

using any facility or system which the association operates or controls;" Section 15A(b)(6) of the Act, which requires, in part, that the rules of an association are "not designed to permit unfair discrimination between customers, issuers, brokers, or dealers;" and Section 15A(b)(9) of the Act, which requires, in part, that the rules of an association "not impose any burden on competition not necessary or appropriate in furtherance of the purposes of this title." Regardless of whether a fee proposed by FINRA is effective upon filing with the Commission, the Commission assesses whether or not the fee proposal is consistent with the Act.<sup>172</sup> If the Commission determines that a fee filing merits further review, which may be informed by the required notice and comment process, the Commission may temporarily suspend it and issue an order instituting proceedings to determine whether to approve or disapprove the proposal.<sup>173</sup>

The Commission further disagrees that it cannot adequately assess the proposal's consistency with the Act and its economic effects without knowing the fees that FINRA will charge for the proposed reference data service. As discussed above, the proposal is intended to provide accurate, complete, and timely access to basic information regarding newly issued corporate bonds and FINRA has stated that the proposal was modeled as a regulatory utility. The Commission's consideration of the proposal, including the burden on underwriters, the proposal's impact on competition among market participants, including other data vendors, and its impact on efficiency and capital formation, is based upon the understanding that the fees assessed will be consistent with these representations. And, based on that understanding, the Commission finds that the proposal is consistent with the Act. The Commission will also evaluate

<sup>172</sup> Furthermore, in contrast to one commenter's assertion, FINRA has the burden of demonstrating that a proposed fee is consistent with the Act and the rules and regulations thereunder, regardless of whether the proposed fee is effective upon filing with the Commission. See Securities and Exchange Commission Rules of Practice, Rule 700 (b)(3) (17 CFR 201.700(b)(3)). See also *supra* note 87.

<sup>173</sup> See Section 19(b)(3)(C) of the Act, authorizing the Commission at any time within 60 days of the date of filing of a proposed rule change pursuant to Section 19(b)(1) of the Act, to summarily temporarily suspend the change in the rules of an SRO if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act, and Section 19(b)(2)(B) of the Act, setting forth a notice and hearing procedure for an order instituting proceedings.

FINRA's eventual fee application based on this understanding.

Finally, while the Commission outlined various concerns relating to effective-upon-filing fee changes for NMS plans under Rule 608(b) in the Proposed Regulation NMS Fee Amendment, we do not believe those concerns call into question our approach here. Fee filings in this context would, of course, be governed by Section 19 of the Act rather than Rule 608. More importantly, as stated above, the Commission assesses whether or not any fee proposal filed under Section 19 of the Act is consistent with the Act. If the Commission determines that a fee filing merits further review, which may be informed by the required notice and comment process, the Commission may temporarily suspend it and issue an order instituting proceedings to determine whether to approve or disapprove the proposal. And, again, the Commission will make that assessment in the context of FINRA's assertion that the new database was modeled as a regulatory utility.

#### V. Conclusion

The Commission has carefully considered the proposal, as modified by Amendment No. 2, the comment letters received, and FINRA's Response Letter, and, for the reasons discussed throughout, finds that the proposal is consistent with Sections 15A(b)(6) and 15A(b)(9) of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,<sup>174</sup> that the proposed rule change (SR-FINRA-2019-008), as modified by Amendment No. 2 thereto, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>175</sup>

**Jill M. Peterson,**

*Assistant Secretary.*

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## DEPARTMENT OF STATE

[Public Notice 10971]

### 30-Day Notice of Proposed Information Collection: Application To Determine Returning Resident Status

**ACTION:** Notice of request for public comment.

**SUMMARY:** The Department of State (Department) is seeking Office of

<sup>174</sup> 15 U.S.C. 78s(b)(2).

<sup>175</sup> 17 CFR 200.30-3(a)(12).

Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 30 days for public comment.

**DATES:** Submit comments directly to the Office of Management and Budget (OMB) January 9, 2020.

**ADDRESSES:** Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email:* [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov). You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202-395-5806. Attention: Desk Officer for Department of State.

**FOR FURTHER INFORMATION CONTACT:** Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Taylor Beaumont, who may be reached at (202) 485-7586 or [PRA\\_BurdenComments@state.gov](mailto:PRA_BurdenComments@state.gov).

#### SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Application to Determine Returning Resident Status.
  - *OMB Control Number:* 1405-0091.
  - *Type of Request:* Extension of a Currently Approved Collection.
  - *Originating Office:* CA/VO/L/R.
  - *Form Number:* DS-117.
  - *Respondents:* Immigrant Visa Petitioners.
  - *Estimated Number of Respondents:* 4,400.
  - *Estimated Number of Responses:* 4,400.
  - *Average Time per Response:* 30 Minutes.
  - *Total Estimated Burden Time:* 2,200 Hours.
  - *Frequency:* Once.
  - *Obligation to Respond:* Required to Obtain or Retain a Benefit.
- We are soliciting public comments to permit the Department to:
- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
  - Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
  - Enhance the quality, utility, and clarity of the information to be collected.

- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

#### Abstract of Proposed Collection

Under Section 101(a)(27)(A) of the Immigration and Nationality Act (“INA”), 8 U.S.C. 1101, a special immigrant is defined as an immigrant, lawfully admitted for permanent residence, who is returning from a temporary visit abroad. INA § 203(b)(4) generally authorizes issuance of an immigrant visa to such “special immigrants” as defined in INA § 101(a)(27). Department of State regulations at 22 CFR 42.22 provide that such applicants may be issued a returning resident special immigrant visa if he or she remained out of the United States for a protracted period due to reasons outside of his or her control for which he or she was not responsible. 22 CFR 42.22. The DS–117 is used, in addition to a personal interview, to collect information necessary to determine a returning resident’s eligibility for a special immigrant visa.

#### Methodology

Applicants will submit the DS–117 electronically via email, or print the form and submit it at the time of their interview at a U.S. embassy or consulate.

**Edward J. Ramotowski,**

*Deputy Assistant Secretary.*

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## DEPARTMENT OF STATE

[Public Notice: 10970]

### Request for Information for the 2020 Trafficking in Persons Report

**ACTION:** Notice; request for information.

**SUMMARY:** The Department of State (“the Department”) requests written information to assist in reporting on the degree to which the United States and foreign governments meet the minimum standards for the elimination of trafficking in persons (“minimum standards”) that are prescribed by the Trafficking Victims Protection Act of

2000, as amended (“TVPA”). This information will assist in the preparation of the Trafficking in Persons Report (“TIP Report”) that the Department submits annually to the U.S. Congress on governments’ concrete actions to meet the minimum standards. Foreign governments that do not meet the minimum standards and are not making significant efforts to do so may be subject to restrictions on nonhumanitarian, nontrade-related foreign assistance from the United States, as defined by the TVPA. Submissions must be made in writing to the Office to Monitor and Combat Trafficking in Persons at the Department of State by January 15, 2020. Please refer to the *Addresses*, *Scope of Interest*, and *Information Sought* sections of this Notice for additional instructions on submission requirements.

**DATES:** Submissions must be received by 5 p.m. on January 15, 2020.

**ADDRESSES:** Written submissions and supporting documentation may be submitted by the following methods:

- *Email (preferred):* [tipreport@state.gov](mailto:tipreport@state.gov) for submissions related to foreign governments and [tipreportUS@state.gov](mailto:tipreportUS@state.gov) for submissions related to the United States.

- *Mail, Express Delivery, Hand Delivery and Messenger Service:* U.S. Department of State, Office to Monitor and Combat Trafficking in Persons (J/TIP), 2201 C Street NW, SA–09 Suite NE3054, Washington, DC 20520–0903. Please note that materials submitted by mail may be delayed due to security screenings and processing.

*Scope of Interest:* The Department requests information relevant to assessing the United States’ and foreign governments’ concrete actions to meet the minimum standards for the elimination of trafficking in persons during the reporting period (April 1, 2019–March 31, 2020). The minimum standards are listed in the *Background* section. Submissions must include information relevant to efforts to meet the minimum standards and should include, but need not be limited to, answering the questions in the *Information Sought* section. Submissions need not include answers to all the questions; only those questions for which the submitter has direct professional experience should be answered and that experience should be noted. For any critique or deficiency described, please provide a recommendation to remedy it. Note the country or countries that are the focus of the submission.

Submissions may include written narratives that answer the questions

presented in this Notice, research, studies, statistics, fieldwork, training materials, evaluations, assessments, and other relevant evidence of local, state/provincial, and federal/central government efforts. To the extent possible, precise dates and numbers of officials or citizens affected should be included.

Written narratives providing factual information should provide citations of sources, and copies of and links to the source material should be provided. Please send electronic copies of the entire submission, including source material. If primary sources are used, such as research studies, interviews, direct observations, or other sources of quantitative or qualitative data, provide details on the research or data-gathering methodology and any supporting documentation. The Department does not include in the TIP Report, and is therefore not seeking, information on prostitution, migrant smuggling, visa fraud, or child abuse, unless such crimes also involve the elements of sex or labor trafficking.

*Confidentiality:* Please provide the name, phone number, and email address of a single point of contact for any submission. It is Department practice not to identify in the TIP Report information concerning sources to safeguard those sources. Please note, however, that any information submitted to the Department may be releasable pursuant to the provisions of the Freedom of Information Act or other applicable law. Submissions related to the United States will be shared with U.S. government agencies, as will submissions relevant to efforts by other U.S. government agencies.

*Response:* This is a request for information only; there will be no response to submissions.

#### SUPPLEMENTARY INFORMATION:

##### 1. Background

*The TIP Report:* The TIP Report is the most comprehensive worldwide report on governments’ efforts to combat trafficking in persons. It represents an annually updated, global look at the nature and scope of trafficking in persons and the broad range of government actions to confront and eliminate it. The U.S. government uses the TIP Report to engage in diplomacy, to encourage partnership in creating and implementing laws and policies to combat trafficking, and to target resources on prevention, protection, and prosecution programs. Worldwide, the TIP Report is used by international organizations, foreign governments, and nongovernmental organizations as a tool to examine where resources are most