to furnish an SSN in order to receive a benefit or service. The intent of such a proposed change would be to reduce the possibility of fraud through misuse of SSNs.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/12/99	64 FR 55217
ANPRM Comment Period End	12/13/99	
NPRM	04/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Agency Contact:** Nancy Grace, Social Insurance Specialist, Social Security Administration, Office of Program Benefits, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-7911

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

**RIN:** 0960-AF05

Social Security Administration (SSA)

Proposed Rule Stage

4111. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; REPRESENTATIVE PAYMENT UNDER TITLE II AND XVI OF THE SOCIAL SECURITY ACT (295P)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 401(j); 42 USC 404(f); 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 405(j); 42 USC 405(k); 42 USC 421; 42 USC 425; 42 USC 902(a)(5); 42 USC 405 note; 42 USC 421 note; 42 USC 1383(a)(2); 42 USC 1383(d)(1)

CFR Citation: 20 CFR 404.902; 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 416.611; 20 CFR 416.622; 20 CFR 416.624; 20 CFR 416.625; 20 CFR 416.630

Legal Deadline: None

Abstract: Effective stewardship of 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 Public Law 101-508. Any costs associated with these regulations are reflected in the President's budget as part of legislative implementation. These regulations are required to further our program integrity efforts.

Timetable:

Table with 3 columns: Action, Date, FR Cite. Rows include NPRM (03/15/94), NPRM Comment Period End (05/16/94), and Second NPRM (01/00/00).

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Lois A. Berg, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-1713

Betsy Byrd, Program Policy Specialist, Social Security Administration, Office of Program Benefits, 6401 Security Boulevard, Baltimore, MD 21235-6401

Phone: 410 965-7981 RIN: 0960-AD22

4112. 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 Public Law 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:

Table with 3 columns: Action, Date, FR Cite. Row includes NPRM (12/00/99).

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Lawrence V. Dudar, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-5995

RIN: 0960-AD23

4113. MODIFICATION OF PRIVATE PRINTING AND PRESCRIBED APPLICATIONS AND OTHER FORMS (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 Public Law 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:

Table with 3 columns: Action, Date, FR Cite. Row includes NPRM (11/00/99).

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-1769

RIN: 0960-AE15

4114. 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 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:

Table with 3 columns: Action, Date, FR Cite. Row includes NPRM (06/00/00).

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

## SSA

## Proposed Rule Stage

**Agency Contact:** Lawrence V. Dudar, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401

Phone: 410 965-5995

RIN: 0960-AE17

**4115. REQUIREMENTS FOR AWARDS AND SUBAWARDS TO INSTITUTIONS OF HIGHER EDUCATION; CERTAIN GRANTS AND AGREEMENTS WITH STATE, LOCAL, AND INDIAN TRIBAL GOVERNMENTS (547P)**

**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:** These proposed regulations migrate 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
NPRM	10/00/99	

**Regulatory Flexibility Analysis Required:** No

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

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

Phone: 410 966-5121

RIN: 0960-AE25

**4116. FEDERAL SALARY OFFSET (WITHHOLDING A PORTION OF A FEDERAL EMPLOYEE'S SALARY TO COLLECT A DELINQUENT DEBT OWED TO THE SOCIAL SECURITY ADMINISTRATION) (721P)**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 404; 42 USC 405; 42 USC 902; 5 USC 5514

**CFR Citation:** 20 CFR 422

**Legal Deadline:** None

**Abstract:** This initiative will enable the Social Security Administration (SSA) to

collect qualifying, delinquent title II debts owed by former beneficiaries who are currently Federal employees. The debt collection will be accomplished by the partial reduction of the employee's disposable salary.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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

Phone: 410 966-5121

Edward Johns, Financial Management Analyst, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401

Phone: 410 965-0392

RIN: 0960-AE89

**4117. PRIVATE COLLECTION AGENCIES (USING PRIVATE COLLECTION AGENCIES TO HELP SSA COLLECT DELINQUENT TITLE II DEBTS OWED BY FORMER BENEFICIARIES) (722P)**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 404; 42 USC 405; 42 USC 902; 31 USC 3718

**CFR Citation:** 20 CFR 422

**Legal Deadline:** None

**Abstract:** This initiative will enable the Social Security Administration (SSA) to refer delinquent title II debts owed by former beneficiaries to private collection agencies for further debt collection efforts.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/00	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Federal

**Agency Contact:** Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management,

6401 Security Boulevard, Baltimore, MD 21235-6401

Phone: 410 966-5121

Edward Johns, Financial Management Analyst, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401

Phone: 410 965-0392

RIN: 0960-AE90

**4118. CHARGING INTEREST (CHARGING INTEREST ON DELINQUENT DEBTS) (723P)**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 404; 42 USC 405; 42 USC 902; 31 USC 3717

**CFR Citation:** 20 CFR 422

**Legal Deadline:** None

**Abstract:** Under this initiative, the Social Security Administration (SSA) will charge interest and penalties on qualifying, delinquent title II debts owed by former beneficiaries.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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

Phone: 410 966-5121

Edward Johns, Financial Management Analyst, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401

Phone: 410 965-0392

RIN: 0960-AE91

**4119. ADMINISTRATIVE WAGE GARNISHMENT (TO REPAY A DEBT OWED TO THE SOCIAL SECURITY ADMINISTRATION) (724P)**

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

**Unfunded Mandates:** Undetermined

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

## SSA

## Proposed Rule Stage

**CFR Citation:** 20 CFR 422

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/00	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

**Agency Contact:** Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-5121

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

**RIN:** 0960-AE92

**4120. SELF-SUFFICIENCY INCENTIVES FOR TITLE II AND TITLE XVI PROGRAM BENEFICIARIES (725P)**

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

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

**CFR Citation:** 20 CFR 404.2101 to 404.2127; 20 CFR 416.2201 to 416.2227

**Legal Deadline:** None

**Abstract:** These proposed changes will amend our regulations to provide increased choice for people with disabilities who seek vocational rehabilitation services and support so that they may return to work by establishing the Ticket to Work and Self-Sufficiency (Ticket) Program. These proposed regulations will also strengthen public-private partnerships

to encourage support and assistance for people with disabilities to become employed. They will also eliminate disincentives to work activity for people with disabilities: by eliminating work activity as a basis for conducting a continuing disability review for beneficiaries who are using a Ticket, or who have received Social Security disability benefits for at least 24 months; and by providing for reinstatement of Social Security disability benefits at the beneficiary's request within 5 years of the termination of benefits due to work activity, if the beneficiary has to stop working.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Federal, State

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

Kenneth McGill, Director, Social Security Administration, Office of Employment Support, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-3988

**RIN:** 0960-AE93

**4121. TESTIMONY BY EMPLOYEES AND THE PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS (732P)**

**Priority:** Info./Admin./Other

**Legal Authority:** 5 USC 301; 31 USC 9701; 42 USC 1306; 42 USC 902(a)(5)

**CFR Citation:** 20 CFR 403

**Legal Deadline:** None

**Abstract:** The Social Security Administration (SSA) is proposing to establish procedures governing the appearance of SSA employees as witnesses and the production of official documents in legal proceedings, to which SSA is not a party, in response to requests for such documents or testimony. The proposed rule provides procedures, requirements and information concerning how SSA will handle these matters and expressly

prohibits any disclosure or testimony except as approved by the Commissioner. The proposed rule would conserve and ensure more efficient use of SSA resources in meeting the Agency's mission, promote consistency in decisions, minimize the possibility of involving SSA in issues not related to its mission, maintain the impartiality of SSA, protect sensitive and confidential information and the deliberative processes of SSA, and enhance SSA's ability to respond efficiently to requests involving such legal proceedings. When published in final, the rule would replace other regulations currently applicable to SSA under 45 CFR part 2.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/99	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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Brad Howard, Attorney, Social Security Administration, Office of the General Counsel, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-1817

**RIN:** 0960-AE95

**4122. FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; CLARIFICATION OF "AGE" AS A VOCATIONAL FACTOR (736F)**

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

**Legal Authority:** 42 USC 423; 42 USC 902(a)(5); 42 USC 1382c; 42 USC 1383(d)

**CFR Citation:** 20 CFR 404.1563; 20 CFR 404.1568(d)(4) (New); 20 CFR 416.963; 20 CFR 416.968(d)(4) (New); 20 CFR 404 subpart P, app 2

**Legal Deadline:** None

## SSA

## Proposed Rule Stage

**Abstract:** We propose to revise our regulations to clarify our consideration of "age" as a vocational factor at the last step of our sequential evaluation process for determining whether an individual is disabled. We also propose to better explain how we consider transferability of skills for individuals who are of "advanced age" (age 55 or older) in deciding whether such individuals can make an adjustment to other work. These proposed regulations will also update the age category of "closely approaching retirement age" throughout our rules.

**Timetable:**

Action	Date	FR Cite
NPRM	08/04/99	64 FR 42310
NPRM Comment Period End	10/04/99	
Final Action	04/00/00	

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

**Agency Contact:** Lawrence V. Dudar, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-5995

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

RIN: 0960-AE96

**4123. OASDI AND SSI; EXPANSION OF THE USE OF VIDEO TELECONFERENCE TECHNOLOGY IN HEARINGS BEFORE ADMINISTRATIVE LAW JUDGES OF THE SOCIAL SECURITY ADMINISTRATION (737P)**

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

RIN: 0960-AE97

**4124. • FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; DETERMINING DISABILITY AND BLINDNESS; ADDITION OF MEDICAL CRITERIA FOR EVALUATING DOWN SYNDROME IN ADULTS (743P)**

**Priority:** Substantive, Nonsignificant

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

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

**Abstract:** We are proposing to add a new listing 10.06 to part A of appendix 1, subpart P of part 404, the Listing of Impairments (the Listings). The new listing would provide for the evaluation of Down syndrome for individuals age 18 and over. We currently have a listing for Down syndrome only in part B, listing 110.06, for individuals who have not attained age 18. In our current listings, section 10.00 is reserved for future use. Accordingly, we also propose to add the heading "Multiple Body Systems" to this section to contain the new listing. The heading conforms to the corresponding heading of section 110.00 in part B of the Listings.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/99	

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

**Agency Contact:** Lois A. Berg, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1713

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

RIN: 0960-AF03

**4125. • ASSESSING ATTORNEY REPRESENTATIVES FOR DIRECT PAYMENT (763P)**

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

RIN: 0960-AF08

**4126. • ANTI-FRAUD PROVISIONS (765P)**

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

RIN: 0960-AF09

**4127. • WORK INCENTIVES IMPROVEMENT ACT (767P)**

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

RIN: 0960-AF11

**4128. • AMOUNT OF STUDENT-EARNED INCOME EXCLUSION**

**Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 20 CFR 416.1112(c)(3)**Legal Deadline:** None

**Abstract:** This proposed regulation would update the amount of the student-earned-income exclusion (SEIE) to \$1,290 a month, not to exceed \$5,200 a year; and adjust the SEIE for inflation annually, using the consumer price index.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/00	

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

**Agency Contact:** Steve Fear, Social Security Administration, Office of Policy, 500 E Street, SW, Washington, DC 20254  
Phone: 202 358-6121

RIN: 0960-AF12

**4129. • TITLE XVI, CROSS-PROGRAM RECOVERY (746P)**

**Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined

**CFR Citation:** 20 CFR 404.401; 20 CFR 416.558; 20 CFR 416.570; 20 CFR 416.572

SSA

Proposed Rule Stage

Legal Deadline: None

Abstract: We propose to revise our regulations dealing with the recovery of overpayments under the Supplemental Security Income (SSI) Program to permit SSA to recover SSI overpayments by adjusting the amount of Social Security benefits payable to the individual under title II of the Act. This collection practice would be limited to individuals who are not currently eligible to receive an SSI cash benefit. Also, the amount of the title XVI overpayment recoverable in a month would be limited to 10 percent of the amount payable under title II

unless the overpaid person (or his or her spouse) willfully misrepresented or concealed material information about the overpayment. In that case, the entire title II benefit amount would be adjusted to recover the overpayment.

Timetable:

Action	Date	FR Cite
NPRM	12/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Agency Contact: Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 966-5121

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

RIN: 0960-AF13

Social Security Administration (SSA)

Final Rule Stage

4130. 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; 42 USC 902(a)(5)

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.

Timetable:

Action	Date	FR Cite
NPRM	03/06/95	60 FR 12166
NPRM Comment Period End	05/15/95	
Final Action	10/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Lawrence V. Dudar, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401

Phone: 410 965-5995

RIN: 0960-AB73

4131. FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; DETERMINING DISABILITY AND BLINDNESS; REVISION TO MEDICAL-VOCATIONAL GUIDELINES (599F)

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

RIN: 0960-AE42

4132. FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND AND DISABLED; EVALUATING OPINION EVIDENCE (624F)

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

RIN: 0960-AE56

4133. DEDICATED ACCOUNTS AND INSTALLMENT PAYMENTS FOR CERTAIN PAST DUE SSI BENEFITS (622F)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 902(a)(5); 42 USC 1381; 42 USC 1381a; 42 USC

1382(c); 42 USC 1382(e); 42 USC 1383(a) to 1383(d); 42 USC 1383(g)

CFR Citation: 20 CFR 416.545; 20 CFR 416.546; 20 CFR 416.640

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	01/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

## SSA

## Final Rule Stage

**Agency Contact:** Lois A. Berg, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1713

**RIN:** 0960-AE59

#### 4134. DENIAL OF SSI BENEFITS FOR FUGITIVE FELONS AND PROBATION AND PAROLE VIOLATORS (660F)

**Priority:** Other Significant

**Legal Authority:** 42 USC 902(a)(5); 42 USC 1382; 42 USC 1383

**CFR Citation:** 20 CFR 416.202; 20 CFR 416.708; 20 CFR 416.1331

**Legal Deadline:** None

**Abstract:** These final regulations carry out section 202(a) of Public Law 104-193, which prohibits payment of SSI benefits to individuals who are fleeing to avoid prosecution for a crime which is a felony; or fleeing to avoid custody or confinement after conviction for a crime which is a felony; or violating a condition of probation or parole imposed under Federal or State law.

**Timetable:**

Action	Date	FR Cite
NPRM	06/12/98	63 FR 32161
NPRM Comment Period End	08/11/98	
Final Action	11/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Lois A. Berg, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1713

**RIN:** 0960-AE77

#### 4135. REDUCTION OF TITLE II BENEFITS UNDER THE FAMILY MAXIMUM PROVISIONS IN CASES OF DUAL ENTITLEMENT (692F)

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 20 CFR 404.402; 20 CFR 404.403

**Legal Deadline:** None

**Abstract:** We propose to revise our regulation to reflect the adoption by the Social Security Administration of the holding in Parisi by Cooney v. Chater as national policy. This policy has been an Acquiescence Ruling, which applied in the First Circuit. The policy is that, when determining the benefits for auxiliaries or survivors after reduction for the family maximum, dually entitled beneficiaries will be considered only to the extent that such persons actually receive a benefit. In Parisi, a child's benefits had been lowered due to the entitlement of another auxiliary on that Social Security number (SSN), even though the other auxiliary did not receive benefits on that same SSN but rather received benefits on another SSN.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule With Comments	10/27/99	64 FR 57774
Interim Final Rule Comment Period End	12/27/99	
Final Action	03/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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Bill Hilton, Social Insurance Specialist, Social Security Administration, Office of Program Benefits, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-2468

**RIN:** 0960-AE85

#### 4136. • 20 CFR PARTS 401, 402, 404, 410, 416 AND 422—REVISED AS OF APRIL 1, 1999; CORRECTION (745F)

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 20 CFR 401.20; 20 CFR 402.35; 20 CFR 404.401; 20 CFR 404.403; 20 CFR 404.450; 20 CFR 404.457; 20 CFR 404.1275; 20 CFR 404.1408; 20 CFR 404.1410; 20 CFR 410.240; 20 CFR 410.601; 20 CFR 416.428; 20 CFR 416.702; 20 CFR 416.929; 20 CFR 416.993; 20 CFR 416.1104; 20 CFR 416.1202; 20 CFR 416.1323; 20 CFR 416.1336; 20 CFR

416.1442; 20 CFR 416.1801; 20 CFR 416.2045; 20 CFR 416.2096; 20 CFR 422.125; 20 CFR 422.130; 20 CFR 422.135

**Legal Deadline:** None

**Abstract:** We are correcting several invalid cross-references and typographical errors in 20 CFR parts 401, 402, 410, 416 and 422, chapter III.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/99	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Daniel T. Bridgewater, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-3298

**RIN:** 0960-AF04

#### 4137. • COST OF LIVING INCREASES IN PRIMARY INSURANCE AMOUNTS (759F)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 402(a); 42 USC 405(a); 42 USC 415; 42 USC 902(a)(5)

**CFR Citation:** 20 CFR 404.273 to 404.275

**Legal Deadline:** None

**Abstract:** This final rule revises our rules dealing with automatic cost-of-living increases to primary insurance amounts under title II of the Social Security Act. The revisions eliminate the restriction that we could only grant cost-of-living increases based on rises in the Consumer Price Index (CPI) or the Average Wage Index (AWI) if either the CPI or AWI increased by 3 percent or more during the prescribed measuring period. The 3 percent restriction was removed by legislation enacted in 1986.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/99	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

## SSA

## Final Rule Stage

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Phone: 410 965-3013

**RIN:** 0960-AF14

## Social Security Administration (SSA)

## Long-Term Actions

**4138. 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:** Listings 1.00 and 101.00 of appendix 1 to the disability regulations at 20 CFR 404.1501 through 404.1599 describe those musculoskeletal impairments that are considered severe enough to prevent a person from doing any gainful activity or, for a child claiming SSI payments under title XVI, that causes marked and severe functional limitations. Comprehensive revisions to these listings are being made to ensure that the medical evaluation criteria are up to date and consistent with the latest advances in medicine. The SSI program incorporates by reference and uses the same medical criteria as the old-age, survivors, and disability insurance program.

**Timetable:**

Action	Date	FR Cite
NPRM	12/21/93	58 FR 67574
NPRM Comment Period End	02/22/94	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Lois A. Berg, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401

Phone: 410 965-1713

**RIN:** 0960-AB01

**4139. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; MEDICAL CRITERIA FOR EVALUATING MENTAL DISORDERS AND TRAUMATIC BRAIN INJURY IN 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; 42 USC 902(a)(5)

**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:** On July 18, 1991, we published a Notice of Proposed Rulemaking (NPRM) (56 FR 33130) that proposed more extensive revisions to the regulations and the mental disorders listings than are in these final rules. The proposed rules included comprehensive revisions to the regulations on the evaluation of mental disorders in sections 404.1520a and 416.920a and the adult mental disorders listings, as well as the aforementioned proposed guidelines for evaluating traumatic brain injury in section 11.00 of the listings. The proposed revisions also included both new and revised rules for the evaluation of mental disorders in children claiming disability benefits under the Supplemental Security Income (SSI) Program. Although the NPRM reflected advances in medical knowledge, treatment, and methods of evaluating mental impairments that were up-to-date at the time it was published, there have been additional advances since then that impact on many of the revisions we had proposed.

There have also been changes in the SSI law and regulations regarding the evaluation of disability in children. Consequently, we are withdrawing the proposed revisions in the 1991 NPRM that are not finalized by these regulations and will publish a new NPRM at a later date that will provide the public with another opportunity to comment.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 0960-AC74

**4140. 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,

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## Long-Term Actions

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.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Lawrence V. Dudar, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-5995

**RIN:** 0960-AD56

**4141. 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 that are considered severe enough to prevent a person from doing any gainful activity, or for a child claiming SSI payments under title XVI, that causes marked and severe functional limitations. We are 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	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Lois A. Berg, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 965-1713

**RIN:** 0960-AD67

**4142. REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY, ENDOCRINE SYSTEM (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 that are considered severe enough to prevent a person from doing any gainful activity, or in the case of a child claiming SSA payments under title XVI, that cause marked and severe functional limitations. We are proposing to revise the criteria in these sections to reflect advances in medical knowledge, treatment, and methods of evaluating endocrine impairments. The Supplemental Security Income Program incorporates and uses the same medical criteria as the Old-Age, Survivors and Disability Insurance Program.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert J. Augustine, Social Insurance Specialist, Social

Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-5121

**RIN:** 0960-AD78

**4143. FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME, MEDICAL AND OTHER EVIDENCE OF YOUR IMPAIRMENT(S) AND DEFINITION OF MEDICAL CONSULTANT (469F)**

**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 404.1512; 20 CFR 404.1513; 20 CFR 416.912; 20 CFR 416.913

**Legal Deadline:** None

**Abstract:** We will add speech-language pathologists, licensed podiatrists, and licensed or certified school psychologists to the list of acceptable medical sources in our current regulations. These sources will assist us in establishing the existence of impairments within their areas of expertise. We will also revise the definition of the term "medical consultant" to clarify what we mean by an acceptable medical source.

**Timetable:**

Action	Date	FR Cite
NPRM	10/09/98	63 FR 54417
NPRM Comment Period End	12/08/98	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-5121

**RIN:** 0960-AD91

## SSA

## Long-Term Actions

**4144. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; CONTRIBUTIONS FOR SUPPORT (475P)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 402; 42 USC 403(a); 42 USC 403(b); 42 USC 405(a); 42 USC 416; 42 USC 423; 42 USC 425; 42 USC 428(a) to 428(e); 42 USC 902(a)(5)**CFR Citation:** 20 CFR 404.366**Legal Deadline:** None**Abstract:** To provide more uniformity in our decisionmaking, 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	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Lois A. Berg, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-1713**RIN:** 0960-AD92**4145. 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, isbased (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 the 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	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Lois A. Berg, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-1713**RIN:** 0960-AD93**4146. DEFINITION OF "LARGEST BENEFIT AMOUNT" FOR SIMULTANEOUS ENTITLEMENT TO CHILD'S BENEFITS (481P)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 402; 42 USC 403; 42 USC 403(a); 42 USC 403(b); 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 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	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Lois A. Berg, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401

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## Long-Term Actions

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RIN: 0960-AD95

#### 4147. 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 Public Law 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	To Be	Determined

#### Regulatory Flexibility Analysis Required: No

**Government Levels Affected:** None

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RIN: 0960-AE02

#### 4148. ADMINISTRATIVE REVIEW PROCESS; ADMINISTRATIVE RES JUDICATA AND RELATED RULES (526P)

**Priority:** Other Significant

**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; 42 USC 1382c; 42 USC 902(a)(5); 42 USC 404(f)

**CFR Citation:** 20 CFR 404.903a (New); 20 CFR 404.903b (New); 20 CFR 404.950; 20 CFR 404.957; 20 CFR 404.967; 20 CFR 416.1403a (New); 20 CFR 416.1403b (New); 20 CFR 416.1450; 20 CFR 416.1457; 20 CFR 416.1467

**Legal Deadline:** None

**Abstract:** These proposed changes will amend our regulations governing the administrative review process for the Social Security and Supplemental Security Income (SSI) programs to update our procedures and to reflect and implement sections 205(b)(3)(A) and 1631(c)(1)(B)(i) of the Act, as added by section 5107 of Public Law 101-508. Section 5107 specifies 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, section 5107 provides that an individual's failure to timely request review of an adverse determination (initial or reconsidered) under the Social Security or SSI Program may not be used by us as a basis for a denial of the claimant's subsequent application for benefits under the same program, if the failure to request review was due to certain circumstances specified in the statute.

We are also proposing to amend our regulations to expand and clarify our policy on administrative res judicata and on collateral estoppel.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

#### Regulatory Flexibility Analysis Required: No

**Government Levels Affected:** None

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RIN: 0960-AE11

#### 4149. 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 Public Law 103-387 which modifies and expands the current prisoner nonpayment provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

#### Regulatory Flexibility Analysis Required: No

**Government Levels Affected:** None

**Agency Contact:** Lawrence V. Dudar,  
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RIN: 0960-AE16

#### 4150. 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

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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	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0960-AE18

**4151. 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	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401  
Phone: 410 966-5121

**RIN:** 0960-AE27

**4152. 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.

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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**RIN:** 0960-AE28

**4153. 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	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management,

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**RIN:** 0960-AE29

**4154. 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 Public Law 103-296 designated 1994 as the base year to be used in calculating increases in the OASDI contribution and benefit base and the earnings test exempt amounts. The provision is effective for the contribution and benefit base and for the earnings test exempt amount for taxable years ending after 1994. Section 102 of Public Law 104-121, however, established a schedule of earnings test exempt amounts for persons at or above the normal retirement age for 1996 through 2002. Thereafter the provision calculates the increase in this exempt amount in the same manner as provided by Public Law 103-296, but designates 2002 as the base year.

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0960-AE40

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**4155. SUPPLEMENTAL STANDARDS FOR ETHICAL CONDUCT FOR EMPLOYEES OF THE SOCIAL SECURITY ADMINISTRATION (601P)****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC APP (Ethics in Government Act of 1978); 5 USC 7301; 5 USC 7353**CFR Citation:** 5 CFR ch LXXXI (New)**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

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

Undetermined

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**RIN:** 0960-AE48**4156. 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	To Be	Determined

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

Undetermined

**Agency Contact:** Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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**RIN:** 0960-AE50**4157. 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	To Be	Determined

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

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

**RIN:** 0960-AE63**4158. 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 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.

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**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

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

**Agency Contact:** Lawrence V. Dudar, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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**RIN:** 0960-AE64**4159. COVERAGE OF EMPLOYEES OF STATE AND LOCAL GOVERNMENTS; OFFICE OF MANAGEMENT AND BUDGET (OMB) CONTROL NUMBER (280F)****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 405; 42 USC 410; 42 USC 418; 42 USC 902(a)(5); 42 USC 418 note**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:** SSA regulations providing Social Security coverage for the services of employees of State and local governments and interstate instrumentalities were published in the Federal Register on August 29, 1988 (53 FR 32972). Those regulations included sections, which contained information collection and recordkeeping requirements, which were not effective until they were approved by OMB. This document notifies the public that the information collection and recordkeeping requirements were approved by OMB and provides the OMB control number. This document also adds an OMB approval number to section 404.1215.

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

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

**Agency Contact:** Lois A. Berg, Social Insurance Specialist, Social Security

Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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**RIN:** 0960-AE69**4160. DETERMINING DISABILITY AND BLINDNESS; PROVIDING FOR USE OF A SINGLE DECISIONMAKER TO MAKE DETERMINATIONS OF DISABILITY UNDER TITLES II AND XVI OF THE SOCIAL SECURITY ACT (668P)****Priority:** Other 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.

**Legal Authority:** 42 USC 421; 42 USC 405(a); 42 USC 405(b); 42 USC 902(a); 42 USC 1382c; 42 USC 1383b**CFR Citation:** 20 CFR 404.1546; 20 CFR 404.1615; 20 CFR 416.946; 20 CFR 416.1015**Legal Deadline:** None

**Abstract:** We propose to amend our rules to provide for a single decisionmaker who will make determinations of disability under title II and title XVI of the Act after consultation with a medical or psychological consultant, as appropriate. The decisionmaker would have the authority to request, review, and evaluate evidence and to make the disability determination without having the medical consultant sign the disability determination forms.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

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

**Agency Contact:** Lawrence V. Dudar, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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**RIN:** 0960-AE73**4161. ENFORCEMENT OF NONDISCRIMINATION IN SOCIAL SECURITY PROGRAMS OR ACTIVITIES (661P)****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 42 USC 902(a)(5); 42 USC 1302; PL 103-296**CFR Citation:** 20 CFR 431.100; 20 CFR 431.105; 20 CFR 431.110; 20 CFR 431.115; 20 CFR 431.120; 20 CFR 431.125; 20 CFR 431.200; 20 CFR 431.205; 20 CFR 431.210; 20 CFR 431.215; 20 CFR 431.220; 20 CFR 431.225; 20 CFR 431.230; 20 CFR 431.235; 20 CFR 431.240; ...**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

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

**Agency Contact:** Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401  
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**RIN:** 0960-AE78**4162. ADDING NEW SSI INCOME AND RESOURCE EXCLUSION (VA PAYMENTS TO CERTAIN VIETNAM VETERANS' CHILDREN WITH SPINA BIFIDA) TO LISTS OF EXCLUSIONS PROVIDED BY OTHER FEDERAL STATUTES (664F)****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1805(d)**CFR Citation:** 20 CFR 416.1182, app; 20 CFR 416.1236**Legal Deadline:** None

**Abstract:** Public Law 104-204 provides that a Department of Veterans Affairs monthly allowance paid to children of Vietnam veterans for disabilities resulting from spina bifida will not be considered income or resources in determining eligibility for or the

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amount of benefits under any Federal or federally assisted program. These regulations update the lists of exclusions from income and resources under the SSI program that are in statutes other than the Social Security Act.

**Timetable:**

Action	Date	FR Cite
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

Phone: 410 966-5121

**RIN:** 0960-AE79

#### 4163. PRIVACY AND DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION (711P)

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** We propose to revise our privacy and disclosure rules to describe the role and function of the Privacy Officer; describe safeguards against inappropriate disclosure of personal information by electronic means (e.g., through the Internet); revise our special procedures on access to medical records; permit disclosures to certain government agencies for various administrative purposes related to

income-maintenance and health-maintenance programs; permit disclosures of Social Security number information to government agencies under specific circumstances; and clarify our rules on disclosure under legal process from courts.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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Tom Price, Social Insurance Specialist, Social Security Administration, Office of Disclosure Policy, 6401 Security Boulevard, Baltimore, MD 21235-6401

**RIN:** 0960-AE88

#### 4164. REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY, APPENDIX 1 TO SUBPART P—LISTING OF IMPAIRMENTS (740P)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 402; 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 416(i); 42 USC 421(a); 42 USC 421(i); 42 USC 422(c); 42 USC 423; 42 USC 425; 42 USC 902(a)(5); PL 104-193, sec 211(b)

**CFR Citation:** 20 CFR 404 subpart P, app 1

**Legal Deadline:** None

**Abstract:** We are proposing to make a number of discrete revisions to the Listing of Impairments listings, appendix 1 to subpart P, parts A and B, of part 404 of our regulations, in order to reflect advances in medical practices, to clarify certain listing criteria, to remove a few rarely-used listings, and to add new listings to address current medical practices such as organ transplantation. We are also proposing to remove some technical references which have become obsolete and proposing to reword some listings to update medical terminology. We use these listings to adjudicate claims for disability under titles II and XVI of the Social Security Act when we evaluate claims of individuals at step three of our sequential evaluation process.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

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**RIN:** 0960-AE99

## Social Security Administration (SSA)

## Completed Actions

#### 4165. PROCEDURE TO REVIEW COMPLAINTS OF ALLEGED MISCONDUCT ON THE PART OF ADMINISTRATIVE LAW JUDGES (341P)

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 20 CFR 422.700 to 713 (New)

**Completed:**

Reason	Date	FR Cite
No Further Action Planned	09/09/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert J. Augustine

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**RIN:** 0960-AD54

## SSA

## Completed Actions

**4166. 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

**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; ...

**Completed:**

Reason	Date	FR Cite
No Further Action Planned	08/19/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Lois A. Berg  
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**RIN:** 0960-AD96

**4167. DETERMINING DISABILITY AND BLINDNESS; ELIMINATING THE LOWER SUBSTANTIAL GAINFUL ACTIVITY EARNINGS GUIDELINE AMOUNTS (603P)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 20 CFR 404.1574; 20 CFR 416.974

**Completed:**

Reason	Date	FR Cite
Merged With RIN 0960-AF10	08/31/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Lawrence V. Dudar  
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**RIN:** 0960-AE49

**4168. IMPLEMENTING MODIFICATIONS TO PREHEARING PROCEDURES AND DECISIONS BY ADJUDICATION OFFICERS (616P)**

**Priority:** Other Significant

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

**Completed:**

Reason	Date	FR Cite
No Further Action Planned	08/25/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Lois A. Berg  
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**RIN:** 0960-AE55

**4169. REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY, DELETION OF OBESITY LISTING (620F)**

**Priority:** Substantive, Nonsignificant

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

**Completed:**

Reason	Date	FR Cite
Final Rule	08/24/99	64 FR 46122
Final Rule Effective	10/25/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert J. Augustine  
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**RIN:** 0960-AE65

**4170. EFFECTIVE DATE OF APPLICATION FOR SUPPLEMENTAL SECURITY INCOME (SSI) BENEFITS (642F)**

**Priority:** Economically Significant

**CFR Citation:** 20 CFR 416.211; 20 CFR 416.305; 20 CFR 416.315; 20 CFR 416.330; 20 CFR 416.335; 20 CFR 416.420; 20 CFR 416.421; 20 CFR 416.501; 20 CFR 416.502; 20 CFR 416.520; 20 CFR 416.1801; 20 CFR 416.200; 20 CFR 416.203; 20 CFR 416.1335; 20 CFR 416.1902; ...

**Completed:**

Reason	Date	FR Cite
Final Rule	06/15/99	64 FR 31969
Final Rule Effective	08/16/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Lois A. Berg  
Phone: 410 965-1713  
Loretta Tabacca  
Phone: 410 965-1713

**RIN:** 0960-AE71

**4171. REFLECT A REQUIREMENT OF THE SOCIAL SECURITY ACT THAT THE COMMISSIONER DISREGARD EVIDENCE IN CERTAIN SITUATIONS INVOLVING FRAUD OR SIMILAR FAULT UNDER TITLES II OR XVI OF THE ACT (671P)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** Not Yet Determined

**Completed:**

Reason	Date	FR Cite
No Further Action Planned	07/30/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal, State

**Agency Contact:** Lois A. Berg  
Phone: 410 965-1713

**RIN:** 0960-AE75

**4172. STANDARDS OF CONDUCT 20 CFR PART 430—PERSONNEL (672F)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 20 CFR 430.201; 20 CFR 430.202; 45 CFR 73

**Completed:**

Reason	Date	FR Cite
Discontinued	08/12/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Suzanne DiMarino  
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**RIN:** 0960-AE81

**4173. EMPLOYER ID NUMBERS FOR STATE AND LOCAL GOVERNMENT EMPLOYMENT (691F)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 20 CFR 404.1220; 20 CFR 422.112

**Completed:**

Reason	Date	FR Cite
Final Rule	06/21/99	64 FR 33015
Final Rule Effective	07/21/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State

**Agency Contact:** Robert J. Augustine  
Phone: 410 966-5121  
Paul Guillet  
Phone: 410 965-7882

**RIN:** 0960-AE84

## SSA

## Completed Actions

**4174. INCREASE IN SUBSTANTIAL GAINFUL ACTIVITY (738F)**

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

**CFR Citation:** 20 CFR 404.1574(b); 20 CFR 416.974(b)

**Completed:**

Reason	Date	FR Cite
Final Rule	04/15/99	64 FR 18566
Correction	04/28/99	64 FR 22903
Final Rule Effective	07/01/99	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal, State

**Agency Contact:** Jack Baumel

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**RIN:** 0960-AE98

**4175. • FEDERAL OLD-AGE SURVIVOR'S AND DISABILITY INSURANCE; DETERMINING DISABILITY AND BLINDNESS; EXTENSION OF EXPIRATION DATES FOR SEVERAL BODY SYSTEMS LISTINGS (741F)**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** SSA adjudicates claims at the third step of its sequential evaluation process for evaluating disability using the Listing of Impairments (the Listings) under the Social Security and supplemental security income (SSI)

programs. This final rule extends the dates on which several body system listings will no longer be effective. We have made no revisions to the medical criteria in these listings; they remain the same as they now appear in the Code of Federal Regulations. These extensions will ensure that we continue to have medical evaluation criteria in these listings to adjudicate claims for disability based on impairments in these body systems at step three of our sequential evaluation process.

**Timetable:**

Action	Date	FR Cite
Final Rule	06/03/99	64 FR 29786
Final Rule Effective	06/03/99	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Deborah Barnes, Social Insurance Specialist, Social Security Administration, Office of Disability, 6401 Security Boulevard, Baltimore, MD 21235  
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**RIN:** 0960-AF02

**4176. • ADMINISTRATIVE REVIEW PROCESS; PREHEARING PROCEEDINGS AND DECISIONS BY ATTORNEY ADVISORS; EXTENSION OF EXPIRATION DATE (761F)**

**Priority:** Substantive, Nonsignificant

**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 405 Note; 42 USC 421; 42 USC 421 Note; 42 USC 425; 42 USC 902(a)(5); 42 USC 1383; 42 USC 1883b; PL 97-455, sec 5; PL 98-460, sec 5

**CFR Citation:** 20 CFR 404.942; 20 CFR 416.1442

**Legal Deadline:** None

**Abstract:** These final rules extend the time period set out in our regulations during which attorney advisors in our Office of Hearings and Appeals (OHA) may conduct certain prehearing proceedings and, where the documentary record developed as a result of these proceedings warrants, issue decisions that are wholly favorable to the parties to the hearing in claims for Social Security or Supplemental Security Income (SSI) benefits based on disability. We are extending the date at which these rules will no longer be effective from April 1, 2000, until April 2, 2001.

**Timetable:**

Action	Date	FR Cite
Final Rule	09/27/99	64 FR 51892
Final Rule Effective	10/27/99	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 0960-AF07

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