

authorized stay in the United States. As stated above, the application must also be filed by July 30, 2004, and contain an employment start date of no later than October 1, 2004. "Filing" means receipt by CIS as indicated by the receipt date on Form I-797.

*Will the Student and Exchange Visitor Information System (SEVIS) maintain records of F-1 and J-1 nonimmigrants whose stays are extended?*

Yes. SEVIS will continue to maintain the record of an F-1 or J-1 nonimmigrant whose stay is extended.

*How does this notice affect F-1 and J-1 students who are entitled to an extension of their status?*

This extension is in fact an extension of the ordinary 60-day or 30-day "grace period" already accorded an F-1 or J-1 nonimmigrant at the completion of his or her program and approved training. As a result, an alien benefiting from this extension of the "grace period" may not work for the petitioning employer or otherwise engage in activities inconsistent with those that would be allowed during the ordinary 60-day or 30-day grace period. Dependents of an F-1 or J-1 nonimmigrant benefiting from an extended grace period must follow the same rules as those that apply to the F-1 or J-1 principal alien during the grace period.

Nonimmigrants affected by this notice, and all aliens in the United States, are reminded that they have an obligation under 8 CFR part 265.1 to report each change of address and new address to DHS during their stay in the United States. An alien who fails to comply with the change of address requirements may be removable under section 237(a)(3)(A) of the Act and subject to criminal or monetary penalties under section 266(b) of the Act.

*What is the status of an F-1 or J-1 nonimmigrant if their H-1B petition filed is approved prior to October 1, 2004?*

In accordance with 8 CFR 214.2(f)(5)(vi) and 8 CFR part 214.2(j)(1)(vi), the Secretary of Homeland Security may extend the duration of the status of certain F-1 and J-1 nonimmigrant aliens for such time as is deemed necessary to complete the adjudication of the change of status. DHS believes that the extension until October 1, 2004 provides it with sufficient time to adjudicate H-1B petitions filed on or before July 30, 2004. If the alien's H-1B petition is approved before October 1, 2004, the alien will continue in the extended

grace period as an F-1 or J-1 student until October 1, 2004 (*i.e.*, the date an H-1B visa will become available and the employment start date). On October 1, 2004, the alien's change of status from F-1 or J-1 to H-1B nonimmigrant status will become effective.

*What is the status of an F-1 or J-1 nonimmigrant if the H-1B petition remains pending beyond October 1, 2004?*

In the unlikely event that the application to change nonimmigrant status to H-1B remains pending beyond October 1, 2004, an individual whose application remains pending will not be in valid nonimmigrant status as of October 1, 2004. However, because an extension of stay application was timely filed, the individual (and dependent(s) included on the application) will be considered as being in a period of stay authorized by the Secretary of Homeland Security until the date CIS adjudicates the H-1B petition and effectuates the change to H-1B status. As a result, such individuals will not be accruing unlawful presence as described in section 212(a)(9)(B) of the Act.

*If an H-1B petition filed on behalf of an F-1 or J-1 nonimmigrant is denied, what is the status of the alien and his or her dependents?*

Under 8 CFR part 214.2(f)(5), an F-1 student who has completed a course of study and any authorized practical training following completion of studies is allowed an additional 60-day period to prepare for departure or to transfer schools. Similarly, under 8 CFR part 214.2(j)(1)(ii), a J-1 student may be entitled to an additional 30-day period to prepare for travel. This notice simply extends that grace period. If the application to change status to H-1B is denied within 60 days (for an F-1) or 30 days (for a J-1) of the alien's completion of studies, program or optional practical training, the alien and any dependents may finish his or her respective 60-day or 30-day grace period. If the H-1B petition is denied after the 60-day or 30-day grace period, the alien's F-1 or J-1 status is terminated as of the date of the decision and he or she, as well as any dependents, must immediately depart the U.S.

*Can an F-1 or J-1 nonimmigrant with a pending H-1B petition travel during the extended grace period under this notice?*

No. DHS has issued this notice to allow certain qualifying F-1 and J-1 students and their dependents to remain in the United States in lawful status while their H-1B petitions are pending,

so that these aliens are not required to depart the United States and consular process. However, if a nonimmigrant alien is planning to or does depart the United States, that alien will be in a position to consular process, and therefore will not benefit from the extended grace period.

Dated: July 20, 2004.

**Tom Ridge,**

*Secretary of Homeland Security.*

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4910-N-18]

### Notice of Proposed Information Collection for Public Comment; Allocation of Operating Subsidies Under the Operating Fund Formula; Data Collection

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** *Comments Due Date:* September 21, 2004.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name/or OMB Control number and should be sent to: Sherry Fobear McCown, Reports Liaison Officer, Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4116, Washington, DC 20410-5000.

**FOR FURTHER INFORMATION CONTACT:** Sherry Fobear McCown, (202) 708-0713, extension 7651, for copies of the proposed forms and other available documents. (This is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the

proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

*Title of Proposal:* Allocation of Operating Subsidies Under the Operating Fund Formula: Data Collection.

*OMB Control Number:* 2577-0029.

*Description of the need for the information and proposed use:* Section 9(f) of the United States Housing Act of 1937 establishes an Operating Fund for the purpose of making assistance available to public housing agencies (PHAs) which assistance is determined using a formula approach called the Performance Funding System (PFS). PHAs compute their operating subsidy eligibility by completing the following HUD prescribed forms, as applicable, each fiscal year: Operating Fund Data Collection (HUD-52720-A); Operating Fund Calculation of Formula and Delta (HUD-52720-B); Range Test and Determination of Base Year Expense Level (HUD-52720-C); Calculation of Allowable Utilities Expense Level (HUD-52722-A); Adjustment for Utility Consumption and Rates (HUD-52722-B); Operating Fund Calculation of Operating Subsidy (HUD-52723); and Calculation of Subsidies for Operation (HUD-53087). HUD uses the information on these forms to determine the operating subsidy obligation and proration level for each PHA.

*Agency form number:* HUD-52720-A, HUD-52720-B, HUD-52720-C, HUD-52722-A, HUD-52722-B, HUD-52723, and HUD-53087.

*Members of affected public:* Public Housing Agencies.

Estimation of the total number of hours needed to prepare the information collection including number of respondents: 3200 respondents annually with 1 response per respondent (seven forms) for a total of 22,400 responses; .45 average time per response and 10,080 hours total reporting burden hours.

*Status of the proposed information collection:* Extension of currently approved collection.

**Authority:** Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: July 16, 2004.

**William O. Russell,**

*Deputy Ass't Sec'y for Public Housing and Voucher Programs.*

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**BILLING CODE 4210-33-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4907-N-23]

### Notice of Proposed Information Collection: Comment Request; Preauthorization Debit (PAD) Authorization

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** *Comments Due Date:* September 21, 2004.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8003, Washington, DC 20410 or [Wayne\\_Eddins@hud.gov](mailto:Wayne_Eddins@hud.gov).

**FOR FURTHER INFORMATION CONTACT:** Lester J. West, Director, Financial Operations Center, Department of Housing and Urban Development, 52 Corporate Circle Albany, NY 12203 telephone (518) 464-4200 x4206 (this is not a toll free number) for copies of the proposed forms and other available information.

**SUPPLEMENTARY INFORMATION:** The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed

collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

*Title of Proposal:* Preauthorization Debit (PAD) Authorization.

*OMB Control Number, if applicable:* 2502-0424.

*Description of the need for the information and proposed use:* The information is used to establish a direct electronic transfer of payment from a financial institution to HUD when debtors have established a repayment plan and desire an automated transfer of funds.

*Agency form numbers, if applicable:* 92090.

*Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:* The estimated number of burden hours needed to prepare the information collection is 10.50; the number of respondents is 42 generating approximately 42 annual responses; the frequency of response is on occasion; and the estimated time needed to prepare the response is 15 mins.

*Status of the proposed information collection:* Revision of a currently approved collection.

**Authority:** The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: July 16, 2004.

**Sean Cassidy,**

*General Deputy Assistant Secretary for Housing.*

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