

decisions by the U.S. Department of Homeland Security or by the U.S. 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: January 7, 2011.

**Janet Napolitano,**

*Secretary of Homeland Security.*

[FR Doc. 2011-6121 Filed 3-15-11; 8:45 am]

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## 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.

**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 (INA), 8 U.S.C. 1182(d)(3)(B)(i), as amended, as well as the foreign policy and national security interests deemed relevant in these consultations, that subsections 212(a)(3)(B)(iv)(IV) and 212(a)(3)(B)(iv)(V) of the INA, 8 U.S.C. 1182(a)(3)(B)(iv)(IV) and 1182(a)(3)(B)(iv)(V), shall not apply, with respect to an alien, for solicitation of funds or other things of value for a terrorist organization described in subsection 212(a)(3)(B)(vi), 8 U.S.C. 1182(a)(3)(B)(vi), under duress, or for solicitation of any individual for membership in a terrorist organization described in subsection 212(a)(3)(B)(vi), 8 U.S.C. 1182(a)(3)(B)(vi), under duress, 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 all relevant background and security checks;

(c) Has fully disclosed, to the best of his or her knowledge, in all relevant

applications and interviews with U.S. government representatives and agents, the nature and circumstances of each instance of solicitation and any other activity or association falling within the scope of section 212(a)(3)(B) of the INA, 8 U.S.C. 1182(a)(3)(B);

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

(e) Warrants an exemption from the relevant inadmissibility provision in 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 each of the criteria set forth above.

When determining whether the solicitation was provided under duress, the following factors, among others, may be considered: Whether the applicant reasonably could have avoided, or took steps to avoid, soliciting; the severity and type of harm inflicted or threatened and to whom the harm was directed; and 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 solicitation provided; the nature of the activities committed by the terrorist organization; the alien's awareness of those activities; the length of time since the solicitation was provided; the alien's conduct since that time; and any other relevant factor.

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 can inform but shall not control a decision regarding any subsequent benefit or protection applications, 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 creates no 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 U.S. Department of Homeland Security or by the U.S. 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: January 7, 2011.

**Janet Napolitano,**

*Secretary of Homeland Security.*

[FR Doc. 2011-6122 Filed 3-15-11; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

#### Agency Information Collection

#### Activities: Form I-212; Extension of an Existing Information Collection; Comment Request

**ACTION:** 60-Day Notice of Information Collection Under Review; Form I-212, Application for Permission to Reapply for Admission into the United States after Deportation or Removal; OMB Control No. 1615-0018.

The Department Homeland Security, U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. This information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until May 16, 2011.

During this 60 day period, USCIS will be evaluating whether to revise the Form I-212. Should USCIS decide to revise Form I-212 we will advise the public when we publish the 30-day notice in the **Federal Register** in accordance with the Paperwork Reduction Act. The public will then have 30 days to comment on any revisions to the Form I-212.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated

response time, should be directed to the Department of Homeland Security (DHS), USCIS, Chief, Regulatory Products Division, Office of the Executive Secretariat, Clearance Officer, 20 Massachusetts Avenue NW., Room 5012, Washington, DC 20529-2020. Comments may also be submitted to DHS via facsimile to 202-272-0997 or via e-mail at [rfs.regs@dhs.gov](mailto:rfs.regs@dhs.gov). When submitting comments by e-mail, please make sure to add OMB Control No. 1615-0018 in the subject box.

**Note:** The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check "My Case Status" online at: <https://egov.uscis.gov/cris/Dashboard.do>, or call the USCIS National Customer Service Center at 1-800-375-5283.

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

#### Overview of This Information Collection

(1) *Type of Information Collection:* Extension of an existing information collection.

(2) *Title of the Form/Collection:* Application for Permission to Reapply for Admission into the United States after Deportation or Removal.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I-212; U.S. Citizenship and Immigration Services (USCIS).

(4) *Affected public who will be asked or required to respond, as well as a brief*

*abstract: Primary:* Individuals or households. The information provided on Form I-212 is used by USCIS to adjudicate applications filed by aliens requesting consent to reapply for admission to the United States after deportation, removal or departure, as provided under section 212 of the Immigration and Nationality Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 3,272 responses at 2 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 6,544 annual burden hours.

If you need a copy of the information collection instrument, please visit the Web site at: <http://www.regulations.gov/>.

We may also be contacted at: USCIS, Regulatory Products Division, Office of the Executive Secretariat, 20 Massachusetts Avenue, NW., Room 5012, Washington, DC 20529-2020, Telephone number 202-272-8377.

Dated: March 10, 2011.

**Sunday Aigbe,**

Chief, Regulatory Products Division, Office of the Executive Secretariat, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2011-6143 Filed 3-15-11; 8:45 am]

**BILLING CODE 9111-97-P**

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5480-N-23]

#### Notice of Submission of Proposed Information Collection to OMB; Emergency Comment Request; Federal Housing Administration (FHA): Home Energy Retrofit Loan Pilot Program; Notice of Proposed Information Collection for Public Comment

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice of proposed information collection.

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

**DATES:** *Comments Due Date:* March 30, 2011.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments must be received within seven (14) days from

the date of this Notice. Comments should refer to the proposal by name/or OMB approval number) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; e-mail:

[Ross.A.Rutledge@omb.eop.gov](mailto:Ross.A.Rutledge@omb.eop.gov); fax: 202-395-3086.

**FOR FURTHER INFORMATION CONTACT:** Reports Management Officer, QDAM, Department of Housing and Urban Development, 4517th Street, SW., Washington, DC 20410; e-mail [Colette.Pollard@HUD.gov](mailto:Colette.Pollard@HUD.gov); telephone (202) 708-2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from the Reports Management Officer.

**SUPPLEMENTARY INFORMATION:** This Notice informs the public that the U.S. Department of Housing and Urban Development (HUD) has submitted to OMB, for emergency processing, an information collection package with respect to implementing an FHA Energy Efficient Mortgage Innovation pilot program targeted to the single family housing market. The Consolidated Appropriations Act, 2010 (Pub. L. 111-117, approved December 16, 2009, 123 Stat. 3034) (2010 Appropriations Act), which appropriated fiscal year 2010 funds for HUD, among other agencies, appropriated \$50 million for an Energy Innovation Fund to enable HUD to catalyze innovations in the residential energy efficiency sector that have the promise of replicability and help create a standardized home energy efficient retrofit market. Of the \$50 million appropriated for the Energy Innovation Fund, the 2010 Appropriations Act stated that "\$25,000,000 shall be for the Energy Efficient Mortgage Innovation pilot program directed at the single family housing market." (See Pub. L. 111-117, at 123 Stat. 3089). The FHA Home Energy Retrofit Loan Pilot Program (Retrofit Pilot Program) is designed by HUD to meet this statutory directive and provides funding to support that effort. Under the Retrofit Pilot Program, HUD, through FHA-approved lenders, will insure loans for homeowners who are seeking to make energy improvements to their homes.

Lender participation in the Retrofit Pilot Program is voluntary. To facilitate HUD's monitoring of lender use of incentive payments funds, lenders will be required to enter into a pilot program agreement with HUD, to report to HUD on their use of incentive payments funds.

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