

Office of Management and Budget,
Attn: Desk Officer for SSA, Fax Number:
202-395-6974.

Social Security Administration, Attn:
SSA Reports Clearance Officer, 1338
Annex Building, 6401 Security
Boulevard, Baltimore, MD 21235-6401,
Fax Number: 410-965-6400.

Comments can be received for
between 30 and 60 days after
publication of this notice and will be
most useful if received by SSA within
30 days of publication.

(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)

List of Subjects in 20 CFR Part 422

Administrative practice and
procedure, Organization and functions
(Government agencies), Reporting and
recordkeeping requirements, Social
Security.

Dated: November 13, 2003.

Jo Anne B. Barnhart,

Commissioner of Social Security.

For the reasons set forth in the
preamble, we propose to amend part
422, subpart B, chapter III of title 20,
Code of Federal Regulations as follows:

PART 422—ORGANIZATION AND PROCEDURES

Subpart B—[Amended]

1. The authority citation for subpart B
of part 422 continues to read as follows:

Authority: Secs. 205, 232, 702(a)(5), 1131,
and 1143 of the Social Security Act (42
U.S.C. 405, 432, 902(a)(5), 1320b-1, and
1320b-13).

2. Section 422.105 is revised to read
as follows:

§ 422.105 Presumption of authority of nonimmigrant alien to engage in employment.

(a) *General rule.* Except as provided in
paragraph (b) of this section, if you are
a nonimmigrant alien, we will presume
that you have permission to engage in
employment if you present a Form I-94
issued by the Bureau of Citizenship and
Immigration Services that reflects a
classification permitting work. (See 8
CFR 274a.12 for Form I-94
classifications.) If you have not been
issued a Form I-94, or if your Form I-
94 does not reflect a classification
permitting work, you must submit a
current document authorized by the
Bureau of Citizenship and Immigration
Services that verifies authorization to
work has been granted, e.g., an
employment authorization document, to

enable SSA to issue an SSN card that is
valid for work.

(b) *Exception to presumption for
foreign academic students in Bureau of
Citizenship and Immigration Services
classification status F-1.* If you are an
F-1 student and do not have a separate
Bureau of Citizenship and Immigration
Services employment authorization
document as described in paragraph (a)
of this section, we will not presume you
have authority to engage in employment
without additional evidence. Before we
will assign an SSN to you that is valid
for work, you must give us proof (as
explained in § 422.107(e)(2)) that:

(1) You have authorization from your
school to engage in employment, and

(2) You are engaging in, or have
secured, employment.

3. Section 422.107 is amended by
redesignating paragraph (e) as paragraph
(e)(1), adding a heading for paragraph
(e)(1), and adding a new paragraph (e)(2)
to read as follows:

§ 422.107 Evidence requirements.

* * * * *

(e) *Evidence of alien status.* (1)

General evidence rules. * * *

(2) *Additional evidence rules for F-1
students.* (i) *Evidence from your
designated school official.* If you are an
F-1 student, you must give us
documentation from your designated
school official that you are authorized to
engage in employment. You must
submit your Form I-20, the Certificate
of Eligibility for Nonimmigrant (F-1)
Status. You must also submit
documentation from your designated
school official that includes:

(A) The nature of the employment you
are or will be engaged in, and

(B) The identification of the employer
for whom you are or will be working.

(ii) *Evidence of your employment.*

You must also provide us with
documentation that you are engaging in,
or have secured employment; e.g., a
statement from your employer.

* * * * *

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BILLING CODE 4191-02-P

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

45 CFR Part 2400

Fellowship Program Requirements

AGENCY: James Madison Fellowship
Foundation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The following are proposed
amendments to the regulations

governing the annual competition for
James Madison Fellowships and the
obligations of James Madison Fellows.
These amendments would update and
replace certain provisions of the
Foundation's existing regulations as
implemented by the James Madison
Memorial Fellowship Act of 1986.
These revised regulations would govern
the qualifications and applications of
candidates for fellowships; the selection
of Fellows by the Foundation; the
graduate programs Fellows must pursue;
the terms and conditions attached to
awards; the Foundation's annual
Summer Institute on the Constitution;
and related requirements and
expectations regarding fellowships.

DATES: Comments must be submitted on
or before February 17, 2004.

ADDRESSES: Address all comments about
these proposed regulations to James
Madison Memorial Fellowship
Foundation, 2000 K Street, NW., Suite
303, Washington, DC 20006-1809.

FOR FURTHER INFORMATION CONTACT:
Lewis F. Larsen. Telephone: (202) 653-
8700.

SUPPLEMENTARY INFORMATION: The
reason for the proposed changes to the
Foundation's regulations comes as a
result of the Foundation's desire to
clarify several of the rules and
regulations that James Madison Fellows
must observe when accepting their
fellowships. Although many of the
changes are minor insertions of words
and punctuation, this document
specifically expands the definition
section to include further detailed
definitions on Credit Hour Equivalent,
Incomplete, Repayment, Satisfactory
Progress, Stipend, Teaching Obligation,
Termination and Withdrawal. The
Foundation now encourages James
Madison Fellows to choose a graduate
program which does not include the
writing of a thesis. Graduate programs
for which Fellows may apply have been
broadened to include political science.
Finally, a section entitled "Teaching
Obligation" was added to further clarify
the obligation to teach, required by the
Foundation once each fellow has earned
a master's degree.

Regulatory Flexibility Act Certification

The President certifies that these
regulations would not have a significant
economic impact on a substantial
number of small entities.

These regulations apply to
individuals eligible to apply for
fellowship assistance. Individuals are
not included in the definition of "small
entities" in the Regulatory Flexibility
Act.

Paperwork Reduction Act of 1995

These proposed regulations do not contain any information collection requirements.

List of Subjects in 45 CFR Part 2400

Education, Fellowships.

Dated: December 10, 2003.

Paul A. Yost, Jr.,

President.

For the reasons set forth in the preamble and under authority of 20 U.S.C. 4501 *et seq.*, Chapter XXIV, Title 45 of the Code of Federal Regulations is proposed to be amended by revising part 2400 as follows:

PART 2400—FELLOWSHIP PROGRAM REQUIREMENTS

1. The authority citation for part 2400 is revised to read as follows:

Authority: 20 U.S.C. 4501 *et seq.*, unless otherwise noted.

2. Section 2400.3 is amended by revising paragraphs (a)(8) and (b)(8) to read as follows:

§ 2400.3 Eligibility.

* * * * *

(a) * * *

(8) Sign agreements that, after completing the education for which the fellowship is awarded, they will teach American history, American government, social studies, or political science full time in secondary schools for a period of not less than one year for each full year of study for which assistance was received, preferably in the State listed as their legal residence at the time of their fellowship award. For the purposes of this provision, a full academic year of study is considered by the Foundation to be 18 credit hours or 27 quarter hours. Fellows' teaching obligations will be figured at full academic years of study; and when Fellows have studies for partial academic years, those years will be rounded upward to the nearest one-half year to determine Fellows' total teaching obligations.

(b) * * *

(8) Sign an agreement that, after completing the education for which the fellowship is awarded, they will teach American history, American government, social studies, or political science full time in secondary schools for a period of not less than one year for each full academic year of study for which assistance was received, preferably in the State listed as their legal residence at the time of their fellowship award. Fellows' teaching obligations will be figured at full academic years of study; and when

Fellows have studies for partial academic years, those years will be rounded upward to the nearest one-half year to determine Fellows' total teaching obligations.

3. Section 2400.4 is amended by revising the definitions of "*Full-time study*," "*State*," and "*Stipend*," to read as follows:

§ 2400.4 Definitions.

* * * * *

Full-time study means study for an enrolled student who is carrying at least 9 credit hours a semester or its equivalent.

* * * * *

State means each of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and, considered as a single entity, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Stipend means the amount paid by the Foundation to a Fellow or on his or her behalf for the allowable costs of graduate study which have been approved under the fellowship.

* * * * *

4. Section 2400.20 is revised to read as follows:

§ 2400.20 Preparation of application.

Applications, on forms mailed directly by the Foundation to those who request applications or downloaded from the Foundation's website, must be completed by all fellowship candidates in order that they be considered for an award.

5. Section 2400.30 is amended by adding a new paragraph (g) to read as follows:

§ 2400.30 Selection criteria.

* * * * *

(g) Content of the 600-word essay.

§ 2400.31 [Amended]

6. In § 2400.31, paragraph (b) is amended by removing the word "legally" and adding, in its place, the word "legal"; and paragraph (c) is amended by removing the words "An alternate will receive" and adding, in their place, "An alternate may, at the Foundation's discretion, receive".

§ 2400.42 [Amended]

7. In § 2400.42, paragraph (b) is amended by removing the word "constitution" and adding, in its place, the word "Constitution".

§ 2400.43 [Amended]

8. In § 2400.43, paragraph (c) is amended by removing the words "strongly encourages" and adding, in

their place, the words "in general, requires".

9. Section 2400.44 is amended by revising paragraph (a) to read as follows:

§ 2400.44 Commencement of graduate study.

(a) Fellows may commence study under their fellowships as early as the summer following the announcement of their award. Fellows are normally expected to commence study under their fellowships in the fall term of the academic year following the date on which their award is announced. However, as indicated in § 2400.61, they may seek to postpone the commencement of fellowship study for up to one year under extenuating circumstances.

* * * * *

§ 2400.46 [Amended]

10. Section 2400.46 is amended by removing the word "five" and adding, in its place, the word "three".

11. Section 2400.47 is revised to read as follows:

§ 2400.47 Summer Institute's relationship to fellowship.

Each year, the Foundation normally offers during July a four-week graduate-level Institute on the principles, framing, ratification, and implementation of the United States Constitution at an accredited university in the Washington, DC area. The Institute is an integral part of each fellowship.

12. Section 2400.48 is revised to read as follows:

§ 2400.48 Fellows' participation in the Summer Institute.

Each fellow is required as part of his or her fellowship to attend the Institute (if it is offered), normally during the summer following the Fellow's commencement of graduate study under a fellowship.

§ 2400.50 [Amended]

13. Section 2400.50 is amended by removing "For their participation in the Institute, Fellows are paid" and adding, in its place, "At the Foundation's discretion, Fellows may be paid".

§ 2400.53 [Amended]

14. Section 2400.53 is amended by adding a new sentence at the end to read "A waiver of the time limit may be given for full-time students who require more than 36 credit hours or 54 quarter hours to complete their approved degree."

15. Section 2400.55 is amended by revising paragraphs (f) and (i) to read as follows:

§ 2400.55 Certification for stipend.

* * * * *

(f) The amount and nature of income from any other grants or awards;

* * * * *

(i) A full Plan of Study over the duration of the fellowship, including information on the contents of required constitutional courses. Senior Fellows must provide evidence of their continued full-time employment as teachers in grades 7–12.

16. Section 2400.56 is revised to read as follows:

§ 2400.56 Payment of stipend.

Payment for tuition, required fees, books, room, and board subject to the limitations in §§ 2400.52 through 2400.55 and §§ 2400.59 through 2400.60 will be paid via Electronic Funds Transfer to each Fellow at the beginning

of each term of enrollment and upon the Fellow’s submission of a completed Payment Request Form which includes the current University bulletin of cost information.

§ 2400.58 [Amended]

17. In § 2400.58, paragraph (a) is amended by removing the words “fewer than” and adding, in their place, the words “at least”; and paragraph (b) is amended by removing the words “the Foundation will seek to recover” and adding, in their place, the words “the Fellow must repay”.

§ 2400.60 [Amended]

18. In § 2400.60, paragraph (a) is amended by removing the words “unless they are credited to the minimum number of credits required for the degree” at the end of the paragraph.

§ 2400.61 [Amended]

19. Section 2400.61 is amended by adding a new sentence at the end to read “All postponements are given at the Foundation’s discretion and will normally not extend for more than one year.”

20. Section 2400.63 is revised to read as follows:

§ 2400.63 Excluded graduate study.

James Madison Fellowships do not provide support for study toward doctoral degrees, for the degree of master of arts in public affairs or public administration. The Foundation may at its discretion, upon request of the Fellow, provide tuition only assistance toward teacher certification.

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