

Title IX common rule requires each federal agency that awards federal financial assistance to publish in the **Federal Register** a notice of the federal financial assistance covered by the Title IX regulations within sixty (60) days after the effective date of the final common rule. The final common rule for the enforcement of Title IX was published in the **Federal Register** by the twenty-one (21) federal agencies, including SBA, on August 30, 2000 (65 FR 52857–52895). SBA's portion of the final common rule will be codified at 13 CFR Part 113.

SUPPLEMENTARY INFORMATION: Title IX prohibits recipients of federal financial assistance from discriminating on the basis of sex in educational programs or activities. Specifically, the statute that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance,” with specific exceptions for various entities, programs, and activities. 20 U.S.C. 1681(a). Title IX and the Title IX common rule prohibit discrimination on the basis of sex in the operation of, and the provision or denial of benefits by, education programs or activities conducted not only by educational institutions but by other entities as well, including, for example, SBA-funded small business development centers and for profit and nonprofit organizations that receive SBA disaster loans.

List of Federal Financial Assistance Administered by the U.S. Small Business Administration to Which Title IX Applies

Note: All recipients of federal financial assistance from SBA are subject to Title IX, but Title IX's anti-discrimination prohibitions are limited to the educational components of the recipient's program or activity, if any.

Failure to list a type of federal assistance below shall not mean, if Title IX is otherwise applicable, that a program or activity is not covered by Title IX.

Information on SBA federal financial assistance can be found by consulting the Catalog of Domestic Financial Assistance (CFDA) at <http://www.cfda.gov>. If using the Internet site, please select “Search Catalog,” select “Browse the Catalog—By Agency,” and then click on “Small Business Administration.” Catalog information is also available by calling, toll free, 1–800–699–8331 or by writing to: Federal Domestic Assistance Catalog Staff (MVS), General Services Administration, Reporters Building,

Room 101, 300 7th Street, SW, Washington, DC 20407.

The following types of federal financial assistance administered through SBA are listed in the CFDA. For further information on any of these types of federal financial assistance, please consult the CFDA.

Economic Injury Disaster Loans
Business Development Assistance to Small Business
8(a) Business Development Management and Technical Assistance for Socially and Economically Disadvantaged Businesses
Physical Disaster Loans
Procurement Assistance to Small Businesses
Small Business Investment Companies
Bond Guarantees for Surety Companies
Service Corps of Retired Executives Association
Small Business Development Centers
Certified Development Company Loans (504 Loans)
Women's Business Ownership Assistance
Veterans Entrepreneurial Training and Counseling
Microloan Demonstration Program
Office of Small Disadvantaged Business Certification and Eligibility

(Authority: 28 U.S.C. 1681–1688)

Dated: November 28, 2000.

James A. Westbrook,

Acting Assistant Administrator, Office of Equal Employment Opportunity and Civil Rights Compliance.

[FR Doc. 00–30780 Filed 12–1–00; 8:45 am]

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SOCIAL SECURITY ADMINISTRATION

Rescission of Social Security Acquiescence Ruling 00–3(10)

AGENCY: Social Security Administration.

ACTION: Notice of rescission of Social Security Acquiescence Ruling 00–3(10)—*Haddock v. Apfel*, 196 F.3d 1084 (10th Cir. 1999).

SUMMARY: In accordance with 20 CFR 402.35(b)(2), 404.985(e) and 416.1485(e) the Commissioner of Social Security gives notice of the rescission of Social Security Acquiescence Ruling 00–3(10).

EFFECTIVE DATE: December 4, 2000.

FOR FURTHER INFORMATION CONTACT: Cassia W. Parson, Litigation Staff, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–1695.

SUPPLEMENTARY INFORMATION: A Social Security Acquiescence Ruling explains how we will apply a holding in a decision of a United States Court of

Appeals that we determine conflicts with our interpretation of a provision of the Social Security Act or regulations when the Government has decided not to seek further review of the case or is unsuccessful on further review.

As provided by 20 CFR 404.985(e)(4) and 416.1485(e)(4), a Social Security Acquiescence Ruling may be rescinded as obsolete if we subsequently clarify, modify or revoke the regulation or ruling that was the subject of the circuit court holding for which the Acquiescence Ruling was issued.

On June 20, 2000, we issued Acquiescence Ruling 00–3(10) (65 FR 38312) to reflect the holding in *Haddock v. Apfel*, 196 F.3d 1084 (10th Cir. 1999). This circuit court holding interpreted 20 CFR 404.1566 and 416.966 to require that, before an Administrative Law Judge (ALJ) may rely on evidence from a Vocational Expert (VE) to support a determination of nondisability at step five of the sequential evaluation process, he or she must ask the expert how the testimony or information corresponds to the information provided in the Dictionary of Occupational Titles (DOT)¹ and elicit a reasonable explanation for any conflict.

We are publishing this notice of rescission of the Acquiescence Ruling concurrently with our publication of Social Security Ruling (SSR) 00–4p clarifying 20 CFR 404.1566 and 416.966. The SSR clarifies our rules on identifying and resolving conflicts or apparent conflicts between the testimony of the VE or a Vocational Specialist (VS) and the information contained in the DOT. The SSR explains that when a VE or VS provides evidence about the requirements of a job or occupation, the adjudicator has an affirmative responsibility to ask about any possible conflict between that VE or VS evidence and the information provided in the DOT. The SSR also provides that, before relying on VE or VS evidence to support a disability determination or decision, the adjudicator must obtain a reasonable explanation for any such conflict.

Because the SSR clarifies the provision of our rules upon which the holding in *Haddock* is based and our standards for identifying and resolving conflicts between occupational evidence provided by a VE and the information in the DOT, we are rescinding Acquiescence Ruling 00–3(10). By clarifying our regulations and

¹ Employment and Training Administration, U.S. Department of Labor, Dictionary of Occupational Titles (Fourth Edition, Revised 1991) and its companion publication, Selected Characteristics of Occupations Defined in the Revised Dictionary of Occupational Titles, (1993).

rescinding this Acquiescence Ruling, we are restoring uniformity to our nationwide system of rules in accordance with our commitment to the goal of administering our programs through uniform national standards as discussed in the preamble to the 1998 acquiescence regulations, 63 FR 24927 (May 6, 1998).

(Catalog of Federal Domestic Assistance Program Nos. 96.001 Social Security—Disability Insurance; 96.002 Social Security—Retirement Insurance; 96.004 Social Security—Survivors Insurance; 96.005 Special Benefits for Disabled Coal Miners; 96.006 Supplemental Security Income)

Dated: October 27, 2000.

Kenneth S. Apfel,

Commissioner of Social Security.

[FR Doc. 00–30700 Filed 12–1–00; 8:45 am]

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SOCIAL SECURITY ADMINISTRATION

Social Security Ruling, SSR 00–4p.; Titles II and XVI: Use of Vocational Expert and Vocational Specialist Evidence, and Other Reliable Occupational Information in Disability Decisions

AGENCY: Social Security Administration.

ACTION: Notice of Social Security Ruling.

SUMMARY: In accordance with 20 CFR 402.35(b)(1), the Commissioner of Social Security gives notice of Social Security Ruling, SSR 00–4p. This Ruling clarifies our standards for the use of vocational experts, vocational specialists, and other reliable sources of occupational information in the evaluation of Social Security disability claims under title II, Federal Old-Age, Survivors, and Disability Insurance, and title XVI, Supplemental Security Income for the Aged, Blind, and Disabled, of the Social Security Act.

In view of the clarification provided by this Ruling, AR 00–3(10) *Haddock v. Apfel*, “Use of Vocational Expert Testimony and the Dictionary of Occupational Titles Under 20 CFR 404.1566, 416.966—Titles II and XVI of the Social Security Act,” is being rescinded through a separate notice in the **Federal Register**.

EFFECTIVE DATE: December 4, 2000.

FOR FURTHER INFORMATION CONTACT: Georgia E. Myers, Regulations Officer, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, 1–410–965–3632 or TTY 1–800–966–5609.

SUPPLEMENTARY INFORMATION: Although we are not required to do so pursuant to 5 U.S.C. 552(a)(1) and (a)(2), we are

publishing this Social Security Ruling in accordance with 20 CFR 402.35(b)(1).

Social Security Rulings make available to the public precedential decisions relating to the Federal old-age, survivors, disability, supplemental security income, and black lung benefits programs. Social Security Rulings may be based on case decisions made at all administrative levels of adjudication, Federal court decisions, Commissioner’s decisions, opinions of the Office of the General Counsel, and policy interpretations of the law and regulations.

Although Social Security Rulings do not have the same force and effect as the statute or regulations, they are binding on all components of the Social Security Administration, in accordance with 20 CFR 402.35(b)(1), and are to be relied upon as precedents in adjudicating cases.

If this Social Security Ruling is later superseded, modified, or rescinded, we will publish a notice in the **Federal Register** to that effect.

(Catalog of Federal Domestic Assistance, Program Nos. 96.001, Social Security-Disability Insurance; 96.002, Social Security-Retirement Insurance; 96.004, Social Security-Survivors Insurance; 96.006, Supplemental Security Income.)

Dated: October 27, 2000.

Kenneth S. Apfel,

Commissioner of Social Security.

Policy Interpretation Ruling

Titles II and XVI: Use of Vocational Expert and Vocational Specialist Evidence, and Other Reliable Occupational Information in Disability Decisions

Purpose: This Ruling clarifies our standards for the use of vocational experts (VEs) who provide evidence at hearings before administrative law judges (ALJs), vocational specialists (VSs) who provide evidence to disability determination services (DDS) adjudicators, and other reliable sources of occupational information in the evaluation of disability claims. In particular, this ruling emphasizes that before relying on VE or VS evidence to support a disability determination or decision, our adjudicators must:

- Identify and obtain a reasonable explanation for any conflicts between occupational evidence provided by VEs or VSs and information in the Dictionary of Occupational Titles (DOT), including its companion publication, the Selected Characteristics of Occupations Defined in the Revised Dictionary of Occupational Titles (SCO), published by the Department of Labor, and

- Explain in the determination or decision how any conflict that has been identified was resolved.

Citations (Authority): Sections 216(i), 223(d)(2)(A), and 1614(a)(3)(B) of the Social Security Act, as amended; 20 CFR Part 404, sections 404.1566–404.1569, 20 CFR Part 404, subpart P, appendix 2, § 200.00(b), and 20 CFR Part 416, sections 416.966–416.969.

Pertinent History: To determine whether an individual applying for disability benefits (except for a child applying for Supplement Security Income) is disabled, we follow a 5-step sequential evaluation process as follows:

1. Is the individual engaging in substantial gainful activity? If the individual is working and the work is substantial gainful activity, we find that he or she is not disabled.

2. Does the individual have an impairment or combination of impairments that is severe? If the individual does not have an impairment or combination of impairments that is severe, we will find that he or she is not disabled. If the individual has an impairment or combination of impairments that is severe, we proceed to step 3 of the sequence.

3. Does the individual’s impairment(s) meet or equal the severity of an impairment listed in appendix 1 of subpart P of part 404 of our regulations? If so, we find that he or she is disabled. If not, we proceed to step 4 of the sequence.

4. Does the individual’s impairment(s) prevent him or her from doing his or her past relevant work (PRW), considering his or her residual functional capacity (RFC)? If not, we find that he or she is not disabled. If so, we proceed to step 5 of the sequence.

5. Does the individual’s impairment(s) prevent him or her from performing other work that exists in the national economy, considering his or her RFC together with the “vocational factors” of age, education, and work experience? If so, we find that the individual is disabled. If not, we find that he or she is not disabled.

The regulations at 20 CFR 404.1566(d) and 416.966(d) provide that we will take administrative notice of “reliable job information” available from various publications, including the DOT. In addition, as provided in 20 CFR 404.1566(e) and 416.966(e), we use VEs and VSs as sources of occupational evidence in certain cases.

Questions have arisen about how we ensure that conflicts between occupational evidence provided by a VE or a VS and information in the DOT (including its companion publication,