

or Sub-Adviser seeks to add an instrument to the Fund's then-current portfolio ("Actual Portfolio") without incurring transaction costs associated with the purchase of the instrument for cash. Similarly, if the Adviser or Sub-Adviser decides to sell an instrument from a Fund's Actual Portfolio, the instrument may be included in a Creation Basket with the expectation that the Fund will deliver it in-kind during a redemption transaction.

6. The Funds will use the requested basket flexibility only in circumstances under which Applicants believe there will be no harm to the Funds or their shareholders, and in order to benefit the Funds and their shareholders by reducing costs, increasing efficiency and improving trading.

7. Pursuant to condition 10 herein, each Fund will adopt and implement written policies and procedures regarding the construction of its Creation Baskets in accordance with rule 6c-11 under the Act. For purposes of the requirement to comply with the policies and procedures provision in rule 6c-11, only Creation Baskets that differ from a Fund's Substitute Basket will be treated as a "custom basket" under rule 6c-11(c)(3).

8. Furthermore, pursuant to condition 9 herein, each Fund will comply with the recordkeeping requirements of rule 6c-11.<sup>5</sup> For purposes of the requirement to comply with the recordkeeping provision in rule 6c-11, only Creation Baskets different from a Fund's Substitute Basket will be treated as a "custom basket" under rule 6c-11(d)(2)(ii).

#### *B. Considerations Relating to the Requested Relief*

9. Applicants represent that the ability to utilize a Creation Basket that includes instruments that are not included, or are included with different weightings, in a Fund's Substitute Basket, or are included in different weightings, does not raise any new policy concerns about reverse engineering of a Fund's portfolio, self-dealing or overreaching, or selective disclosure beyond those concerns addressed in connection with the Prior Order.

10. *Reverse Engineering.* Applicants acknowledge that, by using a Creation Basket that includes instruments that are not included in a Fund's Substitute Basket, or are included in different percentages, and by publishing such

Creation Basket on its website, the Fund would provide market participants with additional information about which instruments it adds or removes from the Fund's Actual Portfolio. However, Applicants represent that they will operate the Funds in a manner designed to minimize the risk of reverse engineering and, for the reasons set forth in the application, believe successful front-running or free-riding is highly unlikely.

11. *Self-Dealing or Overreaching.* Applicants state that authorized participants and other market participants will not have the ability to disadvantage the Funds by manipulating or influencing the composition of Creation Baskets, including those that differ from the Substitute Basket. Like the basket and custom basket policies and procedures required of ETFs by rule 6c-11, the Funds will adopt and implement written policies and procedures that govern the construction of Creation Baskets and the process that will be used for the acceptance of Creation Baskets to safeguard the best interests of the Funds and their shareholders.<sup>6</sup>

12. *Selective Disclosure.* The Funds and each person acting on behalf of the Funds will continue to be required to comply with Regulation Fair Disclosure as if it applied to them (except that the exemptions provided in rule 100(b)(2)(iii) therein shall not apply). Applicants believe that the new Creation Basket flexibility being sought by the Applicants does not raise any new concerns about selective disclosure of non-public material information. First, a Fund's use of, or conversations with authorized participants about, Creation Baskets that would result in such disclosure would effectively be limited by the Funds' obligation to comply with Regulation Fair Disclosure. Second, as noted above, each Business Day, before the open of trading on the Exchange where a Fund is listed, the Fund will publish on its website the composition of any basket accepted by the Fund on the previous Business Day that differed from such Business Day's Substitute Basket other than with respect to cash.

#### **III. Requested Exemptive Relief**

For the reasons stated above, Applicants believe that the Prior Order, as amended, continues to meet the

relevant standards for relief pursuant to section 6(c) of the Act for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c-1 under the Act, and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act.

#### **IV. Applicants' Conditions**

Applicants agree that the Amended Order granting the requested relief will be subject to all of the conditions in the Prior Order, except that condition 9 of the Prior Order is deleted in its entirety and replaced with the conditions 9-10 as follows:

9. Each Fund will comply with the recordkeeping requirements of rule 6c-11 under the Act, as amended, except that for purposes of this condition, only Creation Baskets different from the Fund's Substitute Basket will be treated as a "custom basket" under rule 6c-11(d)(2)(ii). In addition, each Fund will maintain and preserve, for a period of not less than five years, in an easily accessible place, (i) a copy of the Substitute Basket published on the Fund's website for each Business Day; and (ii) a copy of each Creation Basket made available.

10. Each Fund will adopt and implement written policies and procedures that govern the construction of Creation Baskets, as required under rule 6c-11(c)(3) under the Act, as amended, except that for purposes of this condition, only Creation Baskets different from the Fund's Substitute Basket will be treated as a "Custom Basket". The Fund's basket policies and procedures will be covered by the Fund's compliance program and other requirements under rule 38a-1 under the Act, as amended.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021-00957 Filed 1-15-21; 8:45 am]

**BILLING CODE 8011-01-P**

#### **SOCIAL SECURITY ADMINISTRATION**

[Docket No. SSA-2016-0039]

#### **Use of Electronic Payroll Data to Improve Program Administration**

**AGENCY:** Social Security Administration.

**ACTION:** Notice and request for comments.

**SUMMARY:** This is advance notification to the public regarding the implementation of an information exchange between the Social Security Administration (SSA)

<sup>5</sup> Pursuant to condition 9, each Fund will also maintain and preserve a copy of the Substitute Basket published on the Fund's website for each Business Day and a copy of each Creation Basket made available.

<sup>6</sup> See Exchange-Traded Funds, Investment Company Act Release No. 33646 (Sept. 25, 2019) ("ETF Adopting Release"), at 80-94 (discussion of rule 6c-11 requirement for ETF policies and procedures concerning basket construction and acceptance and heightened policies and procedures for custom baskets).

and Equifax, a payroll data provider. We expect that the information exchange will enable us to administer Social Security Disability Insurance (SSDI) benefits and Supplemental Security Income (SSI) payments more efficiently, while helping to prevent improper payments.

**DATES:** Comments must be received by February 18, 2021.

**ADDRESSES:** You may submit comments by any one of three methods—internet, fax, or mail. Do not submit the same comments multiple times or by more than one method. No matter which method you choose, please state that your comments refer to Docket No. SSA–2016–0039 so that we may associate your comments with the correct document.

**Caution:** You should be careful to include in your comments only information that you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as Social Security numbers or medical information.

1. *Internet:* We strongly recommend that you submit your comments via the internet. Please visit the Federal eRulemaking portal at <https://www.regulations.gov/>. Use the “Search” function to find docket number SSA–2016–0039. The system will issue you a tracking number to confirm your submission. You will not be able to view your comment immediately because we must post each comment manually. It may take up to a week for your comment to be viewable.

2. *Fax:* Fax comments to (410) 966–2830.

3. *Mail:* Address your comments to the Reports Clearance Director, 3100 West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

Comments are available for public viewing on the Federal eRulemaking portal at [https://www.regulations.gov](https://www.regulations.gov/) or in person, during regular business hours, by arranging with the contact person identified below.

**FOR FURTHER INFORMATION CONTACT:** Betsy Blair, Office of Income Security Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–0041. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our internet site, Social Security Online at <http://www.socialsecurity.gov>.

**SUPPLEMENTARY INFORMATION:**

### Description of Information Exchange

Congress enacted the Bipartisan Budget Act (BBA) of 2015<sup>1</sup> on November 2, 2015. Section 824 of the BBA added section 1184 to the Social Security Act (Act)<sup>2</sup> and authorized us to enter into information exchanges with payroll data providers for the purposes of efficient program administration and prevention of improper SSDI and SSI payments. Section 824 defines information exchanges as the automated comparison of our system(s) of records with records of payroll data providers.<sup>3</sup> Section 824 further defines payroll data providers to include payroll providers, wage verification companies, and other commercial or non-commercial entities that collect and maintain data regarding employment and wages.<sup>4</sup> Although the Act and our rules require individuals to report any changes that could affect SSDI entitlement, SSI eligibility, or benefit amounts, we do not always receive these reports timely. By entering into an information exchange with the payroll data provider Equifax, we will be able to obtain the wage and employment records of Equifax and will therefore be able to receive wage information timely without the need for additional verification from other sources.

We will request authorization<sup>5</sup> from SSDI and SSI claimants, recipients, or deermors, to obtain their wage and employment information from payroll data providers, like Equifax. However, failure to sign the authorization does not lead to ineligibility for benefits. Once the authorization is signed, it will remain in effect until the earliest of the following occurrences: (1) It has been revoked in writing by the individual or their legal guardian; (2) all entitlement to or eligibility for benefits or payments has terminated, there are no other claims or appeals pending, and all periods for appealing any adverse determinations or decisions have lapsed; (3) there has been an adverse determination or decision on the claim, the individual is not otherwise currently entitled to or eligible for payments, there are no other claims or appeals pending and all periods for appealing any adverse determinations or decisions have lapsed; or (4) for SSI deermors, the deeming relationship ends. Authorizing us to obtain information directly from a

payroll data provider like Equifax protects the beneficiary or recipient from a penalty of non-payment or ineligibility under section 1129A of the Act,<sup>6</sup> for any omission or error from wages reported by Equifax. Additionally, we will find good cause and not subject recipients who receive SSI payments to a monetary deduction penalty of their payments under section 1631(e)(2) of the Act<sup>7</sup> if they fail or delay to report a change in employer and gave us the authorization to obtain information from Equifax.

We will request the wage and employment information listed below from Equifax via a secure means of electronic transmission, every month, for each beneficiary and recipient with a valid authorization and who is actively requesting or receiving benefits. In response to our request, Equifax will provide the wage and employment information or respond that it has no records. We will conduct this information exchange in accordance with all applicable laws, to include the Privacy Act of 1974, 5 U.S.C. 552a and the Social Security Act, 42 U.S.C. 1306(a).

Equifax will use reasonable procedures<sup>8</sup> to ensure maximum accuracy, relevance, and timeliness of its wage and employment information and must notify us within 24 hours if it discovers that it submitted incorrect information to us.

We have determined that the general quality of the wage and employment information that will be received via the information exchange meets our standards and is:

- Sufficiently accurate, up-to-date, and complete.
  - Equifax tests the data of employers to ensure it contains all of the data elements identified below and conforms to its system requirements; regularly conducts quality assurance assessments to ensure accuracy; and makes wage and employment data available within 24 hours of receipt from employers.
    - Vital to accurately determine (a) entitlement to SSDI, (b) eligibility for SSI, and (c) SSI payment amounts.
      - We require this information because wage and employment data are factors that can affect entitlement, eligibility, and payment amounts.

<sup>6</sup> 42 U.S.C. 1320a–8a.

<sup>7</sup> 42 U.S.C. 1383(e)(2).

<sup>8</sup> Equifax shall follow all technical specifications provided by us. We provided technical specifications, characteristics, and needs. The technical specifications include detailed requirements and pertinent information regarding the request, response, security requirements, Web Service, data retention, and processing guidelines related to the information exchange.

<sup>1</sup> Public Law 114–74, 129 Stat. 584, 607.

<sup>2</sup> 42 U.S.C. 1320e–3.

<sup>3</sup> 42 U.S.C. 1320e–3(c)(2).

<sup>4</sup> 42 U.S.C. 1320e–3(c)(1).

<sup>5</sup> We request such authorization by using form SSA–8240, OMB 0960–0807, “Authorization for the Social Security Administration to Obtain Wage and Employment Information from Payroll Data Providers.”

Because the information is coming directly from the employer through Equifax, we will receive timely and accurate wage and employment reporting and will be able to administer SSDI benefits and SSI payments more efficiently.

- Needed to prevent improper payments of SSDI and SSI benefits.

- As indicated above, we do not always receive timely reports of changes that could affect SSDI entitlement, SSI eligibility, or SSI benefit amounts, and this may cause improper payments. Requirements to verify wages may also cause delays that lead to improper payments. Changes in a person's work and wages are a leading cause of improper payments in the SSDI and SSI programs. While we use a number of sources to verify wage amounts, verifying wages is currently a manual process, and we continue to rely on beneficiaries to self-report wages.<sup>9</sup> With automated information exchanges, we will be able to obtain the wage and employment records timely and without the need for additional verification from other sources.

#### Data Elements

The information exchange will require SSA and Equifax to exchange specific data elements. We will send the data elements below to Equifax to ensure we are requesting employment and wage information for the correct individual and timeframe. Equifax and SSA will use a federally compliant, secure means to exchange data and conduct the automated comparison of SSA to Equifax records under this information exchange.

In order to request wage and employment information, we will provide the following information from the Supplemental Security Income Record and Special Veterans Benefits for SSI<sup>10</sup> and the eWork for SSDI<sup>11</sup> to Equifax:

- (1) Social Security number (SSN) of the beneficiary, recipient, or deemor;
- (2) Start date and end date (month and year) of wage and employment information being requested;
- (3) Tracking identification number.

(In response to our request, Equifax will provide the following wage and employment information to us, if available:

- (1) Wage earner's SSN

- (2) Wage earner's first name
- (3) Wage earner's last name
- (4) Employer name
- (5) Employer identification number
- (6) Employer address
- (7) Transmission date of wage and employment response from Equifax to us
- (8) Date of payment
- (9) Amount of gross pay
- (10) Frequency of pay
- (11) Pay period begin and end date
- (12) Year-to-date gross wage amount
- (13) Applicable deductions, including but not limited to the following:
  - a. Federal, state and local taxes
  - b. Federal Insurance Contributions Act taxes
  - c. Medicare taxes
  - d. Garnishment
  - e. Cafeteria plans
- (14) Employer telephone number
- (15) Wage earner's job title
- (16) Employment begin date
- (17) Employment end date
- (18) Amount of net pay
- (19) Pay rate
- (20) Hours worked per pay period

#### Request for Comments

We are requesting comments concerning the specifics of our proposal to implement an information exchange under section 824 of the BBA. We ask that, in preparing comments, you address questions such as:

1. Have we identified the appropriate design for an information exchange?
2. Are there any additional operational elements of an information exchange that we should include?

We will not respond to your comments, but we will consider them as we review our plan to implement the information exchange under section 824 of the BBA.

The Commissioner of the Social Security Administration, Andrew Saul, having reviewed and approved this document, is delegating the authority to electronically sign this document to Faye I. Lipsky, who is the primary Federal Register Liaison for SSA, for purposes of publication in the **Federal Register**.

**Faye I. Lipsky,**

*Federal Register Liaison, Office of Legislation and Congressional Affairs, Social Security Administration.*

[FR Doc. 2021-01026 Filed 1-15-21; 8:45 am]

**BILLING CODE 4191-02-P**

#### DEPARTMENT OF STATE

[Public Notice: 11325]

#### In the Matter of the Designation of Ansarallah (and other Aliases) as a Foreign Terrorist Organization

Based upon a review of the Administrative Record assembled in this matter, and in consultation with the Attorney General and the Secretary of the Treasury, I conclude that there is a sufficient factual basis to find that the relevant circumstances described in section 219 of the Immigration and Nationality Act, as amended (hereinafter "INA") (8 U.S.C. 1189), exist with respect to Ansarallah, also known as Ansar Allah; also known as Ansarullah; also known as Partisans of God; and also known as Supporters of God. Therefore, I hereby designate the aforementioned organization and its aliases as a foreign terrorist organization pursuant to section 219 of the INA.

This determination shall be published in the **Federal Register**.

Dated: January 12, 2021.

**Michael R. Pompeo,**  
*Secretary of State.*

[FR Doc. 2021-01001 Filed 1-15-21; 8:45 am]

**BILLING CODE 4710-AD-P**

#### DEPARTMENT OF STATE

[Public Notice: 11320]

#### 30-Day Notice of Proposed Information Collection: Special Immigrant Visa Biodata Form

**ACTION:** Notice of request for public comment and submission to OMB of proposed collection of information.

**SUMMARY:** The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. 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) up to February 18, 2021.

**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:* [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). You must include the DS form number, information collection

<sup>9</sup> See page 22 of the Congressional Justification for SSA's Fiscal Year 2020 budget available here: [https://www.ssa.gov/budget/FY20Files/FY20-JEAC\\_2.pdf](https://www.ssa.gov/budget/FY20Files/FY20-JEAC_2.pdf).

<sup>10</sup> See 71 FR 1830 (Jan. 11, 2006) to view the System of Records Notice 60-0103.

<sup>11</sup> See 68 FR 54037 (Sep. 15, 2003) to view the System of Records Notice 60-0330.