

## DEPARTMENT OF HOMELAND SECURITY

### Office of Operations Coordination; Homeland Security Information Network Advisory Council

**AGENCY:** Office of Operations Coordination, DHS.

**ACTION:** Committee Management; Request for Applicants for Appointment to the Homeland Security Information Network Advisory Council.

**SUMMARY:** The Office of Operations Coordination at the Department of Homeland Security is requesting individuals who are interested in serving on the Homeland Security Information Network Advisory Council (HSINAC) to apply for appointment. The HSINAC provides advice and makes recommendations to the leadership of the Department of Homeland Security, particularly the Director, Office of Operations Coordination, on the requirements of end users within State, Local, Federal and Tribal governments and the Private Sector regarding the Homeland Security Information Network (HSIN).

**DATES:** Applications for membership should reach the Department of Homeland Security at the address below on or before June 22, 2007.

**ADDRESSES:** If you wish to apply for membership, your application should be submitted by:

- E-mail: [hsinac.comments@dhs.gov](mailto:hsinac.comments@dhs.gov).
- Fax: 202-282-8191.

**FOR FURTHER INFORMATION CONTACT:** David Castillo, 202-282-9580.

**SUPPLEMENTARY INFORMATION:** The Homeland Security Information Network Advisory Committee is an advisory committee established in accordance with the provisions of the Federal Advisory Committee Act (FACA) 5 U.S.C. App. (Pub. L. 92-463).

HSINAC membership shall include not more than 20 representatives from State, Tribal and Local governments and the Private Sector, who are outstanding within their specialty field, and who have the experience to ensure the Director, and DHS leadership, is informed of the needs and requirements of the information network users and communities of users. Members will be drawn from currently serving Homeland Security Advisors; State, Tribal, or Local Law Enforcement; Federal Law Enforcement; the Fire Service; Public Health; Emergency Managers; and, the Private Sector.

The committee will convene no more than twice per year. Travel and per diem will be provided by the

Department. Term length shall generally be 3 years. The initial members of the HSINAC shall be appointed to terms of office of 2, 3, and 4 years in order to promote continuity and an orderly turnover of committee membership.

A security clearance is preferred, but is not a requirement for appointment to the committee. Those applicants who do not have a security clearance may be required to undergo a background investigation.

HSINAC members will be appointed as Special Government Employees (SGEs) as such term is defined for purposes of 18 U.S.C. 202(a). Appointments will be made by the Department of Homeland Security Secretary who will receive recommendations from the Office of Operations Coordination Director.

As candidates for appointment as SGEs, applicants are required to complete Confidential Financial Disclosure Reports (OGE Form 450). DHS may not release the reports or the information in them to the public except under an order issued by a Federal court or as otherwise provided under the Privacy Act (5 U.S.C. 552a). Applicants can obtain this form by going to the Web site of the Office of Government Ethics (<http://www.oge.gov>), or by contacting David Castillo at the number listed above. Applications which are not accompanied by a completed OGE Form 450 will not be considered.

In support of the policy of the Department of Homeland Security on gender and ethnic diversity, qualified women and minorities are encouraged to apply for membership.

Dated: April 30, 2007.

**Roger Rufe, Jr.,**

*Director, Office of Operations Coordination,  
U.S. Department of Homeland Security.*

[FR Doc. E7-8739 Filed 5-7-07; 8:45 am]

**BILLING CODE 4410-10-P**

## DEPARTMENT OF HOMELAND SECURITY

### 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.

**ACTION:** Notice of determination.

**DATES:** This determination is effective April 27, 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 Section 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)(I) or subsection 212(a)(3)(B)(vi)(II) 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 Section 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: April 27, 2007.

**Michael Chertoff,**

*Secretary of Homeland Security.*

[FR Doc. E7-8751 Filed 5-7-07; 8:45 am]

BILLING CODE 4410-10-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[USCG-2007-27857]

#### Recreational Boating Safety Projects, Programs and Activities Funded Under Provisions of the Transportation Equity Act for the 21st Century; Accounting of

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice.

**SUMMARY:** For seven fiscal years starting in 1999, the Transportation Equity Act for the 21st Century has made \$5 million available to the Secretary of Homeland Security for payment of Coast

Guard expenses for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program. In 2005, the law was amended and the amount was increased to \$5.5 million. This notice is being published to satisfy a requirement of the Act that a detailed accounting of the projects, programs, and activities funded under the national recreational boating safety program provision of the Act be published annually in the **Federal Register**. In this notice we have specified the amount of monies the Coast Guard has committed, obligated or expended during fiscal year 2006, as of September 30, 2006.

**FOR FURTHER INFORMATION CONTACT:** Jeff Ludwig, Regulations Development Manager, telephone 202-372-1062, fax 202-372-1932.

**Background and Purpose:** The Transportation Equity Act for the 21st Century became law on June 9, 1998 (Pub. L. 105-178; 112 Stat. 107). The Act required that of the \$5 million made available to carry out the national recreational boating safety program each year, \$2 million shall be available only to ensure compliance with Chapter 43 of Title 46, U.S. Code—Recreational Vessels. On September 29, 2005, the Sportfishing and Recreational Boating Safety Amendments Act of 2005 was enacted (Pub. L. 109-74; 119 Stat. 2030). This Act increased the funds available to the national recreational boating safety program from \$5 million to \$5.5 million annually, and stated that “not less than” \$2 million shall be available only to ensure compliance with Chapter 43 of Title 46, U.S. Code—Recreational Vessels.

The responsibility to administer these funds was delegated to the Commandant of the United States Coast Guard. Subsection (c) of section 7405 of the Act directs that no funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized; namely, for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program. Amounts made available each fiscal year from 1999 through 2006 shall remain available until expended.

Use of these funds requires compliance with standard Federal contracting rules with associated lead and processing times resulting in a lag time between available funds and spending. The total amount of funding, transferred to the Coast Guard from the

Sport Fish Restoration and Boating Trust Fund, committed, obligated, and/or expended during fiscal year 2006 for each activity is shown below.

**Factory Visit Program:** Funding was provided to continue the national recreational boat factory visit program, initiated in January 2001. The factory visit program currently allows contractor personnel, acting on behalf of the Coast Guard, to visit 2,000 recreational boat manufacturers each year to inspect for compliance with federal regulations, communicate with the manufacturers as to why they need to comply with federal regulations, and educate them, as necessary, on how to comply with federal regulations. (\$2,105,905)

**Boat Compliance Testing:** Funding was provided for expansion of the boat compliance testing program whereby new manually propelled and outboard recreational boats are purchased in the open market and tested for compliance with the Federal flotation standards. The expanded program includes inboard/sterndrive boats and used boats. (\$100,000)

**Associated Equipment Compliance Testing:** A contract was awarded to buy recreational boat “associated equipment” (e.g., starters, alternators, fuel pumps, and bilge pumps) and test this equipment for compliance with federal safety regulations. This new initiative complements the boat compliance testing program. (\$150,000)

**New Recreational Boating Safety Associated Travel:** Travel by employees of the Office of Boating Safety was performed to carry out additional recreational boating safety actions and to gather background and planning information for new recreational boating safety initiatives. (\$17,457)

**Carbon Monoxide Research:** Under a Memorandum of Agreement between the Office of Boating Safety and the Department of Health and Human Services, U.S. Public Health Service, Federal Occupational Health Program, funding was provided to continue investigation into identifying and classifying additional recreational boating carbon monoxide hazards. (\$150,000)

**Boating Accident News Clipping Service:** A contract was awarded to gather daily news stories of recreational boating accidents nationally for more real time accident information and to identify accidents that may involve regulatory non-compliances or safety defects. (\$37,896)

**Accident Investigation Tiger Team:** A contract was awarded to provide on-call expert accident investigative services for any boating accident that appeared to