



U.S. Citizenship
and Immigration
Services

Interoffice Memorandum

To: Associate Directors
Chief, Office of Administrative Appeals
Chief Counsel

From: Jonathan Scharfen
Deputy Director

A handwritten signature in black ink, appearing to read "Jon Scharfen", written over the printed name and title.

Date: MAY 24 2007

Re: Processing the Discretionary Exemption to the Inadmissibility Ground for Providing Material Support to Certain Terrorist Organizations

I. Introduction

A. Purpose

This memorandum outlines instructions for adjudicating those applications for immigration benefits filed with USCIS where an applicant¹ is found to be inadmissible or otherwise barred from an immigration benefit for having provided material support to a terrorist organization.

Further, this memorandum:

- discusses the threshold requirements that must be present in order to consider an exemption;
- the factors to consider when determining whether an applicant merits a favorable exercise of the discretionary exemption;
- provides guidance on identifying those applicants who may be subject to the material support inadmissibility ground;
- makes recommendations on how an adjudicator might elicit sufficient relevant testimony to adjudicate the exemption;.
- sets out oversight and reporting requirements for the implementation of this authority.

¹ In this guidance, the term "applicant" is used to refer to all aliens, whether petitioner or beneficiary, for whom a determination of admissibility or a bar related to the material support ground of inadmissibility is made in the adjudication of an application for an immigration benefit. The process also may be used to determine whether the beneficiary of a petitioner who provided material support will be found inadmissible under INA section 212(a)(3)(B)(i)(IX) as the spouse or child of a person who has engaged in terrorist activity.

Processing the Discretionary Exemption to the Inadmissibility Ground for Providing Material Support to
Certain Terrorist Organizations

Page 2

B. Statutory Framework for the Material Support Exemption

Under the Immigration and Nationality Act (INA), aliens who provide material support either for the commission of a terrorist activity, or to a terrorist organization or an individual who has committed, or plans to commit, a terrorist activity² are inadmissible or deportable for having engaged in terrorist activity and are ineligible for most immigration benefits.³

It is important to remember that an alien is not inadmissible for having provided material support to an undesignated terrorist organization if the alien "can demonstrate by clear and convincing evidence that the [alien] did not know, and should not reasonably have known that the organization was a terrorist organization." INA section 212(a)(3)(B)(iv)(VI)(dd). If an applicant establishes by clear and convincing evidence that he or she should not reasonably have known that the undesignated organization to which he or she provided support was a terrorist organization, the adjudicator does not need to consider the exemptions discussed in this memo.

Pursuant to INA section 212(d)(3)(B)(i), the Secretary of Homeland Security or the Secretary of State, in consultation with each other and with the Attorney General, "may conclude in such Secretary's sole unreviewable discretion that subsection [212](a)(3)(B)(iv)(VI) shall not apply with respect to material support an alien has afforded to an organization or individual that has engaged in terrorist activity."

C. Exercise of Authority

Secretary of State Rice exercised her authority to waive the material support provision three times in 2006 in the refugee program context for Burmese Karen individuals living in various camps in Thailand who provided material support to the Karen National Union (KNU) or Karen National Liberation Army (KNLA) and for Chin refugees from Burma living in Malaysia, India or Thailand who provided material support to the Chin National Front (CNF) or Chin National Army (CNA). In January 2007, Secretary Rice exercised her authority eight additional times in the refugee program context for refugee resettlement applicants who had provided material support to the following eight organizations, *regardless of whether the support was provided under duress*:

1. Karen National Union/Karen National Liberation Army (KNU/KNLA) (expanded an earlier waiver to allow non-Karen refugee applicants and applicants outside the Thai refugee camps to be considered),

² See INA section 212(a)(3)(B)(iii) for the definition of "terrorist activity," and section 212(a)(3)(B)(vi) for the definition of "terrorist organization."

³ See INA sections 212(a)(3)(B)(i)(I) (inadmissibility ground for engaging in terrorist activity), 212(a)(3)(B)(iv)(VI) (provision of material support as an act constituting "engaging in terrorist activity"), 237(a)(4)(B) (making any individual described in section 212(a)(3)(B) deportable). See also, INA sections 245(a)(2) (ineligibility for adjustment of status), 208(b)(2)(A)(v) (bar to asylum), 207(c)(3) (bar to refugee admission), section 244(c)(2)(A)(iii)(III) (ineligibility for temporary protective status), and Pub. L. 105-100, section 203(b) (NACARA suspension and cancellation).

Processing the Discretionary Exemption to the Inadmissibility Ground for Providing Material Support to Certain Terrorist Organizations

Page 3

2. Chin National Front/Chin National Army (CNF/CNA) (expanded an earlier waiver to allow non-Chin refugee applicants and applicants outside Malaysia, India and Thailand to be considered),
3. Chin National League for Democracy (CNLD),
4. Kayan New Land Party (KNLP),
5. Arakan Liberation Party (ALP),
6. Tibetan Mustangs,
7. Cuban Alzados, or
8. Karenni National Progressive Party (KNPP).

On February 20, 2007, Secretary Chertoff exercised his authority not to apply the material support inadmissibility provision with respect to certain aliens applying for immigration benefits who had provided material support to the same above-listed eight undesigned terrorist organizations for whom Secretary Rice signed waivers in January ("group-based exemptions"), *regardless of whether the support was provided under duress.*

In addition, on February 26, 2007, Secretary Chertoff exercised his authority under INA section 212(d)(3)(B)(i) not to apply the material support inadmissibility provision with respect to certain aliens applying for immigration benefits if the material support was provided under duress to an *undesigned* terrorist organization and the totality of the circumstances justify the favorable exercise of discretion ("duress exemption"). This February 26, 2007 duress exemption may not be applied to individuals who provided material support to a terrorist organization designated under either INA section 212(a)(3)(B)(vi)(I) (Foreign Terrorist Organization List) or 212(a)(3)(B)(vi)(II) (Terrorist Exclusion List), often referred to as "Tier I" and "Tier II" groups, respectively.⁴

D. Delegation of Authority to USCIS

The Secretary delegated to USCIS the authority to determine whether a particular alien meets the criteria required for the exercise of this discretionary exemption. Implementation of this determination by USCIS is to be done in consultation with U.S. Immigration and Customs Enforcement (ICE). USCIS has the discretion to determine whether the exemption criteria are met.⁵ These exemptions may be applied to benefit and protection applications under the INA, including, but not limited to, asylum, refugee status, adjustment of status, and following to join petitions.⁶ An exemption will be applied only after certain threshold requirements (which are discussed below) are met.

II. Threshold Requirements

In order to be considered for an exemption from the applicability of the material support inadmissibility provision, an applicant must:

⁴ The Foreign Terrorist Organizations list and Terrorist Exclusion List can be found on the Department of State Office of Counterterrorism's homepage at <http://www.state.gov/s/ct/list/>.

⁵ USCIS is working with ICE and the DOJ Executive Office for Immigration Review (EOIR) to establish a process for USCIS consideration of a material support exemption for affected cases in removal proceedings before EOIR.

⁶ In the case of a following to join petition, the exemption may be used with respect to material support provided by the petitioner, thus overcoming the inadmissibility of the spouse or child beneficiary under INA section 212(a)(3)(B)(i)(IX).

Processing the Discretionary Exemption to the Inadmissibility Ground for Providing Material Support to Certain Terrorist Organizations

Page 4

- establish that he or she is otherwise eligible for the immigration benefit or protection being sought;
- undergo and pass all required background and security checks;
- fully disclose, in all relevant applications and interviews with U.S. Government representatives and agents, the nature and circumstances of each provision of material support; and
- establish that he or she poses no danger to the safety and security of the United States.

III. Specific Factors for Consideration

For those applicants who have met the threshold requirements, adjudicators will consider whether the applicant is eligible for a group-based discretionary exemption or whether the applicant merits a favorable exercise of the discretionary exemption after consideration of the below factors when evidence indicates that the support was provided under duress to an undesignated terrorist organization (often referred to as a "Tier III" group). In those cases where material support is implicated, the adjudicator must analyze the relevant factors regarding the material support provided by the applicant and explain how those factors support the determination regarding the exemption, as discussed in this memo.

A. Group-Based Exemptions

As discussed above, Secretary Chertoff has delegated to USCIS his authority not to apply the material support provision to an applicant who provided material support to one of the eight groups included in the group-based exemptions.⁷

In order to be considered for an exemption under this provision, the applicant must meet all threshold requirements as set out in Section II above. Note this discretionary authority is applicable regardless of whether the material support was provided under duress.

B. Duress Exemption

The Secretary of Homeland Security has determined that in certain circumstances it may be appropriate to exercise his discretion to grant an exemption to applicants who gave material support to an undesignated terrorist organization when the support was provided under duress, and he has delegated this authority to USCIS. The adjudicator may consider the application of the discretionary duress exemption only if the material support was provided to an undesignated terrorist organization as described in INA section 212(a)(3)(B)(vi)(III) (a Tier III group).

The adjudicator must consider, as applicable, the following non-exhaustive list of factors pertaining to an applicant's provision of material support and the circumstances under which he or she provided the support in determining whether the support was provided under duress, which at a minimum

⁷ In the future, the Secretary may choose to exercise his discretionary authority not to apply the material support provision with respect to material support provided to additional organizations. Such future designations will be communicated to field adjudicators, and additional procedures or guidance will be issued as necessary.

Processing the Discretionary Exemption to the Inadmissibility Ground for Providing Material Support to
Certain Terrorist Organizations

Page 5

(b)(5)

requires that the material support was provided in response to a reasonably-perceived threat of serious harm. Factors to be considered are:

Once it has been determined that the applicant provided material support under duress, the adjudicator must consider whether the totality of the circumstances justifies the exercise of authority as a matter of discretion. Factors to be considered must, as applicable, include:

IV. Identifying Individuals Subject to the Material Support Inadmissibility Ground

The following discussion provides basic guidance for the adjudication of cases in which the material support exemptions may apply. This memorandum is intended to provide basic guidance for the identification of those who are inadmissible because they have contributed material support to an undesignated terrorist organization and for the determination of whether the discretionary exemption to that inadmissibility is applicable. This guidance does not address all potential issues that may be presented in these cases. Each Directorate may build on this guidance by providing more detailed guidance specifically focused on that Directorate's caseload. It is recommended that each Directorate coordinate, through the oversight working group (see section V.C., below), its additional guidance with the other Directorates to ensure consistency in implementation.

⁸ Note that an alien is not inadmissible for having provided material support to an undesignated terrorist organization if the alien "can demonstrate by clear and convincing evidence that the [alien] did not know, and should not reasonably have known that the organization was a terrorist organization." INA section 212(a)(3)(B)(iv)(VI)(dd). There may be situations in which the applicant cannot meet this "clear and convincing" standard, yet it is appropriate to consider the degree of the applicant's familiarity with the organization and its activities when making a determination whether to favorably exercise discretion to apply the discretionary exemption.

Processing the Discretionary Exemption to the Inadmissibility Ground for Providing Material Support to Certain Terrorist Organizations

Page 6

Headquarters staff is developing a training program on the identification of these cases and implementation of these procedures. Field offices will receive further instruction in the near future regarding the deployment of this training.

(b)(7)(e)

A. Indicators for Review Prior to an Interview/Adjudication

(b)(5)

B. Issues to Develop in an Interview

For those adjudications in which an interview will be conducted, the adjudicator must ask sufficient follow-up questions regarding the interaction with the possible terrorist organization to determine the nature of support the applicant rendered. In order to evaluate whether the group is a terrorist organization under the INA or whether it is one of the groups eligible for a group-based exemption, the adjudicator should gather information about the group to which the support was provided – the group's official name or names that it was known as, any sub-groups or larger umbrella groups associated with it, the group's primary locale of activity, the nature of the group's activity, etc. In addition, the adjudicator should clarify whether the applicant was informed of how the support would be used, and whether the applicant had knowledge of how similar support from others was used in the past, whether from personal experience or knowledge of the conditions in the country. This information will be relevant to a determination as to whether the applicant knew or reasonably should have known that the group was an undesignated terrorist organization.

In addition, the adjudicator should explore the circumstance of the interaction between the applicant and members of the terrorist organization, focusing on what was said, whether there was physical

violence, if any threats were made, etc. The adjudicator should also gather information on the applicant's past interaction with the terrorist organization or its group members. This information will not only be relevant to a determination that the applicant may be eligible for a duress exemption, but will also assist in determining whether the applicant may be subject to any other terrorist-related inadmissibility grounds.

The adjudicator should explore what was actually given to the individual or organization and how the support was used. The adjudicator might also ask the applicant whether any terrorist attacks occurred immediately following the applicant's contribution to the possible terrorist organization. These issues may be relevant to determining whether the duress exemption is warranted under the totality of the circumstances.

C. Requests for Evidence and/or Referral to a Field Office for Interview

For cases that are not normally interviewed, it may be necessary to gather, through a Request for Evidence (RFE) or interview, additional information about the circumstances under which the support was provided. The applicant's file must contain sufficient information to enable the adjudicator to properly evaluate whether or not a material support exemption may apply; such information includes the type, nature, and frequency of material support provided, to whom the support was provided, whether the circumstances under which the material support was provided indicate that the support was provided under duress, and any other information relevant to the material support and whether the applicant poses a risk to the security of the United States. Where outstanding questions or issues may clearly be resolved or clarified in writing, an RFE may suffice; however, where there are several issues that require additional examination or the response to an RFE did not provide sufficient information for the consideration of a material support exemption, the case should be forwarded to a field office for interview.

V. Making the Determination on the Exemption

A. Vetting Cases for Possible Security Risk

To determine whether an applicant has established the threshold requirements of passing all required security checks and posing no danger to the security of the United States, adjudicating officers should follow standard operating procedures that are observed with any case where there is national security or terrorist-related information. These steps include completion and review of all required biographical and biometric security checks. If a security check results in a national security-related response, officers must refer the case to the Office of Fraud Detection and National Security (FDNS) for review of the national security-related information in accordance with existing procedures. In addition, if, based on information other than what was revealed through security checks, the adjudicator has reason to believe that the individual may be a risk to the security of the United States, the case must be referred to FDNS for review and vetting. Once FDNS has cleared the case for adjudication, the adjudicator can evaluate whether the applicant merits a favorable exercise of the discretionary exemption.

**Processing the Discretionary Exemption to the Inadmissibility Ground for Providing Material Support to
Certain Terrorist Organizations**

Page 8

B. Analyzing the Applicability of the Exemption

Using the attached "Material Support Exemption Worksheet," the adjudicator must complete and document an analysis in each case where he or she has determined that the applicant is eligible for the benefit sought, but for the provision of material support to a terrorist organization. The adjudicator will:

(b)(5)

(b)(7)(e)

Upon completion of the recommendation in the case, the adjudicator will sign the worksheet and include it in the file for two levels of supervisory review and concurrence. The application or petition cannot be approved until the case has completed the entire review process.

C. Headquarters Review and Oversight Procedures

USCIS Headquarters will maintain authority to review each application and will take appropriate steps to ensure agency-wide consistency in application of the discretionary exemptions. To achieve consistency, in addition to conforming with already existing local supervisory and/or quality assurance review procedures, all cases in which the applicant appears eligible for the benefit sought but for the provision of material support will be subject to two levels of review and concurrence with the adjudicating office's recommendation as to whether the applicant merits a favorable exercise of discretion to apply one of the above-described exemptions. The result of each level of review should be noted on the "Material Support Exemption Worksheet." Each Directorate will establish local procedures for a minimum of two levels of review.

In addition, for not less than 90 days after implementation, all cases for which the duress exemption is considered and a percentage of cases for which a group-based exemption is considered will be subject to Headquarters-level review, where a working group comprising representatives of each Division (Field Operations, Service Center Operations, Refugee Affairs, Asylum, and International Operations) and the Office of the Chief Counsel will review the recommendation in each case for consistency and conformity with procedures and policy. USCIS Headquarters may review any application to determine, at its discretion, whether the particular alien is indeed eligible for the exemption. This working group will meet regularly to discuss the implementation of the exemption, with the goal of ensuring consistent outcomes throughout USCIS. In addition, the working group will consult with ICE and DHS Headquarters Offices of Policy and General Counsel, as necessary. Each Division will establish procedures for the two layers of review and, where required, the submission of cases to Headquarters for review. At the end of the initial 90-day period, a percentage of cases will continue to be subject to the Headquarters review process. Additional instructions will be issued at that time.

After the required reviewers, including Headquarters where necessary, have all concurred with a recommendation to apply one of the delegated exemption authorities, the office with jurisdiction over the application can proceed with a grant of the benefit sought.

D. Documenting the Discretionary Exemption Determination in the A-file

A copy of the completed "Material Support Exemption Worksheet" must be included in the applicant's A-file to reflect that the material support exemptions were considered for the applicant. A copy of the worksheet will be included in the A-file even where the final determination was not to exercise discretion to use the exemption. Including the worksheet in the file in such circumstances will indicate to individuals who review the A-file in the future that the possible use of the exemption was considered at a particular point in time.

E. Record-Keeping Requirements

Each Division will be responsible for maintaining records related to the applicants to whom the exemption has been applied. This information will be reported regularly through Directorate chains of command so that USCIS can provide accurate and timely reports to DHS and Congress as to the use of this authority.¹⁰ The records kept by each Division must include, at a minimum, the name, A-number, and nationality of the applicant, and the name or description of the terrorist organization to which material support was provided, the organization's level of designation (i.e. Tier I, II, or III), and whether the material support was provided under duress for each case in which one of the exemptions is applied favorably.

Each Directorate will take steps to modify existing databases (e.g. CLAIMS, RAPS, etc.) so that the above information may be gathered and stored electronically in the course of the adjudication. Each Directorate will provide further instructions to its adjudicative Divisions regarding interim record-keeping requirements to be applied until such time as national systems are updated to create the ability to capture information relevant to the material support exemption determination.

VI. Effect of Exemption on Future Adjudications

Once a decision has been made whether to apply the exemption with respect to a particular applicant, that decision will continue to apply in other benefit adjudications involving that applicant, unless additional material information comes to light or circumstances change so that a reconsideration of the applicability of the exemption is warranted.¹¹ This applies both to decisions to apply and not to apply the exemption.

Likewise, decisions made in 2006 and early 2007 by Refugee Affairs to apply the exemptions allowed for in the previous exercise of Secretary of State Rice's discretion not to apply the material support provision to certain aliens will continue to apply in other benefit adjudications involving those aliens, unless there is additional material information or circumstances change so that a reconsideration of the applicability of the exemption is warranted. These determinations will be evident by the approval stamp on each refugee applicant's I-590 and the inclusion in the A-file of a copy of the Secretary of State's exemption determination.

Any questions regarding a past exercise of discretion to use one of the exemption authorities should be directed to the program that had jurisdiction over that determination.

VII. Processing or Continued Hold of Other Material-Support Related Cases

All cases where the applicant is found not to satisfy the threshold requirements for the consideration of an exemption should be referred to the immigration court or denied. In addition, in all cases where the threshold requirements are met and where the duress exemption was considered and the exemption was not granted (i.e., because the support was not provided under duress or the totality of

¹⁰ INA section 212(d)(3)(B)(ii) requires that a report on the aliens to whom this exercise of authority is applied shall be provided to specified congressional committees not later than 90 days after the end of the fiscal year.

¹¹ As noted by Secretary Chertoff in his February 20 and 26, 2007, exercises of authority, he may revoke any such exercise as a matter of discretion and without notice at any time with respect to any and all persons subject to it.

Processing the Discretionary Exemption to the Inadmissibility Ground for Providing Material Support to
Certain Terrorist Organizations

Page 11

the circumstances do not merit a favorable exercise of discretion) should be referred or denied after appropriate review in accordance with the above procedures.

Because the Secretary in the future may choose to exercise this discretionary authority for additional categories of cases involving material support provided under duress, USCIS will continue to hold cases in which the applicant is eligible for the benefit sought but for the provision of material support *under duress* to a Tier I or Tier II organization. Any case where material support was provided to a Tier I or II organization, and the support was not provided under duress, should be referred or denied.

Consistent with the discretionary nature of the exemption authorities, this memorandum is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

Cc: DHS Policy Directorate
DHS Office of the General Counsel
ICE Office of the Principal Legal Advisor

Attachments:

1. Material Support Exemption Worksheet, rev. May 11, 2007
2. Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act, February 20, 2007 ("Alzados Group Exemption"), 72 FR 9954-01, March 6, 2007
3. Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act, February 20, 2007 ("Kayan New Land Party Group Exemption"), 72 FR 9954-02, March 6, 2007
4. Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act, February 20, 2007 ("Karenni National Progressive Party Group Exemption"), 72 FR 9955-01, March 6, 2007
5. Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act, February 20, 2007 ("Karen National Union/Karen National Liberation Army Group Exemption"), 72 FR 9955-02, March 6, 2007
6. Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act, February 20, 2007 ("Mustangs Group Exemption"), 72 FR 9956-01, March 6, 2007
7. Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act, February 20, 2007 ("Arkan Liberation Party Group Exemption"), 72 FR 9956-02, March 6, 2007
8. Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act, February 20, 2007 ("Chin National Front/Chin National Army Group Exemption"), 72 FR 9957-01, March 6, 2007
9. Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act, February 20, 2007 ("Chin National League for Democracy Group Exemption"), 72 FR 9957-02, March 6, 2007
10. Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act, February 26, 2007 ("Duress Exemption"), 72 FR 9958, March 6, 2007
11. Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act, April 27, 2007 ("Tier I/Tier II Duress Exemption"), 72 FR 26132, May 8, 2007.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Modulation of Iron Deposition in SCD and Other Hemoglobinopathies.

Date: July 9, 2008.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Lakshmanan Sankaran, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 755, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-7799, ls380z@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: June 11, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-13701 Filed 6-17-08; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Geldanamycin Derivative and Method of Treating Viral Infections

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR Part 404.7(a)(1)(i), that the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an exclusive patent license to practice the invention embodied in U.S. Patent No. 6,890,917, issued May 10, 2005, entitled "Geldanamycin Derivative and Method of Treating Cancer Using Same" [E-050-2000/0-US-15] and foreign equivalents, to Avira Therapeutics, LLC, having a place of business in Menlo Park, California. The patent rights in these inventions have been assigned to the United States of America.

The prospective exclusive license territory may be worldwide, and the field of use may be limited to the use of the manufacture, use, distribution and sale of 17-DMAG, an analog of geldanamycin, as a therapeutic to inhibit the influenza virus, respiratory syncytial virus (RSV) and dengue virus.

This replaces a notice published in 73 FR 31702 on Tuesday, June 3, 2008, which omitted the name of the potential licensee.

DATES: Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before August 18, 2008 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, comments, and other materials relating to the contemplated exclusive license should be directed to: Adaku Madu, J.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852-3804; Telephone: (301) 435-5560; Facsimile: (301) 402-0220; E-mail: madua@mail.nih.gov.

SUPPLEMENTARY INFORMATION: This technology relates to novel cytotoxic compounds derived from 17-aminoalkylamino-substituted geldanamycin and pharmaceutical compositions thereof. In particular, this invention refers to 17-(dimethylamino) propylamino-geldanamycin, 17-(dimethylamino) ethylamino-geldanamycin, and the hydrochloride salt of 17-(dimethylamino) ethylamino-geldanamycin (DMAG and analogs). These compounds are Hsp90 inhibitors. Hsp90 inhibition downregulates B-Raf, decreases cell proliferation and reduces activation of the MEK/ERK pathways in some cells. Hsp90 plays an essential role in maintaining stability and activity in its client proteins. Hsp90 inhibitors interfere with diverse signaling

pathways by destabilizing and attenuating activity of such proteins, and thus exhibit antitumor activity. Specifically, 17-DMAG shows cytotoxicity against a number of human colon and lung cell lines, specific melanoma, renal and breast lines, and potentially against various viral infections. In addition, these compounds appear to have favorable pharmaceutical properties including oral activity and improved water-solubility.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR Part 404.7. The prospective exclusive license may be granted unless within sixty (60) days from the date of this published notice, the NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Applications for a license in the field of use filed in response to this notice will be treated as objections to the grant of the contemplated exclusive license. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: June 9, 2008.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E8-13671 Filed 6-17-08; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

DEPARTMENT OF STATE

Office of the Secretary

Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act

AGENCY: Office of the Secretary, DHS; Office of the Secretary, DOS.

ACTION: Notice of Determination.

DATES: This determination is effective June 3, 2008.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

The Secretary of Homeland Security and the Secretary of State, following consultations with the Attorney General, hereby conclude, as a matter of

discretion in accordance with our respective authorities under section 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(d)(3)(B)(i), as amended by the Consolidated Appropriations Act, 2008 (CAA), Public Law 110-161, Div. J, section 691(a), 121 Stat. 1844, 2364 (December 26, 2007), as well as the foreign policy and national security interests deemed relevant in these consultations, that section 212(a)(3)(B) of the INA, excluding subclause (i)(II), shall not apply with respect to an alien not otherwise covered by the automatic relief provisions of section 691(b) of the CAA, for any activity or association relating to appropriate groups affiliated with the Montagnards, provided that there is no reason to believe that the relevant terrorist activities of the alien or the recipients were targeted against noncombatant persons, and further provided that the alien satisfies the relevant agency authority that the alien:

(a) Is seeking a benefit or protection under the INA and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. government representatives and agents, the nature and circumstances of each activity or association falling within the scope of section 212(a)(3)(B) of the INA;

(d) Poses no danger to the safety and security of the United States; and

(e) Is warranted to be exempted from the relevant inadmissibility provision by the totality of the circumstances.

Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE), or by U.S. consular officers, as applicable, who shall ascertain, to their satisfaction, and in their discretion, that the particular applicant meets the criteria set forth above.

This exercise of authority may be revoked as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not

intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with section 212(d)(3)(B)(ii) of the INA, 8 U.S.C. 1182(d)(3)(B)(ii), a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the Department of Homeland Security or by the Department of State, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: June 3, 2008.

Michael Chertoff,
Secretary of Homeland Security.
Condoleezza Rice,
Secretary of State.

[FR Doc. E8-13638 Filed 6-17-08; 8:45 am]
BILLING CODE 9111-87-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

DEPARTMENT OF STATE

Office of the Secretary

Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act

AGENCY: Office of the Secretary, DHS;
Office of the Secretary, DOS.

ACTION: Notice of determination.

DATES: This determination is effective June 3, 2008.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

The Secretary of Homeland Security and the Secretary of State, following consultations with the Attorney General, hereby conclude, as a matter of discretion in accordance with our respective authorities under section 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(d)(3)(B)(i), as amended by the Consolidated Appropriations Act, 2008 (CAA), Public Law 110-161, Div. J, section 691(a), 121 Stat. 1844, 2364 (December 26, 2007), as well as the foreign policy and national security interests deemed relevant in these consultations, that section 212(a)(3)(B)

of the INA, excluding subclause (i)(II), shall not apply with respect to an alien not otherwise covered by the automatic relief provisions of section 691(b) of the CAA, for any activity or association relating to the Karen National Union/ Karen National Liberation Army (KNU/ KNLA), provided that there is no reason to believe that the relevant terrorist activities of the alien or the recipients were targeted against noncombatant persons, and further provided that the alien satisfies the relevant agency authority that the alien:

(a) Is seeking a benefit or protection under the INA and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. government representatives and agents, the nature and circumstances of each activity or association falling within the scope of section 212(a)(3)(B) of the INA;

(d) Poses no danger to the safety and security of the United States; and

(e) Is warranted to be exempted from the relevant inadmissibility provision by the totality of the circumstances.

Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE), or by U.S. consular officers, as applicable, who shall ascertain, to their satisfaction, and in their discretion, that the particular applicant meets the criteria set forth above.

This exercise of authority may be revoked as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with section 212(d)(3)(B)(ii) of the INA, 8 U.S.C. 1182(d)(3)(B)(ii), a report on the aliens to whom this exercise of authority is

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. government representatives and agents, the nature and circumstances of each activity or association falling within the scope of section 212(a)(3)(B) of the INA;

(d) Poses no danger to the safety and security of the United States; and

(e) Is warranted to be exempted from the relevant inadmissibility provision by the totality of the circumstances.

Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE), or by U.S. consular officers, as applicable, who shall ascertain, to their satisfaction, and in their discretion, that the particular applicant meets the criteria set forth above.

This exercise of authority may be revoked as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with section 212(d)(3)(B)(ii) of the INA, 8 U.S.C. 1182(d)(3)(B)(ii), a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the Department of Homeland Security or by the Department of State, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: June 3, 2008.
Michael Chertoff,
Secretary of Homeland Security.
Condoleezza Rice,
Secretary of State.
[FR Doc. E8-13651 Filed 6-17-08; 8:45 am]
BILLING CODE 9117-07-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

DEPARTMENT OF STATE

Office of the Secretary

Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act

AGENCY: Office of the Secretary, DHS; Office of the Secretary, DOS.
ACTION: Notice of determination.

DATES: This determination is effective June 3, 2008.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

The Secretary of Homeland Security and the Secretary of State, following consultations with the Attorney General, hereby conclude, as a matter of discretion in accordance with our respective authorities under section 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(d)(3)(B)(i), as amended by the Consolidated Appropriations Act, 2008 (CAA), Public Law 110-161, Div. J, section 691(a), 121 Stat. 1844, 2364 (December 26, 2007), as well as the foreign policy and national security interests deemed relevant in these consultations, that section 212(a)(3)(B) of the INA, excluding subclause (i)(II), shall not apply with respect to an alien not otherwise covered by the automatic relief provisions of section 691(b) of the CAA, for any activity or association relating to the Alzados, provided that there is no reason to believe that the relevant terrorist activities of the alien or the recipients were targeted against noncombatant persons, and further provided that the alien satisfies the relevant agency authority that the alien:

(a) Is seeking a benefit or protection under the INA and has been determined to be otherwise eligible for the benefit or protection;

(b) has undergone and passed relevant background and security checks;

(c) has fully disclosed, in all relevant applications and interviews with U.S. government representatives and agents, the nature and circumstances of each activity or association falling within the scope of section 212(a)(3)(B) of the INA;

(d) poses no danger to the safety and security of the United States; and

(e) is warranted to be exempted from the relevant inadmissibility provision by the totality of the circumstances.

Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE), or by U.S. consular officers, as applicable, who shall ascertain, to their satisfaction, and in their discretion, that the particular applicant meets the criteria set forth above.

This exercise of authority may be revoked as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with section 212(d)(3)(B)(ii) of the INA, 8 U.S.C. 1182(d)(3)(B)(ii), a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the Department of Homeland Security or by the Department of State, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: June 3, 2008.
Michael Chertoff,
Secretary of Homeland Security
Condoleezza Rice,
Secretary of State.
[FR Doc. E8-13644 Filed 6-17-08; 8:45 am]
BILLING CODE 9111-07-P

DEPARTMENT OF HOMELAND SECURITY**Office of the Secretary****DEPARTMENT OF STATE****Office of the Secretary****Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act****AGENCY:** Office of the Secretary, DHS; Office of the Secretary, DOS.**ACTION:** Notice of determination.**DATES:** This determination is effective June 3, 2008.**Authority:** 8 U.S.C. 1182(d)(3)(B)(i).

The Secretary of Homeland Security and the Secretary of State, following consultations with the Attorney General, hereby conclude, as a matter of discretion in accordance with our respective authorities under section 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(d)(3)(B)(i), as amended by the Consolidated Appropriations Act, 2008 (CAA), Public Law 110-161, Div. J, section 691(a), 121 Stat. 1844, 2364 (December 26, 2007), as well as the foreign policy and national security interests deemed relevant in these consultations, that section 212(a)(3)(B) of the INA, excluding subclause (i)(II), shall not apply with respect to an alien not otherwise covered by the automatic relief provisions of section 691(b) of the CAA, for any activity or association relating to the Arakan Liberation Party (ALP), provided that there is no reason to believe that the relevant terrorist activities of the alien or the recipients were targeted against noncombatant persons, and further provided that the alien satisfies the relevant agency authority that the alien:

(a) Is seeking a benefit or protection under the INA and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. government representatives and agents, the nature and circumstances of each activity or association falling within the scope of section 212(a)(3)(B) of the INA;

(d) Poses no danger to the safety and security of the United States; and

(e) Is warranted to be exempted from the relevant inadmissibility provision by the totality of the circumstances.

Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in

consultation with U.S. Immigration and Customs Enforcement (ICE), or by U.S. consular officers, as applicable, who shall ascertain, to their satisfaction, and in their discretion, that the particular applicant meets the criteria set forth above.

This exercise of authority may be revoked as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with section 212(d)(3)(B)(ii) of the INA, 8 U.S.C. 1182(d)(3)(B)(ii), a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the Department of Homeland Security or by the Department of State, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: June 3, 2008.

Michael Chertoff,

Secretary of Homeland Security.

Condoleezza Rice,

Secretary of State.

[FR Doc. E8-13655 Filed 6-17-08; 8:45 am]

BILLING CODE 9111-07-P

DEPARTMENT OF HOMELAND SECURITY**Office of the Secretary****DEPARTMENT OF STATE****Office of the Secretary****Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act****AGENCY:** Office of the Secretary, DHS; Office of the Secretary, DOS.**ACTION:** Notice of determination.**DATES:** This determination is effective June 3, 2008.**Authority:** 8 U.S.C. 1182(d)(3)(B)(i).

The Secretary of Homeland Security and the Secretary of State, following consultations with the Attorney General, hereby conclude, as a matter of discretion in accordance with our respective authorities under section 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(d)(3)(B)(i), as amended by the Consolidated Appropriations Act, 2008 (CAA), Public Law 110-161, Div. J, section 691(a), 121 Stat. 1844, 2364 (December 26, 2007), as well as the foreign policy and national security interests deemed relevant in these consultations, that section 212(a)(3)(B) of the INA, excluding subclause (i)(II), shall not apply with respect to an alien not otherwise covered by the automatic relief provisions of section 691(b) of the CAA, for any activity or association relating to the Kayan New Land Party (KNLP), provided that there is no reason to believe that the relevant terrorist activities of the alien or the recipients were targeted against noncombatant persons, and further provided that the alien satisfies the relevant agency authority that the alien:

(a) Is seeking a benefit or protection under the INA and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. government representatives and agents, the nature and circumstances of each activity or association falling within the scope of section 212(a)(3)(B) of the INA;

(d) Poses no danger to the safety and security of the United States; and

(e) Is warranted to be exempted from the relevant inadmissibility provision by the totality of the circumstances.

Implementation of this determination will be made by U.S. Citizenship and

Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE), or by U.S. consular officers, as applicable, who shall ascertain, to their satisfaction, and in their discretion, that the particular applicant meets the criteria set forth above.

This exercise of authority may be revoked as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with section 212(d)(3)(B)(ii) of the INA, 8 U.S.C. 1182(d)(3)(B)(ii), a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the Department of Homeland Security or by the Department of State, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: June 3, 2008.

Michael Chertoff,
Secretary of Homeland Security.

Condoleezza Rice,
Secretary of State.

[FR Doc. E8-13666 Filed 6-17-08; 8:45 am]
BILLING CODE 9111-07-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

DEPARTMENT OF STATE

Office of the Secretary

Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act

AGENCY: Office of the Secretary, DHS; Office of the Secretary, DOS.

ACTION: Notice of determination.

DATES: This determination is effective June 3, 2008.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

The Secretary of Homeland Security and the Secretary of State, following consultations with the Attorney General, hereby conclude, as a matter of discretion in accordance with our respective authorities under section 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(d)(3)(B)(i), as amended by the Consolidated Appropriations Act, 2008 (CAA), Public Law 110-161, Div. J, section 691(a), 121 Stat. 1844, 2364 (December 26, 2007), as well as the foreign policy and national security interests deemed relevant in these consultations, that section 212(a)(3)(B) of the INA, excluding subclause (i)(II), shall not apply with respect to an alien not otherwise covered by the automatic relief provisions of section 691(b) of the CAA, for any activity or association relating to the Chin National League for Democracy (CNLD), provided that there is no reason to believe that the relevant terrorist activities of the alien or the recipients were targeted against noncombatant persons, and further provided that the alien satisfies the relevant agency authority that the alien:

(a) Is seeking a benefit or protection under the INA and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. government representatives and agents, the nature and circumstances of each activity or association falling within the scope of section 212(a)(3)(B) of the INA;

(d) Poses no danger to the safety and security of the United States; and

(e) Is warranted to be exempted from the relevant inadmissibility provision by the totality of the circumstances.

Implementation of this determination will be made by U.S. Citizenship and

Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE), or by U.S. consular officers, as applicable, who shall ascertain, to their satisfaction, and in their discretion, that the particular applicant meets the criteria set forth above.

This exercise of authority may be revoked as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with section 212(d)(3)(B)(ii) of the INA, 8 U.S.C. 1182(d)(3)(B)(ii), a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the Department of Homeland Security or by the Department of State, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: June 3, 2008.

Michael Chertoff,
Secretary of Homeland Security.

Condoleezza Rice,
Secretary of State.

[FR Doc. E8-13673 Filed 6-17-08; 8:45 am]
BILLING CODE 9111-07-P

DEPARTMENT OF HOMELAND SECURITY**Office of the Secretary****DEPARTMENT OF STATE****Office of the Secretary****Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act****AGENCY:** Office of the Secretary, DHS; Office of the Secretary, DOS.**ACTION:** Notice of determination.**DATES:** This determination is effective June 3, 2008.**Authority:** 8 U.S.C. 1182(d)(3)(B)(i).

The Secretary of Homeland Security and the Secretary of State, following consultations with the Attorney General, hereby conclude, as a matter of discretion in accordance with our respective authorities under section 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(d)(3)(B)(i), as amended by the Consolidated Appropriations Act, 2008 (CAA), Public Law 110-161, Div. J, section 691(a), 121 Stat. 1844, 2364 (December 26, 2007), as well as the foreign policy and national security interests deemed relevant in these consultations, that section 212(a)(3)(B) of the INA, excluding subclause (i)(II), shall not apply with respect to an alien not otherwise covered by the automatic relief provisions of section 691(b) of the CAA, for any activity or association relating to the Mustangs, provided that there is no reason to believe that the relevant terrorist activities of the alien or the recipients were targeted against noncombatant persons, and further provided that the alien satisfies the relevant agency authority that the alien:

(a) Is seeking a benefit or protection under the INA and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. government representatives and agents, the nature and circumstances of each activity or association falling within the scope of section 212(a)(3)(B) of the INA;

(d) Poses no danger to the safety and security of the United States; and

(e) Is warranted to be exempted from the relevant inadmissibility provision by the totality of the circumstances.

Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in

consultation with U.S. Immigration and Customs Enforcement (ICE), or by U.S. consular officers, as applicable, who shall ascertain, to their satisfaction, and in their discretion, that the particular applicant meets the criteria set forth above.

This exercise of authority may be revoked as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with section 212(d)(3)(B)(ii) of the INA, 8 U.S.C. 1182(d)(3)(B)(ii), a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the Department of Homeland Security or by the Department of State, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: June 3, 2008.

Michael Chertoff,

Secretary of Homeland Security.

Condoleezza Rice,

Secretary of State.

[FR Doc. E8-13642 Filed 6-17-08; 8:45 am]

BILLING CODE 9111-07-P

DEPARTMENT OF HOMELAND SECURITY**Office of the Secretary****DEPARTMENT OF STATE****Office of the Secretary****Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act****AGENCY:** Office of the Secretary, DHS; Office of the Secretary, DOS.**ACTION:** Notice of determination.**DATES:** This determination is effective June 3, 2008.**Authority:** 8 U.S.C. 1182(d)(3)(B)(i).

The Secretary of Homeland Security and the Secretary of State, following consultations with the Attorney General, hereby conclude, as a matter of discretion in accordance with our respective authorities under section 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(d)(3)(B)(i), as amended by the Consolidated Appropriations Act, 2008 (CAA), Public Law 110-161, Div. J, section 691(a), 121 Stat. 1844, 2364 (December 26, 2007), as well as the foreign policy and national security interests deemed relevant in these consultations, that section 212(a)(3)(B) of the INA, excluding subclause (i)(II), shall not apply with respect to an alien not otherwise covered by the automatic relief provisions of section 691(b) of the CAA, for any activity or association relating to appropriate groups affiliated with the Hmong, provided that there is no reason to believe that the relevant terrorist activities of the alien or the recipients were targeted against noncombatant persons, and further provided that the alien satisfies the relevant agency authority that the alien:

(a) Is seeking a benefit or protection under the INA and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. government representatives and agents, the nature and circumstances of each activity or association falling within the scope of section 212(a)(3)(B) of the INA;

(d) Poses no danger to the safety and security of the United States; and

(e) Is warranted to be exempted from the relevant inadmissibility provision by the totality of the circumstances.

Implementation of this determination will be made by U.S. Citizenship and

Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE), or by U.S. consular officers, as applicable, who shall ascertain, to their satisfaction, and in their discretion, that the particular applicant meets the criteria set forth above.

This exercise of authority may be revoked as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with section 212(d)(3)(B)(ii) of the INA, 8 U.S.C. 1182(d)(3)(B)(ii), a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the Department of Homeland Security or by the Department of State, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: June 3, 2008.

Michael Chertoff,
Secretary of Homeland Security.

Condoleezza Rice,
Secretary of State.

[FR Doc. E8-13652 Filed 6-17-08; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG-2008-0170]

Collection of Information Under Review by Office of Management and Budget: OMB Control Numbers: 1625-0004

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB) requesting an extension of their approval for the following collection of information: 1625-0004, United States Coast Guard Academy Application and Supplemental Forms. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Please submit comments on or before July 18, 2008.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG-2008-0170] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT) or to OIRA. To avoid duplication, please submit your comments by only one of the following means:

(1) Electronic submission. (a) To Coast Guard docket at <http://www.regulation.gov>. (b) To OIRA by e-mail to: oira_submission@omb.eop.gov.

(2) Mail or Hand delivery. (a) DMF (M-30), DOT, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001. Hand deliver between the hours of 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329. (b) To OIRA, 725 17th Street, NW., Washington, DC 20503, to the attention of the Desk Officer for the Coast Guard.

(3) Fax. (a) To DMF, 202-493-2251. (b) To OIRA at 202-395-6566. To ensure your comments are received in time, mark the fax to the attention of the Desk Officer for the Coast Guard.

The DMF maintains the public docket for this notice. Comments and material received from the public, as well as documents mentioned in this notice as

being available in the docket, will become part of this docket and will be available for inspection or copying at room W12-140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://www.regulations.gov>.

A copy of the complete ICR is available through this docket on the Internet at <http://www.regulations.gov>. Additionally, copies are available from Commandant (CG-611), U.S. Coast Guard Headquarters, (Attn: Mr. Arthur Requena), 2100 2nd Street SW, Washington, DC 20593-0001. The telephone number is 202-475-3523.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Requena, Office of Information Management, telephone 202-475-3523 or fax 202-475-3929, for questions on these documents. Contact Ms. Renee V. Wright, Program Manager, Docket Operations, 202-366-9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

The Coast Guard invites comments on whether this information collection request should be granted based on it being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of information subject to the collections; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology.

Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. Comments to Coast Guard must contain the docket number of this request, [USCG 2008-0170]. For your comments to OIRA to be considered, it is best if they are received on or before the July 18, 2008.

Public participation and request for comments: We encourage you to respond to this request by submitting comments and related materials. We will post all comments received, without change, to <http://www.regulations.gov>. They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the paragraph on DOT's "Privacy Act Policy" below.

Submitting comments: If you submit a comment, please include the docket number [USCG-2008-0170], indicate the specific section of the document to

- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

FOR FURTHER INFORMATION CONTACT: Steve Yonkers, Privacy Officer, US-VISIT Program, Department of Homeland Security, Washington, DC 20528; telephone 202-298-5200 (this is not a toll free number).

Analysis

Agency: Department of Homeland Security, US-VISIT Program.

Title: US-VISIT Program.

OMB Number: 1600-0006.

Frequency: One-time collection.

Affected Public: Foreign visitors into the U.S.

Number of Respondents: 156,732,442.

Estimated Time per Respondent: 15 seconds.

Total Burden Hours: 658,276 hours.

Total Burden Cost (capital/startup): \$0.00.

Total Burden Cost (operating/maintaining): \$0.00.

Description: The United States Visitor and Immigrant Status Indicator Technology (US-VISIT) is a program established by the Department of Homeland Security (DHS) to meet specific legislative mandates intended to strengthen border security, address critical needs in terms of providing decision makers with critical information, and demonstrate progress toward performance goals for national security, facilitation of trade and travel, and supporting immigration system improvements. US-VISIT represents a major achievement in creating an integrated border screening system that enhances our nation's security and efforts to reform our immigration and border management systems. Through US-VISIT, DHS is increasing our ability to manage the information collected about foreign visitors during the pre-entry, entry, status management, and departure processes, which allows us to conduct better analysis of that information, thereby strengthening the integrity of our immigration system.

William Morgan, Jr.,

Deputy Chief Information Officer, US-VISIT Program.

[FR Doc. 07-1065 Filed 3-2-07; 2:04 pm]

BILLING CODE 4410-10-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act

AGENCY: Office of the Secretary, DHS.

ACTION: Notice of determination.

DATES: This determination is effective February 20, 2007.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

Following consultations with the Secretary of State and the Attorney General, I hereby conclude, as a matter of discretion in accordance with the authority granted to me by Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act ("the Act"), considering the national security and foreign policy interests deemed relevant in these consultations, that subsection 212(a)(3)(B)(iv)(VI) of the Act shall not apply with respect to material support provided to the Alzados by an alien who satisfies the agency that he:

(a) Is seeking a benefit or protection under the Act and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. Government representatives and agents, the nature and circumstances of each provision of such material support; and

(d) Poses no danger to the safety and security of the United States. Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE). USCIS has discretion to determine whether the criteria are met.

I may revoke this exercise of authority as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. Government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally

enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with Sec.

212(d)(3)(B)(ii) of the Act, a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the U.S. Department of Homeland Security, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: February 20, 2007.

Michael Chertoff,

Secretary of Homeland Security.

[FR Doc. E7-3905 Filed 3-5-07; 8:45 am]

BILLING CODE 4410-10-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act

AGENCY: Office of the Secretary, DHS.

ACTION: Notice of determination.

DATES: This determination is effective February 20, 2007.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

Following consultations with the Secretary of State and the Attorney General, I hereby conclude, as a matter of discretion in accordance with the authority granted to me by Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act ("the Act"), considering the national security and foreign policy interests deemed relevant in these consultations, that subsection 212(a)(3)(B)(iv)(VI) of the Act shall not apply with respect to material support provided to the Kayan New Land Party (KNLP) by an alien who satisfies the agency that he:

(a) Is seeking a benefit or protection under the Act and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. Government representatives and agents,

the nature and circumstances of each provision of such material support; and (d) Poses no danger to the safety and security of the United States.

Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE). USCIS has discretion to determine whether the criteria are met.

I may revoke this exercise of authority as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. Government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with Sec. 212(d)(3)(B)(ii) of the Act, a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the U.S. Department of Homeland Security, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: February 20, 2007.

Michael Chertoff,

Secretary of Homeland Security.

[FR Doc. E7-3906 Filed 3-5-07; 8:45 am]

BILLING CODE 4410-10-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act

AGENCY: Office of the Secretary, DHS.

ACTION: Notice of determination.

DATES: This determination is effective February 20, 2007.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

Following consultations with the Secretary of State and the Attorney General, I hereby conclude, as a matter of discretion in accordance with the authority granted to me by Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act ("the Act"), considering the national security and foreign policy interests deemed relevant in these consultations, that subsection 212(a)(3)(B)(iv)(VI) of the Act shall not apply with respect to material support provided to the Karenni National Progressive Party (KNPP) by an alien who satisfies the agency that he:

(a) Is seeking a benefit or protection under the Act and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. Government representatives and agents, the nature and circumstances of each provision of such material support; and (d) Poses no danger to the safety and security of the United States.

Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE). USCIS has discretion to determine whether the criteria are met.

I may revoke this exercise of authority as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. Government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with Sec. 212(d)(3)(B)(ii) of the Act, a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the U.S. Department of Homeland Security, shall be provided to the specified

congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: February 20, 2007.

Michael Chertoff,

Secretary of Homeland Security.

[FR Doc. E7-3907 Filed 3-5-07; 8:45 am]

BILLING CODE 4410-10-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act

AGENCY: Office of the Secretary, DHS.

ACTION: Notice of determination.

DATES: This determination is effective February 20, 2007.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

Following consultations with the Secretary of State and the Attorney General, I hereby conclude, as a matter of discretion in accordance with the authority granted to me by Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act ("the Act"), considering the national security and foreign policy interests deemed relevant in these consultations, that subsection 212(a)(3)(B)(iv)(VI) of the Act shall not apply with respect to material support provided to the Karen National Union/ Karen National Liberation Army (KNU/KNLA) by an alien who satisfies the agency that he:

(a) Is seeking a benefit or protection under the Act and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. Government representatives and agents, the nature and circumstances of each provision of such material support; and (d) Poses no danger to the safety and security of the United States.

Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE). USCIS has discretion to determine whether the criteria are met.

I may revoke this exercise of authority as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. Government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with Sec. 212(d)(3)(B)(ii) of the Act, a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the U.S. Department of Homeland Security, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: February 20, 2007.

Michael Chertoff,

Secretary of Homeland Security.

[FR Doc. E7-3909 Filed 3-5-07; 8:45 am]

BILLING CODE 4410-10-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act

AGENCY: Office of the Secretary, DHS.

ACTION: Notice of determination.

DATES: This determination is effective February 20, 2007.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

Following consultations with the Secretary of State and the Attorney General, I hereby conclude, as a matter of discretion in accordance with the authority granted to me by Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act ("the Act"), considering

the national security and foreign policy interests deemed relevant in these consultations, that subsection 212(a)(3)(B)(iv)(VI) of the Act shall not apply with respect to material support provided to the Mustangs by an alien who satisfies the agency that he:

(a) Is seeking a benefit or protection under the Act and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. Government representatives and agents, the nature and circumstances of each provision of such material support; and

(d) Poses no danger to the safety and security of the United States.

Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE). USCIS has discretion to determine whether the criteria are met.

I may revoke this exercise of authority as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. Government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with Sec. 212(d)(3)(B)(ii) of the Act, a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the U.S. Department of Homeland Security, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: February 20, 2007.

Michael Chertoff,

Secretary of Homeland Security.

[FR Doc. E7-3910 Filed 3-5-07; 8:45 am]

BILLING CODE 4410-10-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act

AGENCY: Office of the Secretary, DHS.

ACTION: Notice of determination.

DATES: This determination is effective February 20, 2007.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

Following consultations with the Secretary of State and the Attorney General, I hereby conclude, as a matter of discretion in accordance with the authority granted to me by Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act ("the Act"), considering the national security and foreign policy interests deemed relevant in these consultations, that subsection 212(a)(3)(B)(iv)(VI) of the Act shall not apply with respect to material support provided to the Arakan Liberation Party (ALP) by an alien who satisfies the agency that he:

(a) Is seeking a benefit or protection under the Act and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. Government representatives and agents, the nature and circumstances of each provision of such material support; and

(d) Poses no danger to the safety and security of the United States.

Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE). USCIS has discretion to determine whether the criteria are met.

I may revoke this exercise of authority as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the

ability of the U.S. Government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with Sec. 212(d)(3)(B)(ii) of the Act, a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the U.S. Department of Homeland Security, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: February 20, 2007.

Michael Chertoff,

Secretary of Homeland Security.

[FR Doc. E7-3911 Filed 3-5-07; 8:45 am]

BILLING CODE 4410-10-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act

AGENCY: Office of the Secretary, DHS.

ACTION: Notice of determination.

DATES: This determination is effective February 20, 2007.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

Following consultations with the Secretary of State and the Attorney General, I hereby conclude, as a matter of discretion in accordance with the authority granted to me by Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act ("the Act"), considering the national security and foreign policy interests deemed relevant in these consultations, that subsection 212(a)(3)(B)(iv)(VI) of the Act shall not apply with respect to material support provided to the Chin National Front/Chin National Army (CNF/CNA) by an alien who satisfies the agency that he:

(a) Is seeking a benefit or protection under the Act and has been determined

to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. Government representatives and agents, the nature and circumstances of each provision of such material support; and

(d) Poses no danger to the safety and security of the United States.

Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE). USCIS has discretion to determine whether the criteria are met.

I may revoke this exercise of authority as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. Government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with Sec. 212(d)(3)(B)(ii) of the Act, a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the U.S. Department of Homeland Security, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: February 20, 2007.

Michael Chertoff,

Secretary of Homeland Security.

[FR Doc. E7-3912 Filed 3-5-07; 8:45 am]

BILLING CODE 4410-10-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act

AGENCY: Office of the Secretary, DHS.

ACTION: Notice of determination.

DATES: This determination is effective February 20, 2007.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

Following consultations with the Secretary of State and the Attorney General, I hereby conclude, as a matter of discretion in accordance with the authority granted to me by Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act ("the Act"), considering the national security and foreign policy interests deemed relevant in these consultations, that subsection 212(a)(3)(B)(iv)(VI) of the Act shall not apply with respect to material support provided to the Chin National League for Democracy (CNLD) by an alien who satisfies the agency that he:

(a) Is seeking a benefit or protection under the Act and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. Government representatives and agents, the nature and circumstances of each provision of such material support; and

(d) Poses no danger to the safety and security of the United States. Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE). USCIS has discretion to determine whether the criteria are met.

I may revoke this exercise of authority as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. Government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or

procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with Sec. 212(d)(3)(B)(ii) of the Act, a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the U.S. Department of Homeland Security, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: February 20, 2007.

Michael Chertoff,
Secretary of Homeland Security.
[FR Doc. E7-3913 Filed 3-5-07; 8:45 am]
BILLING CODE 4410-10-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act

AGENCY: Office of the Secretary, DHS.

ACTION: Notice of determination.

DATES: This determination is effective February 26, 2007.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

Following consultations with the Secretary of State and the Attorney General, I hereby conclude, as a matter of discretion in accordance with the authority granted to me by Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act ("the Act"), considering the national security and foreign policy interests deemed relevant in these consultations, that subsection 212(a)(3)(B)(iv)(VI) of the Act shall not apply with respect to material support provided under duress to a terrorist organization as described in subsection 212(a)(3)(B)(vi)(III) if warranted by the totality of the circumstances.

This exercise of authority as a matter of discretion shall apply to an alien who satisfies the agency that he:

(a) Is seeking a benefit or protection under the Act and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. Government representatives and agents, the nature and circumstances of each provision of such material support; and

(d) Poses no danger to the safety and security of the United States.

Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE). USCIS has discretion to determine whether the criteria are met.

When determining whether the material support was provided under duress, the following factors, among others, may be considered: whether the applicant reasonably could have avoided, or took steps to avoid, providing material support, the severity and type of harm inflicted or threatened, to whom the harm was directed, and, in cases of threats alone, the perceived imminence of the harm threatened and the perceived likelihood that the harm would be inflicted.

When considering the totality of the circumstances, factors to be considered, in addition to the duress-related factors stated above, may include, among others: the amount, type and frequency of material support provided, the nature of the activities committed by the terrorist organization, the alien's awareness of those activities, the length of time since material support was provided, the alien's conduct since that time, and any other relevant factor.

I may revoke this exercise of authority as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless it has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. Government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person. This exercise of authority does not affect the continued applicability of any other security-related ground of inadmissibility in section 212 of the Act, including subsections 212(a)(3)(B)(iv)(I) through (V), which continue to render

inadmissible those who have engaged in terrorist activity as enumerated by those subsections.

In accordance with Sec. 212(d)(3)(B)(ii) of the Act, a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the U.S. Department of Homeland Security shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular aliens described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: February 26, 2007.

Michael Chertoff,
Secretary of Homeland Security.
[FR Doc. E7-3914 Filed 3-5-07; 8:45 am]
BILLING CODE 4410-10-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[DHS-2007-0008]

Data Privacy and Integrity Advisory Committee

AGENCY: Office of the Secretary, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Data Privacy and Integrity Advisory Committee will meet on March 21, 2007 in Washington, DC. This meeting will be open to the public.

DATES: The Data Privacy and Integrity Advisory Committee will meet on Wednesday, March 21, 2007 from 9 a.m. to 12:30 p.m. and 2:15 p.m. to 3:30 p.m. Please note that the meeting may close early if the committee has completed its business.

ADDRESSES: The meeting will be held at the Crowne Plaza Washington National Airport, 1480 Crystal Drive, Arlington, Virginia. Send written material, comments, and requests to make oral presentations to Rebecca J. Richards, Executive Director, Data Privacy and Integrity Advisory Committee, Department of Homeland Security, Washington, DC 20528. Written materials, comments, and requests to make oral presentations at the meeting should reach the contact person listed by March 16, 2007. Requests to have a copy of your material distributed to each member of the committee prior to