

while such persons were providing services to the acquired entity; and

(iii) Executors, administrators, or beneficiaries of the estates of deceased platform workers, guardians or members of a committee for incompetent former platform workers, or similar persons duly authorized by law to administer the estate or assets of former platform workers.

(5) The inclusion of individuals described in paragraph (4) of General Instruction A.1.(b) in the term “platform worker” is only to permit registration on Form S-8 of the exercise of stock options issued to platform workers pursuant to a plan, and the subsequent sale of the securities, if these exercises and sales are permitted under the terms of the plan.

\* \* \* \* \*

### G. Updating

Updating of information constituting the Section 10(a) prospectus pursuant to Rule 428(a) (§ 230.428(a)) during the offering of the securities shall be accomplished as follows:

1. Plan information specified by Item 1 of Form S-8 required to be sent or given to employees or platform workers shall be updated as specified in Rule 428(b)(l) (§ 230.428(b)(l)) or Rule 428(d)(1) (§ 230.428(d)(1)). Such information need not be filed with the Commission.

\* \* \* \* \*

### Part I Information Required in the Section 10(a) Prospectus

*Note:* The document(s) containing the information specified in this Part I will be sent or given to employees or platform workers as specified by Rules 428(b)(1) and 428(d) (§§ 230.428(b)(1) and 428(d)). Such documents need not be filed with the Commission either as part of this registration statement or as prospectuses or prospectus supplements pursuant to Rule 424 (§ 230.424). These documents and the documents incorporated by reference in the registration statement pursuant to Item 3 of Part II of this Form, taken together, constitute a prospectus that meets the requirements of Section 10(a) of the Securities Act. See Rules 428(b)(1) and 428(d) (§§ 230.428(b)(1) and 428(d)).

\* \* \* \* \*

#### Item 2. Registrant Information and Participant Plan Annual Information

The registrant shall provide a written statement to participants advising them of the availability without charge, upon written or oral request, of the documents incorporated by reference in Item 3 of Part II of the registration

statement, and stating that these documents are incorporated by reference in the Section 10(a) prospectus. The statement also shall indicate the availability without charge, upon written or oral request, of other documents required to be delivered to employees pursuant to Rule 428(b) (§ 230.428(b)), and to platform workers pursuant to Rule 428(d). The statement shall include the address (giving title or department) and telephone number to which the request is to be directed.

\* \* \* \* \*

### PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

■ 7. The general authority citation for part 240 continues to read as follows:

**Authority:** 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z-2, 77z-3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78c-3, 78c-5, 78d, 78e, 78f, 78g, 78i, 78j, 78j-1, 78k, 78k-1, 78l, 78m, 78n, 78n-1, 78o, 78o-4, 78o-10, 78p, 78q, 78q-1, 78s, 78u-5, 78w, 78x, 78dd, 78ll, 78mm, 80a-20, 80a-23, 80a-29, 80a-37, 80b-3, 80b-4, 80b-11, and 7201 *et seq.*, and 8302; 7 U.S.C. 2(c)(2)(E); 12 U.S.C. 5221(e)(3); 18 U.S.C. 1350; Pub. L. 111-203, 939A, 124 Stat. 1376 (2010); and Pub. L. 112-106, secs. 503 and 602, 126 Stat. 326 (2012), unless otherwise noted.

\* \* \* \* \*

■ 8. Amend § 240.12g5-1 by revising paragraph (a)(8) to read as follows:

#### § 240.12g5-1 Definition of securities “held of record”.

(a) \* \* \*

(8)(i) For purposes of determining whether an issuer is required to register a class of equity securities with the Commission pursuant to Section 12(g)(1) of the Act (15 U.S.C. 78l(g)(1)), an issuer may exclude securities:

(A) Held by persons who received the securities pursuant to an employee compensation plan, or a compensation plan for platform workers pursuant to § 230.701(h) of this chapter, in transactions exempt from, or not subject to, the registration requirements of Section 5 of the Securities Act of 1933 (15 U.S.C. 77e); and

(B) Held by persons who received the securities in a transaction exempt from, or not subject to, the registration requirements of Section 5 of the Securities Act (15 U.S.C. 77e) from the issuer, a predecessor of the issuer, or an acquired company in substitution or exchange for excludable securities under paragraph (a)(8)(i)(A) of this section, as long as the persons were eligible to receive securities pursuant to § 230.701 of this chapter at the time the excludable securities were originally issued to them.

(ii) As a non-exclusive safe harbor under this paragraph (a)(8):

(A) An issuer may deem a person to have received the securities:

(1) Pursuant to an employee compensation plan if such plan and the person who received the securities pursuant to the plan met the plan and participant conditions of § 230.701(c) of this chapter; or

(2) Pursuant to a compensation plan for platform workers if such plan and the person who received the securities pursuant to the plan met the plan and participant conditions of § 230.701(h) of this chapter.

(B) An issuer may, solely for the purposes of Section 12(g) of the Act (15 U.S.C. 78l(g)(1)), deem the securities to have been issued in a transaction exempt from, or not subject to, the registration requirements of Section 5 of the Securities Act (15 U.S.C. 77e) if the issuer had a reasonable belief at the time of the issuance that the securities were issued in such a transaction.

**Note 1 to paragraph (a)(8)(ii):** Section 230.701(h) applies only to offers or sales of securities occurring prior to five years following the date of effectiveness of § 230.701(h). On that date, § 230.701(h) will expire and will no longer be effective.

\* \* \* \* \*

By the Commission.

Dated: November 24, 2020.

**Vanessa A. Countryman,**  
*Secretary.*

[FR Doc. 2020-26374 Filed 12-10-20; 8:45 am]

BILLING CODE 8011-01-P

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## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Part 401

[Docket No. SSA-2018-0012]

RIN 0960-AI31

#### Anti-Fraud System

**AGENCY:** Social Security Administration.  
**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** We separately published, in today’s **Federal Register**, notice of a modified system of records entitled Anti-Fraud (AF) System. Because this system will contain some investigatory material compiled for law enforcement purposes, this proposed rule will exempt those records within this system of records from specific provisions of the Privacy Act.

**DATES:** To ensure that your comments are considered, we must receive them no later than January 11, 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. Regardless of which method you choose, please state that your comments refer to docket number SSA–2018–0012, in order that we may associate your comments with the correct regulation.

**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 <http://www.regulations.gov>. Use the Search function to find docket number SSA–2018–0012. The system will issue 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 Office of Regulations and Reports Clearance, Social Security Administration, 3100 West High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235–6401.

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

**FOR FURTHER INFORMATION CONTACT:** Melissa Feldhan, Supervisory Government Information Specialist, SSA, Office of Privacy & Disclosure, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, Phone: (410) 965–1416, for information about this rule. 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:**

##### **Background**

In accordance with the Privacy Act,<sup>1</sup> we are issuing public notice of our intent to establish a modified system of records, the Anti-Fraud (AF) System (60–0388). The AF System is an agency-wide and overarching system that includes the ability to detect, prevent,

and mitigate fraud in our programs. The AF System collects and maintains personally identifiable information (PII) for assisting us in identifying suspicious or potentially fraudulent activities performed by individuals across all of the agency's programs and service delivery methods.

We established the AF System to support our goal of enhancing SSA's fraud prevention and detection activities by protecting the public's data, providing secure online services, and increasing payment accuracy. The AF System provides us with access to a single repository of data that currently resides across many of our different systems of records. We use the PII in the AF System to employ advanced data analytics solutions to identify patterns indicative of fraud, improve the functionality of data-driven fraud activations, conduct real-time risk analysis, and integrate developing technology into our anti-fraud business processes. This solution also provides true business intelligence to agency leadership with assistance in data-driven anti-fraud decision-making. We use the records in the AF System to detect indications of fraud in all of our programs and operations initiated by individuals outside of SSA or internal to SSA (e.g., SSA employees).

We are claiming that the AF System is exempt from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Some information in the AF System relates to our efforts to mitigate, detect, and investigate fraud in our programs and systems and to collaborate with the Office of the Inspector General in fraud investigations and prosecutions. Therefore, we need these exemptions to protect information from public access. The exemptions are required to avoid disclosure of screening techniques; to protect the identities and physical safety of confidential informants; to ensure our ability to obtain information from third parties and other sources; and to protect the privacy of third parties. Allowing an individual to access the information in the AF System could permit the individual to avoid detection or apprehension.

In appropriate circumstances, when compliance would not appear to interfere with or adversely affect the law enforcement purposes of the AF System and the overall law enforcement process, we may, at our discretion, grant notification of or access to a record in the AF System. If an individual is denied any right, privilege, or benefit to which he or she is otherwise entitled under Federal law due to the maintenance of material in the AF

System, we will provide such material to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to us under an express promise that the identity of the source would be held in confidence.

We are claiming exemption from Privacy Act subsection (c)(3) (Accounting and Disclosure); subsection (d) (Access and Amendment to Records); subsection (e)(4)(G), (e)(4)(H), and (e)(4)(I) (Agency Requirements); and subsection (f) (Agency Rules) for this system of records. We claim exemption from these Privacy Act subsections for the AF System because release of the accounting of disclosures, access to the records, and notice to individuals with respect to existence of records could alert the individual whom might be a subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of that investigation. Disclosures of accounting would therefore present a serious impediment to law enforcement efforts. These Privacy Act subsections would permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses, or evidence, and to avoid detection or apprehension, which would undermine the investigative process. Thereby, these Privacy Act subsections would undermine SSA investigative efforts and reveal the identities of witnesses, and potential witnesses, and confidential informants.

In summary, due to the investigatory nature of information that we maintain in this system of records, we propose to add the AF System to the list of our systems that are exempt from specific provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

##### **Rulemaking Analyses and Notices**

We will consider all comments received on or before the close of business on the comment closing date indicated above and we will make the comments available for examination in the docket at the previously noted address. We will file comments received after the comment closing date in the docket, and we will consider them to the extent practicable. We may publish a final rule at any time after close of the comment period.

##### **Clarity of This Rule**

Executive Order 12866, as supplemented by Executive Order 13563, requires each agency to write all rules in plain language. In addition to your substantive comments on this proposed rule, we invite your comments

<sup>1</sup> 5 U.S.C. 552a.

on how to make the rule easier to understand.

For example:

- Would more, but shorter, sections be better?
- Are the requirements in the rule clearly stated?
- Have we organized the material to suit your needs?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rule easier to understand?
- Does the rule contain technical language or jargon that is not clear?
- Would a different format make the rule easier to understand, *e.g.*, grouping and order of sections, use of headings, paragraphing?

### Regulatory Procedures

*Executive Order 12866, as Supplemented by Executive Order 13563*

We consulted with the Office of Management and Budget (OMB) and determined that this NPRM does not meet the criteria for a significant regulatory action under Executive Order 12866, as supplemented by Executive Order 13563.

We also determined that this NPRM meets the plain language requirement of Executive Order 12866.

*Executive Order 13132 (Federalism)*

We analyzed this proposed rule in accordance with the principles and criteria established by Executive Order 13132, and we determined that the proposed rule will not have sufficient Federalism implications to warrant the preparation of a Federalism assessment. We also determined that this proposed rule will not preempt any State law or State regulation or affect the States' abilities to discharge traditional State governmental functions.

*Executive Order 12372 (Intergovernmental Review)*

The regulations effectuating Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this proposed rule.

*Regulatory Flexibility Act*

We certify that this proposed rule will not have a significant economic impact on a substantial number of small entities because it affects individuals only. Therefore, the Regulatory Flexibility Act, as amended, does not require us to prepare a regulatory flexibility analysis.

*Paperwork Reduction Act*

These rules do not create any new or affect any existing collections and,

therefore, do not require Office of Management and Budget approval under the Paperwork Reduction Act.

### List of Subjects in 20 CFR Part 401

Administrative practice and procedure, Privacy.

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.*

For the reasons stated in the preamble, we are revising subpart B of part 401 of title 20 of the Code of Federal Regulations as set forth below:

### PART 401—PRIVACY AND DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

#### Subpart B—[Amended]

- 1. The authority citation for subpart B of part 401 continues to read as follows:

**Authority:** Secs. 205, 702(a)(5), 1106, and 1141 of the Social Security Act (42 U.S.C. 405, 902(a)(5), 1306, and 1320b-11); 5 U.S.C. 552 and 552a; 8 U.S.C. 1360; 26 U.S.C. 6103; 30 U.S.C. 923.

- 2. In § 401.85, add paragraph (b)(2)(ii)(H) to read as follows.

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* * * * *
(b)(2) * * *
(ii) * * *
(H) Anti-Fraud, SSA.
* * * * *
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[FR Doc. 2020-26754 Filed 12-10-20; 8:45 am]

**BILLING CODE 4191-02-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### 25 CFR Part 150

[201A2100DD, AAKC001030, AOA501010.999900]

RIN 1076-AF56

#### Indian Land Title and Records

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Bureau of Indian Affairs (BIA) is proposing a rule to modernize the current regulations governing the

Land Title and Records Office (LTRO). The LTRO maintains title documents for land held in trust or restricted status for individual Indians and Tribes (Indian land). This proposed rule would replace outdated provisions and allow for more widespread efficiencies by reflecting current practices, while creating a framework for future LTRO operations.

**DATES:** Please submit written comments by February 9, 2021. If you wish to comment on the information collection requirements in this proposed rule, please note that the Office of Management and Budget (OMB) is required to make a decision concerning the collection of information contained in this proposed rule between 30 and 60 days after publication of this proposed rule in the **Federal Register**. Therefore, comments should be submitted to OMB by January 11, 2021. See the **SUPPLEMENTARY INFORMATION** section of this rulemaking for dates of Tribal consultation sessions.

**ADDRESSES:** You may send comments, identified by RIN number 1076-AF56 by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for sending comments.
- *Email:* [consultation@bia.gov](mailto:consultation@bia.gov).

Include RIN number 1076-AF56 in the subject line of the message.

- *Mail or Hand-Delivery/Courier:* Office of Regulatory Affairs & Collaborative Action—Indian Affairs (RACA), U.S. Department of the Interior, 1849 C Street NW, Mail Stop 4660, Washington, DC 20240.

All submissions received must include the Regulatory Information Number (RIN) for this rulemaking (RIN 1076-AF56). All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Comments on the Paperwork Reduction Act information collections contained in this document are separate from comments on the substance of the rulemaking. Send your comments and suggestions on the information collection requirements to the Desk Officer for the Department of the Interior at OMB-OIRA at (202) 395-5806 (fax) or [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov) (email). Please provide a copy of your comments to [consultation@bia.gov](mailto:consultation@bia.gov).

We cannot ensure that comments received after the close of the comment period (see **DATES**) will be included in the docket for this rulemaking and considered. Comments sent to an address other than those listed above will not be included in the docket for this rulemaking.